

HO CHI MINH NATIONAL ACADEMY OF POLITICS

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**PROTECTING HUMAN RIGHTS IN JOURNALISTIC
ACTIVITIES IN THE ERA OF DIGITAL TRANSFORMATION -
EU EXPERIENCE AND ITS REFERENCE VALUE
FOR VIET NAM**

SUMMARY OF DOCTORAL THESIS

Major: Laws on Human Rights

Code: Pilot

HA NOI - 2026

**THE THESIS WAS COMPLETED AT:
HO CHI MINH NATIONAL ACADEMY OF POLITICS**

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INTRODUCTION

1. The Necessity of the Research Topic

The European Union (EU) is widely regarded as a global frontrunner in developing mechanisms to protect human rights in journalism and digital media. Since its formation, the EU has treated human rights as a constitutional foundation, affirmed in the Maastricht Treaty (1992), the Charter of Fundamental Rights (2000/2009), and the European Convention on Human Rights (ECHR, 1950). In the field of journalism and communication, the EU has issued numerous legal instruments with global influence; together with the case law of the European Court of Human Rights (ECtHR), these have helped develop principles for balancing press freedom with the protection of privacy and human dignity. This experience constitutes an important reference point for Viet Nam in developing and refining its legal framework, because the EU not only safeguards freedom of the press but also places emphasis on journalistic responsibility and on protecting the rights of individuals affected by media activities.

In Viet Nam, the Party and the State have consistently maintained the position that human rights are both a development goal and a driving force for development. The 2013 Constitution affirms that “citizens have the right to freedom of speech, freedom of the press, access to information, assembly, association, and demonstration” (Article 25). In addition, the 2016 Law on the Press, the 2016 Law on Access to Information, the 2018 Law on Cybersecurity, and related subordinate legislation have initially established a legal corridor for press freedom and the protection of human rights. However, the protection of human rights in journalistic activities, particularly in the context of digital transformation, still faces certain limitations. At the same time, the process of international integration requires Viet Nam to raise its legal standards on human rights, including freedom of the press, freedom of expression, and the protection of personal privacy.

Moreover, in Viet Nam there has not yet been any in-depth study on the protection of human rights in journalistic activities during digital transformation that draws systematically on EU experience. Accordingly, research on the topic “Protecting Human Rights in Journalistic Activities in the Era of Digital Transformation: EU Experience and Its Reference Value for Viet Nam” is necessary both theoretically and practically. It contributes to the protection of human rights, the consolidation of democracy, the strengthening of effective governance of journalism, and the advancement of Viet Nam’s international integration.

2. Research Objectives and Tasks

2.1. Research Objectives

The overarching objective of the dissertation is to develop a theoretical and empirical foundation for protecting human rights in journalistic activities during the period of digital transformation in Viet Nam, with reference to the experience of the European Union. The dissertation aims to propose scientific and feasible solutions to improve the legal framework and policy mechanisms for human rights protection in the digital transformation era.

2.2. Research Tasks

To achieve the above objectives, the dissertation focuses on the following tasks:

First, to review and analyse international and Vietnamese scholarship relevant to the protection of human rights in journalistic activities during digital transformation.

Second, to clarify the theoretical foundations of human rights in journalistic activities; to systematise and further develop a theoretical framework on human rights in journalistic activities in the digital transformation era.

Third, to examine, analyse, and evaluate EU experience in developing legal and policy mechanisms and relevant case law to protect human rights in journalistic activities during digital

transformation; to assess the current state of digital journalism in Viet Nam, identifying both achievements and limitations or obstacles in this field.

Fourth, to propose a comprehensive and feasible set of solutions to improve the legal and policy framework, while also enhancing the ethics and social responsibility of Vietnamese journalism in the digital transformation era, with reference to international experience, especially that of the EU.

3. Research Subjects and Scope

3.1. Research Subjects

The subject of this dissertation comprises the theoretical, legal, and practical issues relating to the protection of human rights in journalistic activities during the period of digital transformation in the EU and in Viet Nam today. The focus is on fundamental rights that are directly affected by journalistic practice and the digital media environment, including: the right to freedom of expression, freedom of the press, and individuals' right of access to information; the right to privacy, personality rights, and the right to personal data protection; and the rights to equality and non-discrimination, as well as the protection of human dignity and honour.

3.2. Scope of the Research

The scope of the dissertation is defined along three dimensions:

– *Substantive scope*: The dissertation concentrates on three core pillars in the relationship between journalism and human rights, together with issues concerning mechanisms for human rights protection and the handling of violations relating to human rights in journalistic activities during digital transformation.

– *Spatial scope*: The study focuses on the experience of the European Union (EU), including institutions such as the European Commission and the European Court of Human Rights (ECtHR), as well as selected representative Member States (the French Republic and the Czech Republic), and Viet Nam.

– *Temporal scope*: The dissertation primarily analyses the period from 1994 (when the EU became fully operational under the Maastricht Treaty) to the present, corresponding to the rapid development of the Internet, online journalism, and social media. For Viet Nam, the study emphasises the period from 2016 to 2025 (the period following the promulgation of the Law on the Press).

4. Theoretical Foundations and Research Methods

4.1. Theoretical Foundations

The dissertation is conducted on the basis of the methodology of dialectical materialism and historical materialism within Marxism–Leninism, and draws on Hồ Chí Minh's thought on human rights. This approach emphasises the unity between national rights and individual rights, and between national independence and the people's happiness and freedom. The overarching guiding perspective is the Communist Party of Viet Nam's and the Vietnamese State's line and policies on the protection of human rights, as reflected in the 2013 Constitution and the Documents of the 13th National Congress of the Party. In addition, the dissertation incorporates key international legal standards (UDHR 1948, ICCPR 1966, ECHR 1950, GDPR 2016, DSA 2022, EMFA 2023), treating them as reference frameworks for analysing EU experience and for comparison with Vietnamese practice.

4.2. Research Methods

This study is grounded in theoretical approaches and in the Party's and State's viewpoints on improving the legal system and on ensuring, respecting, protecting, and realising human rights in journalistic activities during digital transformation. It applies dialectical materialism and historical materialism within Marxism–Leninism, together with Hồ Chí Minh's thought, to elucidate the

substance of the research topic. These methods are applied in an integrated manner, both in combination and with relative methodological independence, to clarify the core content of the dissertation and to ensure scientific rigour and logical coherence across chapters. The dissertation employs specific research methods, primarily including: documentary research; synthesis and analysis; comparative analysis; the historical–logical method; case-study research; and interdisciplinary approaches, in order to address the research questions posed.

5. Novel Contributions of the Dissertation

First, the dissertation constitutes the first full and comprehensive scholarly study on the protection of human rights in journalistic activities during the period of digital transformation. Drawing on the experience of the European Union, it identifies and develops reference values for Viet Nam. The dissertation systematises and clarifies the theoretical foundations of human rights in journalistic practice, while also introducing a renewed analytical approach that reflects the distinctive features of the digital transformation era. It contributes to the development of a theoretical framework on the relationship between digital journalism, human rights, and law, and clarifies the role of journalism as an actor that both exercises and protects human rights.

Second, the dissertation further clarifies the concept of protecting human rights in digital journalistic activities on the basis of international standards (UDHR 1948; ICCPR 1966), regional frameworks (ECHR 1950; the EU Charter of Fundamental Rights 2000/2009; GDPR 2016; DSA/DMA 2022; EMFA 2023), and domestic law (the 2013 Constitution; the 2016 Law on the Press; the 2015 Civil Code; Decree No. 13/2023/ND-CP).

