



THE
FUTURE
OF
FREE
SPEECH

THAT VIOLATES MY POLICIES 2026

AI LAWS, CHATBOTS, AND
THE FUTURE OF EXPRESSION

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The Future of Free Speech is an independent, nonpartisan think tank based at Vanderbilt University. Our mission is to reaffirm freedom of expression as the foundation of free and thriving societies through actionable research, practical tools, and principled advocacy. We envision a world in which the right to freedom of expression is safeguarded by law and strengthened by a culture that embraces diverse viewpoints.

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PREFACE

In the 2026 edition of our report *“That Violates My Policies”: AI Laws, Chatbots, and the Future of Expression*, we explore the ways in which public and private governance of generative artificial intelligence (AI) shapes the space for free expression and access to information.

Since the launch of ChatGPT by OpenAI in November 2022, generative AI has moved from a novelty to a tool embedded in everyday communication and information access.¹ As its reach has grown, so has the urgency for legislators around the world to determine how it should be governed, and what that governance means for freedom of expression and access to information.

Recognizing generative AI’s growing impact on freedom of expression and access to information, The Future of Free Speech undertook a first-of-its-kind analysis of how national legislation and corporate practices shape expression in the era of generative AI. The 2025 report analyzed AI legislation in Brazil, China, the European Union, India, the Republic of Korea, and the United States. It focused on laws and public policies addressing AI-generated content, particularly around elections and political speech, hate speech, defamation, explicit content, copyright, and measures that actively promote freedom of expression.²

This year, we built on those findings and expanded them considerably. This report, the first of two publications The Future of Free Speech will release this year, examines AI legislation, bills, policies, and case law in the European Union, Nigeria, Peru, Sweden, Türkiye, the United Kingdom, the United States, and Vietnam. It considers how these frameworks shape

¹ Generative AI refers to systems that create content — including text, images, video, audio, and software code — in response to user prompts. Cole Stryker and Mark Scapicchio, “What Is Generative AI?,” IBM Think, March 22, 2024, <https://www.ibm.com/think/topics/generative-ai>.

² Jordi Calvet-Bademunt, Jacob Mchangama, and Isabelle Anzabi, *“That Violates My Policies”: AI Laws, Chatbots, and The Future of Expression* (Nashville: The Future of Free Speech, October 2025), <https://futurefreespeech.org/wp-content/uploads/2025/10/AI-Report-2025-Full-Report.pdf>.

THAT VIOLATES MY POLICIES 2026

freedom of expression and access to information across election and political content, hate speech, defamation, explicit content, copyright, and measures that empower freedom of expression, such as policies supporting linguistic diversity, media literacy, and open-source development. We have added dedicated sections on protection of minors and AI-powered surveillance to reflect these increasingly salient issues.

This report seeks to provide a rigorous and timely analysis of how generative AI is reshaping the space for free expression in both the public and private spheres. Building on these insights, The Future of Free Speech is developing guidelines to help policymakers ensure that generative AI protects and enhances freedom of expression and access to information, two cornerstones of democratic societies. A second report, focused on model analysis and related good practices for companies, will follow later this year.

In an era of rapid technological change, safeguarding free expression protects both individual rights and the conditions for open, informed, and thriving democracies.



ARTIFICIAL INTELLIGENCE & FREEDOM OF EXPRESSION IN VIETNAM

By
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ABSTRACT

Vietnam's Soviet-style legal system treats artificial intelligence (AI) as both an opportunity for development and a potential threat to its market-Leninist authoritarian system. Some of the earliest regulations relevant to AI, adopted in 2018, addressed a central concern of regime survival: control over public expression. AI-generated expression is therefore regulated within the broader framework through which the Vietnamese Communist Party (VCP) controls speech—one characterized by extensive restrictions and severe penalties. From the 2018 Cybersecurity Law to the 2025 Law on Artificial Intelligence, Vietnam has made no meaningful change to this approach, despite its human rights obligations under the United Nations' system.

Vietnam routinely uses criminal and administrative law to penalize expression, including political commentary, criticism of the VCP and government officials, alleged defamation, and sexually explicit content, regardless of whether that content is created by a person or generated using AI. So-called “anti-state” expression and criticism of Party and government officials are treated especially harshly. Concepts of national security have been expanded far beyond their legitimate scope and are frequently used to shield the VCP, state institutions, and its allies from public scrutiny. Administrative fines can amount to an individual's entire monthly income, while relevant criminal offenses carry prison terms ranging from two to twenty years, with sentences of five to ten years being common. Many of these offences are defined in vague and overly broad terms, giving law-enforcement authorities wide discretion to interpret and apply them arbitrarily.

These risks are compounded by the absence of an independent judiciary and by the extensive influence of the public security apparatus within the state. In this environment, the government has broad latitude to regulate AI-generated content in ways that extend its censorship and suppression of protected expression, even though freedom of speech is formally guaranteed by the Constitution.