Third, the dissertation advances theory on multi-actor responsibility for protecting human rights in digital journalistic activities, encompassing journalists, press agencies, regulatory authorities, digital media platforms, and information users themselves.

Fourth, the dissertation enriches Vietnamese legal scholarship on human rights in journalistic activities and provides an enhanced scientific basis for comparison with EU and broader international experience.

Fifth, the dissertation identifies limitations and challenges in the protection of human rights in Vietnamese journalism today, particularly on digital platforms. The research findings provide a scientific basis for communications policymaking, journalism training, and for strengthening societal awareness of human rights in the digital media environment.

6. Theoretical and Practical Significance of the Dissertation

The dissertation contributes to supplementing and developing the theoretical framework on human rights in journalistic activities during digital transformation. Its findings and proposals support the improvement of legal provisions on protecting human rights in journalistic practice and enhance the effectiveness of human-rights realisation in this field.

The dissertation has practical value for policymaking and policy implementation in Viet Nam. It provides a scientific foundation for improving Vietnamese law on protecting human rights in digital journalism; proposes specific policy solutions to enhance transparency and accountability in journalism while ensuring the right of reply, the right to correction, and the right to compensation where individual rights are infringed; offers EU-based reference experience to help Viet Nam better fulfil its international human rights commitments; and contributes to improving social awareness and journalistic professional ethics, affirming the role of mainstream journalism as an information “gatekeeper” in the context of digital media and social networks. The dissertation also constitutes a meaningful resource and a useful reference for research, teaching, training, and professional development in journalism, communication, law, and human rights in Viet Nam.

7. Structure of the Dissertation

In addition to the Introduction, Conclusion, and Reference List, the core content of the dissertation is presented in four chapters comprising twelve sections.

CHAPTER 1. OVERVIEW OF THE STATE OF RESEARCH RELATED TO THE DISSERTATION

1.1. International scholarship on protecting human rights in journalistic activities during digital transformation

1.1.1. Studies related to theoretical approaches to human rights in journalistic activities in the digital transformation era

Theoretical scholarship on human rights in journalistic activities has largely drawn on the international human-rights standards developed under the auspices of the United Nations after the Second World War. Within this framework, the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966) establish a foundational principle: freedom of the press and the right to privacy are two fundamental rights that must be secured in a balanced and harmonious manner within society. General Comment No. 34 (2011) of the UN Human Rights Committee further elaborates this principle by affirming the right to freedom of expression across all media, including the internet, while emphasising that this right is accompanied by special duties and responsibilities to protect individual dignity, honour, and privacy.

The dissertation reviews a number of representative studies, including: De Hert and Papakonstantinou (2016) on the GDPR; work by McGonagle, De Hert and Papakonstantinou, and Mark Cole on freedom of communication; Dirk Voorhoof and Hannes Cannie (2010) on ECtHR case law; and Keller and Leerssen (2020), *Internet Intermediaries and Freedom of Expression*. It also notes scholarship on specific rights in journalistic practice by Daniel J. Solove, Jack Balkin, Shoshana Zuboff, and others.

1.1.2. Studies related to protecting human rights in journalistic activities during digital transformation

At the international level, the EU is widely viewed as a leading jurisdiction in establishing policies and legal frameworks to ensure that digital journalism develops in parallel with the respect for and protection of human rights. This leadership is rooted in the EU's distinctive characteristics as a highly integrated, multilingual, and transnational media space; accordingly, regulation of journalistic activities and digital platforms is consistently linked to the protection of democracy, human rights, and the rule of law. Influential contributions include Natali Helberger's *The Political Power of Platforms* (2020), Tambini's *Fake News: Public Policy Responses* (2020), and Floridi's *The Ethics of Artificial Intelligence* (2021).

Collectively, these studies indicate that international scholarship has expanded theorisation of human rights in journalism in the digital transformation era in a more multidimensional and open-ended direction, and highlight the need for renewed legal and journalistic-ethical frameworks fit for contemporary digital transformation.

1.2. Domestic scholarship related to protecting human rights in journalistic activities during digital transformation

1.2.1. Studies related to theoretical approaches to human rights in journalistic activities in the digital transformation era

Through diverse analytical approaches, the theoretical system of human rights scholarship in Viet Nam has gradually taken shape and developed, clarifying the concept, content, nature, and historical formation of human rights, as well as the relationship between human rights and citizens'

rights. Representative works include the textbook *Human Rights* edited by Prof. Dr Võ Khánh Vinh (Social Sciences Publishing House, 2015); *Human Rights Education: Theoretical and Practical Issues* (Social Sciences Publishing House, 2010); and *Questions and Answers on Human Rights* produced by the Centre for Human Rights and Citizens' Rights Studies, Faculty of Law, Vietnam National University, Hanoi. Further contributions include Nguyễn Đăng Dung (2015) and Phạm Hữu Nghị (2017).

1.2.2. Studies on protecting human rights in journalistic activities during digital transformation

In Viet Nam, alongside international integration and digital transformation, the protection of human rights in journalistic activities has attracted considerable scholarly attention. Specialised studies include *Digital Transformation of Vietnamese Journalism: Selected Theoretical and Practical Issues* (Bùi Chí Trung, Phạm Văn Kiên, and Nguyễn Bá [eds], 2022); *Identifying Culture in Digital Space* (Vũ Trọng Lâm and Nguyễn Việt Lâm [eds], 2023); and works by Vũ Trọng Lâm, Hoàng Văn Nghĩa, Tạ Ngọc Tấn, Trần Văn Biên, and Nguyễn Thị Minh Nguyệt, among others.

1.3. Overall assessment of the literature and issues for further research

1.3.1. Key findings to date

International and Vietnamese scholarship has clarified a number of core issues that provide an important foundation for further research and comparative analysis, and that also establish a basis for drawing reference lessons for current Vietnamese practice in protecting human rights in journalistic activities during digital transformation, including:

- The international and regional legal bases for human rights in journalistic activities in the digital transformation era (UDHR, ICCPR, ECHR, GDPR, DSA, etc.).
- The theory of balancing freedom of the press with individual rights, developed through EU jurisprudence and academic scholarship.
- The role and responsibilities of journalism in the era of digital transformation and artificial intelligence in relation to human rights.
- The current situation and challenges in Viet Nam concerning personal data, disinformation, and journalistic ethics during digital transformation.

1.3.2. Issues requiring further research in the dissertation

Building on the above literature review and the identification of the theoretical and practical gaps outlined, the dissertation advances several issues for further investigation, including:

- First, further clarification of theoretical foundations and development of a theoretical framework on human rights in journalistic activities during digital transformation.
- Second, analysis of EU experience in legal and policy mechanisms and relevant case law; and assessment of journalism in Viet Nam, including achievements and limitations.
- Third, evaluation of Vietnamese legal provisions and their application; and proposal of comprehensive, feasible solutions to improve law and policy and strengthen ethics and social responsibility, with reference to EU experience.

1.4. Research questions and scientific hypotheses

1.4.1. Research hypotheses

The legal system and the mechanisms for protecting human rights in journalistic activities in Viet Nam during digital transformation, notwithstanding fundamental achievements, still contain certain shortcomings and limitations, at the level of institutions, institutional design, protection mechanisms, and the oversight of implementation of these rights. Selective reception of EU Member State experience, particularly in balancing competing rights and strengthening independent oversight of digital media platforms, may help Viet Nam refine its legal model to protect human rights more effectively.

1.4.2. Research questions

The dissertation is developed and conducted on the basis of the following research hypotheses:

- 1) How does journalistic activity in the era of digital transformation generate challenges for the protection of human rights?
- 2) How should the legal framework and mechanisms for protecting human rights in journalistic activities be approached and structured to reflect the particular characteristics of the digital transformation era?
- 3) How does the European Union address balancing competing rights in digital journalistic activities, and which lessons can Viet Nam adapt?
- 4) To what extent does Viet Nam's current legal system meet the requirements for protecting human rights in journalistic activities during digital transformation?
- 5) How should Viet Nam's legislation and enforcement mechanisms be improved to protect human rights effectively in journalistic activities during digital transformation?

Answering these questions not only enables the testing of the research hypotheses but also provides a scientific basis for proposing appropriate solutions to improve the legal and policy framework for safeguarding human rights in journalistic activities during digital transformation in Viet Nam.

CHAPTER 2. THEORETICAL FOUNDATIONS FOR PROTECTING HUMAN RIGHTS IN JOURNALISTIC ACTIVITIES DURING DIGITAL TRANSFORMATION

2.1. Concept, characteristics, and role of protecting human rights in journalistic activities during digital transformation

2.1.1. The concept of protecting human rights in journalistic activities during digital transformation

2.1.1.1. The concept of human rights protection

Human rights are natural, inherent, inviolable, and inalienable rights attached to every individual. "Human rights" constitute a foundational legal-political category that reflects human beings' natural, inherent values, needs, and interests, recognised and guaranteed through domestic law as well as international legal standards. The UN Universal Declaration of Human Rights (UDHR, 1948) affirms that "all human beings are born free and equal in dignity and rights" (Article 1). The International Covenant on Civil and Political Rights (ICCPR, 1966) recognises that human rights include, inter alia, freedom of expression and protection of privacy, honour, and dignity; and that these rights may be restricted only by law for purposes such as respecting the rights of others or safeguarding public order.

In Viet Nam, the 2013 Constitution provides that "human rights and citizens' rights in the political, civil, economic, cultural and social spheres are recognised, respected, protected, and guaranteed" (Article 14). The 2015 Civil Code specifies a range of personality rights attached to individuals, including the right to protection of honour, dignity, and reputation (Article 34), and the right to private life and to personal and family secrets (Article 38).

Protection of human rights comprises a set of legal, political, economic, and social measures implemented by the State and society to prevent, terminate, and remedy violations, and to ensure the full and effective realisation of human rights in practice.

2.1.1.2. The concept of journalistic activities

Journalistic activities may be understood as the process of collecting, processing, and disseminating information to the public in a truthful, timely manner and with social responsibility, in order to serve individuals' right to information and the broader public interest.

- They involve diverse forms and rapid dissemination of information;

- They feature high levels of interactivity and expanded participation by individuals;
- They entail an interweaving of rights and obligations among participating actors;
- They are shaped by international, regional, and domestic legal frameworks, while needing to adapt to rapid technological development.

2.1.1.3. The concept of protecting human rights in journalistic activities during digital transformation

In the context of digital transformation, journalistic activities are no longer confined to the production and dissemination of information. Rather, their scope has expanded in a manner that reflects the organic relationship between journalism and human rights. Technology-enabled journalism facilitates rapid, diverse, and continuous access to information, while creating a two-way interactive environment among journalists, news organisations, and the public. This provides opportunities to realise the public's right of access to information, but also generates new challenges, particularly for privacy, protection of honour and human dignity, and the right to receive accurate information.

The concept of protecting human rights in journalistic activities during digital transformation may be understood as “the process of establishing and operating an integrated set of legal and institutional guarantees, through the system of legal norms, mechanisms of implementation, monitoring, enforcement against violations, and remedies, carried out by competent state authorities together with relevant agencies, organisations, and individuals, with the aim of ensuring respect for, fulfilment of, and protection of human rights in journalistic activities; and of addressing rights-infringing conduct, thereby maintaining a balance between freedom of the press and the protection of human rights in the era of digital transformation.”

2.1.2. Characteristics of protecting human rights in journalistic activities during digital transformation

2.1.2.1. Legal character

The legal character is manifested in three principal respects: (i) journalism functions as an actor that realises human rights by safeguarding access to information, freedom of expression, and the social function of monitoring power; (ii) journalism is an object of legal regulation and bears responsibilities to respect privacy, honour, human dignity, and personal data; and (iii) journalism operates as a legal–social instrument that contributes to transparency, accountability, and the protection of justice.

2.1.2.2. Multidimensional character

Protection is multidimensional because it occurs in a digitised media space in which opportunities for exercising rights expand while new risks of infringement emerge. This multidimensionality is reflected in the parallel existence of rights and obligations: journalists and press agencies are guaranteed expressive freedom, while also required to comply with legal standards, professional ethics, and social responsibilities.

2.1.2.3. Interest-balancing character

A defining characteristic is balancing interests between press freedom and individuals' personality rights, particularly privacy, protection of honour and human dignity, and personal safety. Freedom of the press is not absolute; it must be exercised within the framework of law and in harmony with other rights, so disclosure of personal information does not undermine dignity and private life. This balance is reflected in harmonising the public's right to know with the individual's right to protection, and journalistic expressive freedom with the personal safety of individuals who are the subject of reporting.

2.1.2.4. Technological adaptability

Digital transformation has profoundly altered journalistic processes and impact, as technology becomes central to collection, processing, distribution, and consumption of information. Protection cannot rely solely on traditional legal frameworks and must adapt to new challenges, including big data governance, online security, disinformation, and algorithmic content curation. This requires continuous legal updating while preserving core human-rights principles: respecting, protecting, and guaranteeing fundamental rights in all environments.

2.1.2.5. Responsibility and legal obligations of journalistic actors

In the digital transformation era, the actors involved in journalistic activities under the 2016 Law on the Press, state authorities responsible for press administration, press agencies, journalists, and citizens, are simultaneously right-holders and duty-bearers. They exercise freedom of the press, freedom of expression through the press, and the right of access to information, while also bearing legal obligations to respect and protect human rights.

2.1.3. The role of protecting human rights in journalistic activities during digital transformation

2.1.3.1. The role of human rights protection for journalistic activities

Protecting human rights in journalistic activities during digital transformation plays a particularly important role, manifested across multiple dimensions associated with the operation of the digital media environment.

- First, Human rights protection provides normative guidance for the sound development of journalism in the digital transformation era, where journalism influences social perceptions, attitudes, and behaviour.

- Second, Human rights protection helps balance press freedom with social responsibility, limiting misinformation, hate-inciting content, distortion of facts, and infringements of honour, dignity, and reputation.

- Third, Human rights protection strengthens credibility and sustainability of journalism, particularly where audiences rapidly respond, evaluate, and amplify information.

- Fourth, Human rights protection drives the development of legal rules and professional standards amid technological, AI, and platform-driven challenges, especially for privacy, personal data protection, and protection of honour and dignity.

2.1.3.2. The role of journalistic activities in protecting human rights

Journalistic activities in the digital transformation era occupy a central role in safeguarding human rights, both by enabling access to information and by scrutinising power and promoting social transparency.

- First, journalism functions as an institution through which human rights are realised; under international human rights law, the State bears obligations to respect, protect, and fulfil rights.

- Second, journalism contributes to oversight and the balancing of power within a rule-of-law society. Under the “Fourth Estate” theory, the press scrutinises power through public opinion as a socially constraining force.

- Third, journalistic activities operate as a legal–social instrument for protecting personality rights in the digital transformation era.

- Fourth, journalistic activities serve as a bridge between the State, society, and individuals in promoting human-rights values.

- Fifth, journalistic activities are a driving force for legal and ethical adaptation in the digital transformation era.

2.2. Principles, content, and modalities of protecting human rights in journalistic activities during digital transformation

2.2.1. Principles of protecting human rights in journalistic activities during digital transformation

2.2.1.1. Respect, protect, and guarantee human rights

This principle requires that not only the State but also press agencies, journalists, technology companies, digital platforms, and other intermediary actors fulfil three layers of obligations: to respect rights (not to infringe), to protect rights (to prevent other actors from infringing), and to ensure/guarantee rights (to establish legal, institutional, and technical conditions for effective realisation).

2.2.1.2. Balance between press freedom and other relevant rights

Freedom of the press is not absolute; it operates in relationship with privacy, personal data protection, honour, dignity and reputation, non-discrimination, and, under certain circumstances, protection from the dissemination of false information causing serious harm.

2.2.1.3. Legality, legitimacy, necessity, and proportionality

The criteria of “prescribed by law,” “legitimate aim,” “necessary,” and “proportionate” are widely used standards to assess the legality of interferences with rights. Article 8 ECHR permits interference with private and family life only where in accordance with the law and necessary in a democratic society for recognised interests. Article 10 ECHR allows restrictions on freedom of expression where prescribed by law and necessary for aims such as protecting the rights or reputation of others, or preventing disorder or crime. Article 17 ICCPR prohibits “arbitrary or unlawful” interference with privacy, requiring strict control over legality of collection, use, and disclosure of personal information.

2.2.1.4. Prevention, transparency, accountability, and access to effective remedies

Article 2(3) ICCPR requires States Parties to ensure effective remedies for rights violations, determined by a competent authority; Article 13 ECHR recognises the right to an effective remedy before a national authority. Protection therefore includes victims’ rights to request cessation of violations, correction, apology, takedown, compensation, and other appropriate restoration. In digital journalism, where harm spreads widely and persists, legal responses should be fast, clear, and capable of meaningful restoration.

2.2.1.5. Technological adaptability and legal innovation

Rapid developments in communications technologies, AI, big data, and digital platforms have fundamentally changed how information is produced, distributed, and consumed, creating new challenges for safeguarding rights. Traditional legal frameworks may not comprehensively address new communication forms; thus, technological adaptability and legal innovation are required to ensure that freedom of expression, privacy, and the right to information remain effectively protected.

2.2.2. The substantive content of human rights in journalistic activities during digital transformation

Human rights in journalistic activities during digital transformation are addressed in international and regional legal instruments as well as in domestic laws of states. In general, the relevant rights may be grouped into three categories: 1) Freedom of expression, freedom of the press, and individuals’ right of access to information; 2) Privacy, personality rights, and personal data protection; 3) Equality, non-discrimination, and the protection of human dignity and honour.

2.2.2.1. Freedom of expression, freedom of the press, and access to information

First, freedom of expression and freedom of the press are direct manifestations of human rights and constitute a foundation of society. In the digital transformation era, journalism must strike a balance between expressive freedom and social responsibility by limiting the dissemination of

misinformation, hate-inciting content, or intrusions into privacy. Safeguarding press freedom while protecting human rights helps to cultivate a media environment that is transparent, accountable, and fair.

Second, the right of access to accurate and timely information is a fundamental human right, closely connected to freedom of expression and the right to participate in political and social life. In essence, it is the individual's right to seek, receive, and use information that is objective, truthful, and of public value—particularly information provided by state authorities and the media. This right has two core elements: the accuracy and the timeliness of information.

2.2.2.2. Privacy, personality rights, and personal data protection

The rights to privacy, personality rights, and personal data protection are fundamental human rights that are closely interconnected and have attracted increasing attention as journalistic activities enter the digital transformation era. Privacy entails an individual's right to have their personal life, correspondence, image, and personal information protected against unlawful collection, use, or disclosure. Personality rights affirm the legal and moral value of each person, including their honour, dignity, reputation, and personal image. Personal data protection constitutes a concrete specification of privacy in the digital transformation context, ensuring that each person retains control over information relating to them.

2.2.2.3. Equality, non-discrimination, and protection of dignity and honour

First, equality and non-discrimination are foundational principles of the international human rights system, clearly affirmed in Articles 1 and 2 of the UDHR and Article 26 of the ICCPR. In journalistic activities, this principle is of particular importance because the media shapes social perceptions and directly influences how the public understands and evaluates different social groups.

Second, the right to protection of honour and human dignity is a core value of human rights, widely recognised in both international and domestic legal systems. Article 1 of the UDHR affirms that “all human beings are born free and equal in dignity and rights,” indicating that honour and dignity constitute the foundation of all other human rights. The protection of honour and human dignity is therefore a central component of human rights in journalistic activities, reflecting journalism's responsibilities to individuals and to society.

2.2.3. Modalities for protecting human rights in journalistic activities during digital transformation

2.2.3.1. Protecting human rights through rules on relevant actors

First, rights-holders. Human-rights holders are individuals, organisations, or groups capable of enjoying and exercising rights under international and domestic law. In the field of journalism, this category is understood broadly to include both those who produce journalism (journalists, reporters, editors, and press agencies) and those affected by journalism, including readers, individuals, social organisations, and the State. Interaction between these two groups forms a two-way relationship: one side exercises freedom of expression, while the other enjoys the right to information and the right to protection of human dignity.

Second, responsible actors / duty-bearers. These actors play a decisive role in identifying who bears duties to protect human rights in journalistic activities during digital transformation. Unlike the category of rights-holders, which centres on individuals whose rights are recognised and protected, this level emphasises the individuals and organisations that carry legal obligations and social responsibilities when producing, managing, and supervising journalistic activities.

2.2.3.2. Protecting human rights through mechanisms for addressing violations

First, administrative-law enforcement mechanisms are the most commonly and frequently applied means of addressing violations in journalistic activities. They are intended to maintain legal discipline in journalism while preventing and limiting infringements of the lawful rights and interests of individuals and organisations in the media environment—especially the digital environment.

Second, civil liability mechanisms are among the key mechanisms for addressing human-rights violations arising from journalistic activities, with a focus on restoring the rights and legitimate interests of the affected party.

Third, criminal-law mechanisms apply where violations of human rights in the journalistic sphere reach a level of social danger that exceeds the limits of administrative or civil responses.

Fourth, self-regulation and professional journalistic ethics constitute an important component of the human-rights protection system, operating primarily through prevention and normative guidance rather than punishment. Unlike coercive state-based legal mechanisms, this approach relies on professional conscience, social responsibility, and ethical rules developed and observed by the journalistic community itself, thereby helping to reduce the risk of human-rights infringements from the earliest stage of journalistic practice.

2.3. International and regional legal frameworks for safeguarding human rights in journalistic activities during digital transformation

2.3.1. International legal bases

Human rights in the field of journalism are recognised and protected by a range of foundational international legal instruments with universal value and binding force for States Parties. Article 19 of the Universal Declaration of Human Rights (UDHR) provides that: “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.” This is the first global instrument to affirm freedom of the press and freedom of expression as fundamental rights, closely connected to other rights such as the right to education (Article 26) and the right to participate in political and social life (Article 21). Article 19 of the ICCPR inherits and specifies the UDHR’s spirit: paragraph 2 affirms the freedom to seek, receive, and impart information, while paragraph 3 establishes permissible legal limitations, including for the protection of the rights and reputations of others and for safeguarding national security, public order, public health, or public morals. A number of other international instruments are also directly relevant to journalism and human rights. The Convention on the Rights of the Child (CRC, 1989) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) are indirectly relevant insofar as they address, for example, women’s rights to equal access to information and to freedom from discrimination in the media.

In more specialised domains, numerous resolutions of the UN General Assembly and the Human Rights Council have affirmed the role of journalism in protecting human rights. UN General Assembly Resolution 59 (1946) stated that freedom of information is “the touchstone of all the freedoms” and an indispensable condition for human progress. Human Rights Council Resolution 33/2 (2016) on the “Safety of Journalists” calls on States to ensure a safe legal environment and to investigate and respond firmly to attacks against journalists, treating such protection as a condition for safeguarding the public’s right of access to information. UNESCO, through reports such as *World Trends in Freedom of Expression and Media Development*, has repeatedly warned of challenges arising from fake news, misinformation, and the misuse of personal data in the digital transformation era, and has called for comprehensive legal frameworks that enable journalism to be both free and responsible.

2.3.2. Regional legal bases

2.3.2.1. The Americas

In the Americas, the American Convention on Human Rights (ACHR, 1969), particularly Article 13, affirms the right to seek, receive, and impart information and ideas in any form and prohibits prior censorship. The Inter-American Court of Human Rights (IACtHR) has developed case law affirming the press as a “guardian of democracy”.

2.3.2.2. Africa

In Africa, the African Charter on Human and Peoples’ Rights (ACHPR, 1981) and the Declaration of Principles on Freedom of Expression and Access to Information in Africa (2019) form key foundations, as issued by the African Commission on Human and Peoples’ Rights.

2.3.2.3. Europe

In Europe, a multi-layered legal architecture builds on the ECHR and the EU Charter of Fundamental Rights (2000) to protect freedom of expression, access to information, and private life and personal data. Specialised instruments such as GDPR (2016), the Digital Services Act (DSA), and the European Media Freedom Act (EMFA) extend obligations on data processing, platform responsibilities, content governance, and protection of journalists from political interference.

2.3.2.4. Southeast Asia

In Southeast Asia, protection at the regional level relies primarily on soft-law mechanisms. The ASEAN Human Rights Declaration (AHRD, 2012) affirms freedom of opinion and expression (Article 23). The ASEAN Intergovernmental Commission on Human Rights (AICHR), established in 2009, promotes dialogue and cooperation among Member States on human rights, including freedom of expression and access to information.

2.3.3. Assessment of international and regional legal rules

2.3.3.1. Achievements

- International and regional legal frameworks have affirmed foundational principles governing human rights in journalistic activities.
- International and regional legal frameworks have expanded protection to the digital media environment.
- International and regional legal frameworks have provided guidance on balancing freedom of the press with other protected interests.

2.3.3.2. Limitations

- Provisions remain largely principle-based and have not kept pace with digital technological development.
- Guarantee and enforcement mechanisms remain limited; many standards are primarily guidance and recommendations, with constrained coercive mechanisms and sanctions.
- Approaches to protecting human rights in journalistic activities vary across regions and states, with limited consistency.

CHAPTER 3. CURRENT SITUATION OF HUMAN RIGHTS PROTECTION IN JOURNALISTIC ACTIVITIES DURING DIGITAL TRANSFORMATION IN THE EUROPEAN UNION

3.1. Overview of human rights protection in journalistic activities during digital transformation in the European Union

3.1.1. The formation of the EU legal regime for protecting human rights in journalistic activities from 1994 to the present

3.1.1.1. The period 1994–2000

The European Union (EU) was formally established in 1993 under the Maastricht Treaty, marking a turning point in Europe's post–Second World War integration process. Article F of the Maastricht Treaty (1992) states that “the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and as they result from the constitutional traditions common to the Member States.” This provision laid a normative foundation for human rights protection, including rights related to freedom of expression and freedom of the press. The Treaty consolidated earlier economic communities, established EU citizenship, and created a framework for cooperation in economic, political, security, and legal fields. The period 1994–2000 is often regarded as a pivotal phase for Europe in political–legal development as well as in the relationship between media and human rights. Following the end of the Cold War, the fall of the Berlin Wall, and the dissolution of the Soviet Union, Europe entered a period of profound political reconstruction, with the aim of consolidating a unified democratic and rule-of-law space. The EU expanded eastward, incorporating Central and Eastern European states such as Poland, Hungary, the Czech Republic, and Slovakia, thereby intensifying the need to harmonize core values, including respect for human rights, freedom of expression, and freedom of the press.

3.1.1.2. The period from 2000 to the present

From 2000 onward, the EU has undergone comprehensive development in establishing a legal framework for protecting human rights in connection with journalism and digital communication. In 2000, the EU adopted the Charter of Fundamental Rights of the European Union; the Lisbon Treaty (2009) subsequently conferred binding legal status on the Charter. A systemic turning point was the General Data Protection Regulation (GDPR), adopted in 2016 and applicable from 2018. In parallel, the EU adopted and refined supporting legal mechanisms such as the Audiovisual Media Services Directive (AVMSD) (2010, amended 2018); EU initiatives against disinformation (2018) and the Digital Services Act (DSA, 2022); and the European Media Freedom Act (EMFA), which establishes a legal framework to protect the independence of media organisations and journalists.

3.1.2. Characteristics of EU law on protecting human rights in journalistic activities during digital transformation

EU law on protecting human rights in journalistic activities is grounded in the Charter of Fundamental Rights of the European Union, in which Articles 7, 8, and 11 respectively affirm the right to respect for private life, the right to protection of personal data, and the right to freedom of expression and information. In the context of digital transformation, the EU has developed a multi-layered, highly binding, and technologically adaptive legal system to ensure that these rights are not only recognised in principle but also effectively realised in the digital media environment.

3.1.2.1. Binding force and direct applicability of EU legal rules

EU legal provisions may be invoked directly by individuals or organisations within Member States before national courts, without requiring domestic transposition or implementing legislation. EU law confers direct legal rights and obligations on individuals, and national courts are required to recognise and protect those rights and obligations without waiting for intervention by national legislatures. Instruments such as the GDPR, the DSA, and the EMFA are binding normative acts with direct applicability across all Member States, without the need for domestication. This produces legal uniformity, avoids delay or divergence in implementation, and establishes a coherent legal standard for protecting human rights and press freedom across the EU.

3.1.2.2. The relationship between EU law and Member State law

The European Union is a distinctive political–legal entity, formed on the basis of cooperation among sovereign states, yet operating as a unified legal community in many fields. Since the Treaty of Rome (1957), the EU legal order has continuously developed, creating a new legal system that exists alongside the national legal systems of Member States. A defining feature of this system is the special relationship between EU law and Member State law. This relationship has been formed and developed on the basis of foundational legal principles such as the supremacy of EU law, direct effect, the principle of sincere cooperation, and Member State liability.

3.1.2.3. Multi-level protection and oversight mechanisms in EU law for human rights in journalistic activities

A prominent feature of the EU legal system in the human-rights field, especially in relation to journalism and freedom of expression, is the multi-level character of its protection and oversight mechanisms. This structure reflects close integration across three institutional-legal levels, national, regional, and Union-wide, designed to ensure the comprehensive, effective, and coherent implementation of human rights within the European media space.

3.2. EU experience in protecting human rights in journalistic activities during digital transformation

3.2.1. The substantive content of human rights in EU journalistic activities during digital transformation

3.2.1.1. Privacy rights in journalistic activities during digital transformation

In Europe, privacy and personal data protection are regarded as a core component of human rights, particularly in the context of the rapid development of journalism and digital communication. Building on international standards such as the UDHR and Article 17 ICCPR, the European Union has developed an advanced and binding legal framework to safeguard these rights. In practice, ECtHR case law has established the principle that freedom of the press receives heightened protection where reporting concerns matters of public interest; however, the press is not permitted to arbitrarily intrude into private life, nor to fabricate or defame.

Under Regulation (EU) 2016/679 (GDPR), individuals, as data subjects, are granted four core rights designed to strengthen their control over personal information:

- Right to be informed: individuals have the right to be clearly and transparently informed of the purposes, scope, and methods of personal data processing before their data are collected or used;
- Right of access: individuals may require a data controller (including, where applicable, a media organisation) to provide a copy of the personal data it holds, thereby enhancing transparency and accountability;
- Right to be forgotten: individuals may request the erasure of personal data where the processing purpose has been fulfilled, or where publication causes harm to honour or private life, or is no longer compatible with the public interest;
- Right to object: individuals may object to the use of their data for advertising or other purposes that are not consistent with their legitimate interests.

3.2.1.2. Equality and non-discrimination in journalistic activities during digital transformation

Equality is one of the core principles of the EU legal order and is affirmed consistently across multiple regional legal instruments. The Maastricht Treaty (1992) affirmed that the EU is based on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. The EU Charter of Fundamental Rights (2000/2009) provides in Article 20 that “everyone is equal before the law,” while Article 21 prohibits discrimination on grounds including

sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation. The Employment Equality Directive (2000/78/EC) and the Racial Equality Directive (2000/43/EC) further specify protective measures. A European Parliament Resolution (2013/2089(INI)) calls on online and traditional media to take proactive steps to prevent and remove hateful or discriminatory content.

Core dimensions of equality in EU law include:

- Legal equality: all individuals and organisations are treated equally before the law; no one may be disadvantaged due to personal characteristics or social status;
- Equality of opportunity: everyone has fair access to services, including in the fields of media and journalism;
- Equality in access to information and participation in public life;
- Prevention of hate speech and prejudicial stereotyping.

3.2.1.3. Freedom of expression and freedom of the press in journalistic activities during digital transformation

Article 11 of the EU Charter of Fundamental Rights affirms that “everyone has the right to freedom of expression... to receive and impart information and ideas without interference by public authority and regardless of frontiers.” This provision complements and specifies Article 10 of the ECHR (1950). The EU has further adopted the Digital Services Act (DSA, 2022), which sets out responsibilities for online platforms in addressing illegal content, hate speech, and disinformation. The DSA represents a further step in extending protection for human rights against risks arising from digital media environments.

3.2.2. Enforcement mechanisms for protecting human rights in journalistic activities during digital transformation in the European Union

3.2.2.1. Actors responsible for protecting human rights

In the context of digital transformation, the EU has established a set of legal and institutional mechanisms to safeguard fundamental human rights—particularly freedom of expression, the right to information, and journalists’ rights to privacy. These mechanisms are implemented through coordination among multiple specialized oversight and coordinating bodies.

First, European Data Protection Supervisor (EDPS): an independent authority ensuring compliance with rules on personal data protection and privacy across EU institutions and bodies.

Second, National Press Councils: self-regulatory mechanisms for maintaining professional ethical standards, protecting press freedom, and addressing complaints relating to journalistic content, operating independently from the state.

Third, Disinformation control mechanisms: legal and technical mechanisms to prevent, detect, and address disinformation while respecting freedom of expression.

Fourth, Court system: central to judicial protection of rights in journalism; human-rights protection is not only legislative/administrative but fundamentally judicial.

3.2.2.2. Mechanisms for addressing violations of human rights

First, the **levels of enforcement** for addressing violations of human rights in journalistic activities in the European Union during digital transformation.

Firstly, National-level enforcement mechanisms: multi-layered and integrated models balancing press freedom with personality rights, privacy, and personal data in the digital environment.

Secondly, Union-level enforcement mechanisms. At the Union level, the European Commission plays a central role in monitoring and ensuring that Member States comply fully with EU law, particularly in the fields of human-rights protection and press freedom. Under Article 258

of the Treaty on the Functioning of the European Union (TFEU), the Commission may initiate an infringement procedure where it finds that a Member State has failed to fulfil obligations arising under EU law.

Second, forms of sanctions and responses to violations of human rights in journalistic activities during digital transformation. EU law establishes a multi-level sanctions framework that combines administrative, financial, civil, judicial, and political measures, depending on the nature and severity of the violation. The objective is not only to address unlawful conduct, but also to prevent and deter future violations and to restore the rights and interests of individuals affected in the journalism and media sphere—particularly during digital transformation. This framework includes: administrative and financial penalties; civil liability and individual compensation; judicial and criminal measures; and political and funding-related measures.

3.3. Case studies of selected EU Member States on protecting human rights in journalistic activities during digital transformation

For the case studies, the researcher chooses the Czech Republic and the French Republic to analyse legal rules on protecting human rights in journalistic activities during digital transformation. This selection reflects different historical and legal contexts that provide complementary reference value within the EU framework and represent distinct approaches to balancing press freedom and human-rights protection in the digital media environment.

3.3.1. The Czech Republic

The Czech Republic joined the European Union in 2004 and therefore has been required to transpose and implement EU legal standards on human rights and journalism in a comprehensive manner. The domestic legal foundations include the Constitution of the Czech Republic (1993) and the Charter of Fundamental Rights and Freedoms, which recognise freedom of expression and the right of access to information, while also protecting individual honour, dignity, and privacy. The Press Law (2000), as amended in 2010, sets out responsibilities of press agencies in ensuring accuracy, as well as the rights to correction and reply for individuals who are the subject of reporting. Following the EU's adoption of the GDPR (2016), the Czech Republic enacted the Personal Data Processing Act (2019) to give domestic effect to personal data protection requirements in journalism and media activities.

3.3.2. The French Republic

The Law on the Freedom of the Press (1881) is the most classical and foundational instrument in French law for protecting freedom of the press and freedom of expression. Adopted in the post-French Revolution context, it reflects the ideals of the 1789 Declaration of the Rights of Man and of the Citizen, particularly Article 11. Although enacted long before the Internet era, French judicial practice has extended the scope of the 1881 law to online journalism, social media platforms, and digital publication. Courts may rely on the 1881 law to address “public publication” (publication publique) of defamatory or hate-inciting content online, illustrating flexible adaptation of traditional legal rules to digital transformation.

3.3.4. Significance of the research for Vietnamese journalism in the digital transformation era

3.3.4.1. Theoretical significance

Research on the EU's protection of human rights in journalistic activities during digital transformation, together with selected national experiences (the Czech Republic and France), has substantial theoretical significance and contributes to strengthening and developing the scientific foundations of human rights scholarship in Viet Nam in several respects, including:

- Clarifies the expansion and transformation of the content of human rights in the journalistic sphere under the impact of digital transformation.

- Deepens theorisation of the relationship and potential conflicts between freedom of the press and other human rights, particularly privacy.
- Contributes to developing theory on multi-actor models of human-rights protection in digital journalistic activities.
- Clarifies human-rights protection as connected to safeguarding the public interest and democracy in the digital journalism environment.
- Provides an important comparative theoretical basis for Vietnamese legal scholarship and enriches theorisation of selective reception of foreign experience.

3.3.4.2. Implications for developing and improving laws on protecting human rights

Examining the experience of the European Union and the two selected Member States (France and the Czech Republic) in protecting human rights in journalistic activities during digital transformation provides important grounds for lawmaking and legal reform. From a legislative perspective, several core lessons may be drawn:

- Rights-balancing as a guiding legislative principle. EU law, as well as French and Czech law, approaches human-rights protection in journalism by balancing freedom of expression and freedom of the press with personality rights, including privacy, honour, and personal data protection.
- Developing specialised legal frameworks for journalism in the digital environment. EU practice and Member State experience do not rely solely on traditional press statutes; they also enact new legal instruments to address risks arising from digital transformation, such as personal data protection, platform responsibilities, and governance of systemic risks associated with the spread of misinformation.
- Strengthening protective institutions through independent bodies. A notable feature in EU, French, and Czech experience is the assignment of significant roles to independent oversight bodies—particularly in the fields of personal data protection and privacy in digital journalism. These bodies typically have powers of inspection, enforcement, and guidance on legal application, thereby supporting objectivity and limiting direct administrative interference in journalistic activities. This is an important legislative lesson for enhancing the effectiveness of human-rights protection in the digital media environment.
- Combining “hard law” and “soft law” in regulating digital journalism. EU law and Member State practice (including France and the Czech Republic) do not rely solely on coercive legal rules; they also recognise the role of professional ethical codes, self-regulation, and co-regulation mechanisms.
- A risk-management legislative approach rather than content censorship. EU and Member State laws do not generally criminalise or directly censor journalistic content in the name of combating “fake news.” Instead, they focus on requiring relevant actors to assess, prevent, and mitigate systemic risks in the digital environment. This approach helps protect the public’s right of access to information while avoiding undue interference with press freedom.

3.3.4.3. Implications for international integration in human-rights protection

- Supporting Viet Nam’s effective fulfilment of international human-rights commitments. Viet Nam is a State Party to the ICCPR (since 1982) and many other human-rights treaties, and it was elected to the UN Human Rights Council for the 2023–2025 term.
- Facilitating learning and selective adaptation of international experience, particularly from the EU. The EU is widely regarded as a leading jurisdiction in developing legal frameworks on human rights and digital media, and its experience offers a valuable reference base for Viet Nam.

- Responding to expectations embedded in new-generation free trade agreements. In agreements such as the EU–Viet Nam Free Trade Agreement (EVFTA) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), labour, environment, and human-rights provisions are addressed directly or indirectly.
- Enhancing Viet Nam’s international image and standing. In an era of globalised information flows, a transparent press-law system that respects and protects human rights provides visible evidence of a state’s commitment to building a humane society.

CHAPTER 4. CURRENT SITUATION AND SOLUTIONS FOR PROTECTING HUMAN RIGHTS IN JOURNALISTIC ACTIVITIES DURING DIGITAL TRANSFORMATION IN VIET NAM – LESSONS FROM THE EUROPEAN UNION

4.1. Current situation of protecting human rights in journalistic activities during digital transformation in Viet Nam

4.1.1. Current situation through rules defining the substantive content of rights

4.1.1.1. Right of access to information and accuracy of information

The right of access to information is recognised in the 2013 Constitution (Article 25) and further specified in the 2016 Law on Access to Information, which affirms that individuals have the right to access information held by state authorities, and are entitled to benefit from a press system that is truthful, accurate, and objective. Article 2(3) defines access as “reading, viewing, listening to, recording, copying, and photographing information.” In the digital transformation era, access to information is closely tied to accuracy, because only complete, transparent, and truthful information enables effective exercise of other rights such as political participation, social oversight, and social welfare.

4.1.1.2. Privacy and personal data protection in journalism

The right to inviolability of private life, personal secrecy, and family secrecy is recognised in the 2013 Constitution (Article 21). The 2015 Civil Code provides remedies such as compensation, apology, and correction. The 2025 Law on Personal Data Protection represents an important development toward a relatively comprehensive legal framework and reflects alignment with international standards such as the EU’s GDPR. Article 2 defines personal data as digital data or information in another form that identifies or helps identify a specific person, including basic personal data and sensitive personal data; data that have been de-identified are no longer personal data.

4.1.1.3. Personality rights in journalism during digital transformation

Personality rights are principally governed by Articles 34, 38, and 39 of the 2015 Civil Code. Individuals are entitled to respect and protection of honour, dignity, and reputation; and the collection, storage, or disclosure of information relating to private life or personal secrecy requires the individual’s consent unless otherwise provided by law. Newer instruments, including the 2025 Law on Personal Data, the 2025 Law on Cybersecurity, and the 2025 Law on Artificial Intelligence, further expand protection in the digital transformation era.

4.1.1.4. Equality and non-discrimination in journalism

Equality and non-discrimination are recognised in Article 16 of the 2013 Constitution. This principle is also reflected in specialised legislation including the Law on Gender Equality (2006), the Law on Persons with Disabilities (2010), and the Law on the Press (2016). Article 9(2) of the Law on the Press (2016) prohibits acts that incite violence, hatred, or discrimination on the grounds of ethnicity, gender, or religion.

4.1.1.5. Protection of honour, dignity, and reputation

Honour, human dignity, and reputation are protected through multiple legal mechanisms, including the 2013 Constitution (Articles 20 and 21). Article 34 of the 2015 Civil Code provides

that honour, dignity, and reputation are inviolable and protected by law, and individuals may request correction, public apology, and compensation for harm caused by false information. Articles 37 and 38 protect private life, personal secrecy, and personal information, prohibiting collection, disclosure, or use without consent. Decree No. 119/2020/ND-CP provides administrative fines of VND 50,000,000 to VND 70,000,000 and remedial measures requiring takedown, correction, and public apology for publishing false information causing serious consequences.

4.1.1.6. Freedom of expression and freedom of the press

Freedom of expression and freedom of the press are affirmed in Article 25 of the 2013 Constitution and further specified in the 2016 Law on the Press.

4.1.2. Current situation of actors responsible for protecting human rights in journalistic activities

During the digital transformation era, Viet Nam has gradually established the actors involved in protecting human rights in journalistic activities, as specified in legal instruments together with their powers and responsibilities.

4.1.2.1. State agencies

Article 7 of the 2016 Law on the Press provides that state management of the press includes: the Government; the Ministry of Information and Communications; other ministries and ministerial-level agencies coordinating within their functions; and provincial-level People's Committees managing journalistic activities at the local level.

4.1.2.2. Press agencies and journalists

First, press agencies are legally defined as actors directly responsible for protecting human rights in the process of producing and disseminating information. The 2016 Law on the Press requires press agencies to ensure the accuracy of information, to undertake correction and apology where false information is published, and to bear legal responsibility for the content they disseminate (Articles 13 and 42).

Second, journalists, as direct practitioners, are both right-holders exercising press freedom and duty-bearers obligated to respect and protect human rights. The 2016 Law on the Press requires journalists to comply with the law and professional ethics and prohibits them from abusing journalistic activities to infringe the lawful rights and interests of organisations or individuals (Article 25).

4.1.2.3. Individuals

Individuals are both beneficiaries of human rights and participants in protecting rights through legal mechanisms within journalistic activities.

4.1.2.4. Socio-professional organisations

Socio-professional organisations, particularly the Vietnam Journalists Association, play an important role in developing and overseeing professional ethics and in building a humane, professional, and modern press, thereby contributing to the protection and promotion of human rights in the information and communications sphere.

4.1.3. Current enforcement mechanisms for addressing violations of human rights

To assess the effectiveness of protection mechanisms, law enforcement should be analysed across civil, administrative, and criminal domains, reflecting remediation, deterrence, and criminal liability in particularly serious cases.

First, administrative enforcement mechanisms are commonly applied to violations arising in journalistic activities.

Second, civil-law mechanisms restore individuals' rights and legitimate interests where infringed by journalistic information.

Third, criminal-law mechanisms: the 2015 Penal Code (as amended in 2025) includes offences such as Defamation (Article 156) and Humiliating Others (Article 155).

Fourth, self-regulation and professional ethics function primarily through prevention and normative guidance.

4.1.3. Issues arising and persisting shortcomings

4.1.3.1. Persisting shortcomings

First, shortcomings include continued violations affecting personality rights, privacy, and personal data; inadequate assurance of accurate information amid widespread misinformation; frequent infringements of honour, dignity, and reputation reflecting gaps between legal norms and professional conduct; and continuing legal, institutional, and technical constraints on freedom of expression and press freedom.

Second, protection mechanisms remain fragmented and insufficiently systematic: ethical/internal measures may not deter proportionately; access to justice remains constrained; administrative pathways can be cumbersome and slow; and litigation may be prolonged and complex.

Third, self-regulation remains limited: ethical rules lack binding legal force; not all outlets have accessible complaint processes; and weak coordination between the Vietnam Journalists Association and state authorities can result in administrative sanctions without professional accountability.

4.1.3.2. Causes of the shortcomings

Causes include limited human-rights awareness among duty-bearers and rights-holders; legal gaps and overlapping mandates; constraints in newsroom capacity and professional awareness; insufficient implementation capacity among press-management officials and law-enforcement personnel relative to rapidly evolving digital conditions; and supervision mechanisms that remain inadequate and insufficiently adapted to deepening international integration.

4.2. Solutions to enhance the effectiveness of protecting human rights in journalistic activities during digital transformation in Viet Nam, drawing on EU experience

4.2.1. Grounding protection in Hồ Chí Minh's thought, Party policies, and international and domestic human-rights law

4.2.2. Enhancing capacity and awareness of responsible actors

Strengthening the capacity and awareness of those responsible for managing journalistic activities is an urgent requirement. Digital transformation shifts journalism to platforms where information spreads rapidly, is difficult to control, and more susceptible to manipulation. Relevant actors include state press-management bodies, professional organisations, press agencies, journalism practitioners, and other actors producing and distributing content on digital platforms.

4.2.3. Improving laws on journalistic activities and personal data protection in journalism

Some press agencies still disclose excessive personal information in criminal cases, accidents, or social incidents without consent, harming honour and dignity. Accordingly, amendments to the Law on the Press should introduce clearer principles on protecting personal data and personal information in journalistic practice, and establish stricter sanctions for infringements.

Detailed implementing guidance is also needed on responsibilities of cross-border online platforms in relation to misinformation or rights-infringing content, particularly in connection with

newer instruments such as the 2025 Law on Personal Data and the 2025 Law on Artificial Intelligence. EU experience under the Digital Services Act (DSA) suggests that transparency duties, effective takedown mechanisms, and robust sanctions for technology companies can be effective for protecting human rights online.

4.2.4. Establishing effective mechanisms for reply, correction, and compensation

Effective mechanisms for reply, correction, and compensation are crucial where false information or rights-infringing content has been published. Although the 2016 Law on the Press and the 2015 Civil Code recognise rights to request correction, public apology, and compensation, implementation remains limited.

4.2.5. Strengthening journalists' capacity and improving the economics of journalism aligned with human-rights protection

Journalists are central actors in protecting human rights. Without strong political integrity, robust professional ethics, and comprehensive digital competence, journalists may be influenced by commercial incentives and audience metrics, or the temptations of “breaking news,” thereby overlooking accuracy, objectivity, and human dignity.

4.2.6. Establishing an independent Press Council

Viet Nam should consider establishing an Independent Press Council, mandated to issue recommendations, require corrections, request public apologies, or issue ethical warnings without prolonged judicial proceedings. This would provide an independent, rapid, low-cost complaint channel and reduce burdens on state bodies and courts. The State should also define legal responsibility where press agencies fail to comply with correction/apology requirements to strengthen enforceability and public trust.

4.2.7. Establishing independent oversight mechanisms characterised by transparency and accountability

Viet Nam may consider establishing a relatively independent National Media Council with participation from state agencies, professional associations, civil society, academics, and the public. The Council would receive and address complaints and could issue recommendations or binding decisions on correction, apology, and compensation. Press agencies should publish internal fact-checking and error-handling procedures, including public apology and compensation processes. Independent oversight should operate alongside strengthening the role of socio-professional organisations and should be enhanced through digital technologies.

4.2.8. International integration and cooperation

The EU is among the leading jurisdictions in developing comprehensive legal frameworks for journalism and digital media, with instruments such as the GDPR, the DSA, and the EMFA. International organisations such as the UN, UNESCO, and the Council of Europe have also advanced principles linking press freedom with human-rights protection. These experiences are valuable for Viet Nam in improving policy and law. If implemented under a clear roadmap, they can enhance protection effectiveness and strengthen Viet Nam's international standing in digital transformation.

CONCLUSION

In the context of globalised information flows, this study demonstrates that international instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), the European Convention on Human Rights (ECHR, 1950), and the Charter of Fundamental Rights of the European Union (2000) have shaped the foundational legal framework for freedom of expression and freedom of the press, while also establishing lawful limits for the protection of personality rights. Within this landscape, the

European Union (EU) stands out for its multi-level governance model that combines “hard law”, including the General Data Protection Regulation (GDPR, 2016), the Digital Services Act (DSA, 2022), and the European Media Freedom Act (EMFA, 2023), with “soft law” instruments such as ethical codes, professional self-regulatory mechanisms, and independent press councils. The EU not only establishes a legal framework for safeguarding human rights but also fosters a media environment that is transparent, secure, and respectful of human dignity. EU practice further demonstrates that protecting human rights in journalistic activities does not equate to restricting freedom of expression; rather, it involves constructing a responsible and humane legal environment that ensures fairness for both journalists and those affected by reporting.

For Viet Nam, protecting human rights in journalistic activities during digital transformation presents both opportunities and challenges. The 2013 Constitution, together with sectoral legislation such as the Law on the Press (2016), the Law on Access to Information (2016), the Law on Cybersecurity (2018), and Decree No. 13/2023/ND-CP on personal data protection, has provided a basic legal framework for regulating journalism and media activities. However, the legal system remains insufficiently coherent, lacks independent oversight mechanisms, and lacks sufficiently specific legal tools to address infringements of personality rights or breaches of professional ethics in the digital transformation era. In practice, the protection of privacy, honour and dignity, and personal data rights remains limited, due to the absence of sufficiently strong sanctions and to inadequate coordination among press agencies, regulatory authorities, and technology platforms. Learning from EU experience can therefore help Viet Nam not only strengthen its legal foundations for human rights in journalism, but also shape a humane, transparent, and socially responsible media environment, one in which freedom of expression is exercised within the rule-of-law framework, and human rights are safeguarded across all forms of expression. This is the precondition for Vietnamese journalism to fulfil its role as a “fourth estate” in society while also meeting global human-rights standards in the digital transformation era.

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