1. INTRODUCTION

Vietnam is known for being highly repressive on human rights in general and freedom of expression in particular. Although freedom of expression is guaranteed by the Constitution, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), to both of which Vietnam is a party, the government widely disregards it through various forms of censorship and citizens largely refrain from exercising it through many forms of self-censorship. The ruling Vietnam Communist Party (VCP), which has outlawed all other political parties, heavily restricts online and offline speech, controls physical and virtual mediums of expression, and imposes harsh administrative and penal penalties for violations of often vague and arbitrary laws.¹

Vietnam's internet freedom has been consistently categorized as "Not Free," with scores of 20 to 22 out of 100 by Freedom House's *Freedom on the Net* report, and the country's press freedom ranking is often found in the bottom ten countries in Reporters Without Borders' Press Freedom Index.²

After three decades of economic reform, during which cyberspace expanded rapidly and the people enjoyed a relatively open internet, the VCP took a conservative turn after its national congress in early 2016 under General Secretary Nguyễn Phú Trọng. Since then, the government has introduced more restrictions and allocated more resources to controlling freedom of expression in particular and social movements in general. The end of Nguyễn Phú Trọng's era in July 2024 did not end the harsh internet censorship but further cemented it under the new leadership of former police chief Tô Lâm, one of the key architects of that very mechanism.

In this context, the government first issued a policy on artificial intelligence development

1 Freedom House, *Vietnam: Freedom in the World 2025 Country Report* (Washington, DC: Freedom House, 2025), <https://freedomhouse.org/country/vietnam/freedom-world/2025>.

2 Freedom House, *Vietnam: Freedom on the Net 2024 Country Report* (Washington, DC: Freedom House, 2024), <https://freedomhouse.org/country/vietnam/freedom-net/2024>; Rsf.org, "Vietnam," March 18, 2026, <https://rsf.org/en/country/vietnam>.

titled “The National Strategy on Research, Development and Application of Artificial Intelligence Until 2030,” on January 26, 2021 (No. 127/QĐ-TTg).³ The document focuses solely on technology development, aiming for Vietnam to become the Southeast Asia’s AI leader. Four years later, the National Assembly passed the country’s first law on AI, the Law on Artificial Intelligence (2025), laying the foundation of AI regulation with some specific references to freedom of speech.

3 “Quyết Định Số 127/QĐ-TTg Của Thủ Tướng Chính Phủ: Ban Hành Chiến Lược Quốc Gia Về Nghiên Cứu, Phát Triển Và Ứng Dụng Trí Tuệ Nhân Tạo Đến Năm 2030,” Chinhphu.vn, 2022, <https://vanban.chinhphu.vn/default.aspx?pageid=27160&docid=202565>.

2. GENERAL STANDARDS OF FREEDOM OF EXPRESSION

Like China, Vietnam is largely regarded as a *rule-by-law* system rather than *rule-of-law* one. It has therefore adopted most universally recognized human rights standards, including freedom of expression and access to information, into its legal system without a governmental structure designed to implement them. Since the end of the Vietnam War, Vietnam has consistently stated in its successive constitutions that every citizen is entitled to freedom of speech. Article 25 of the current constitution (2013) states that “the citizen shall enjoy the right to freedom of opinion and speech, freedom of the press, of access to information, to assemble, form associations and hold demonstrations. The practice of these rights shall be provided by the law.”⁴ Freedom of expression and access to information are also formally guaranteed and protected under pieces of legislation such as the Press Law (Articles 10 and 11),⁵ the Publication Law (Article 5),⁶ and the Law on Access to Information.⁷

The state also ratified the two most important international human rights treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The legally binding ICCPR states in Article 19 that “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”⁸ As for the implementation of international treaties, Vietnam’s Law on Treaties does not clearly resolve whether international treaties or domestic laws prevail in case of conflict, providing only that “the provisions of the treaty shall prevail, except the Constitution” (Article 6).⁹

4 International IDEA, “The Constitution of the Socialist Republic of Vietnam (2013): Unofficial Translation from Vietnamese by International IDEA,” 2013, https://constitutionnet.org/sites/default/files/tranlation_of_vietnams_new_constitution_enuk_2.pdf.

5 Wipo.int, “Law No. 103/2016/QH13 of April 5, 2016, on the Press,” 2016, <https://www.wipo.int/wipolex/en/legislation/details/17283>.

6 “Văn bản hợp nhất số 43/VBHN-VPQH hợp nhất Luật Xuất bản,” published 2026, accessed June 15, 2026, <https://congbao.chinhphu.vn/van-ban/van-ban-hop-nhat-so-43-vbhn-vpqh-469128.htm>.

7 LuậtVietnam, “Luật Tiếp cận thông tin 2026, số 01/2026/QH16,” published 2026, accessed June 15, 2026, <https://luatvietnam.vn/thong-tin/luat-tiep-can-thong-tin-2026-so-01-2026-qh16-434736-d1.html>.

8 United Nations, “International Covenant on Civil and Political Rights,” OHCHR, December 16, 1966, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

9 National Assembly of Vietnam, *Law on Treaties*, Law No. 108/2016/QH13 (April 9, 2016), <https://faolex.fao.org/docs/pdf/vie206149.pdf>.

ARTIFICIAL INTELLIGENCE AND FREEDOM OF EXPRESSION IN VIETNAM

The formal recognition of rights in constitutional and statutory texts does not translate into meaningful protection. Vietnam lacks an independent constitutional review mechanism, an independent judiciary, and the democratic checks and balances necessary to constrain state power. As a result, constitutional rights are not enforceable against the state in any meaningful sense. Their interpretation and implementation remain largely subject to the discretion of the National Assembly, the executive branch, and, ultimately, the VCP. Rights such as freedom of expression and access to information therefore exist primarily as legal declarations rather than as effective guarantees.

Through the Penal Code and a range of administrative regulations, the Vietnamese government imposes severe penalties—including lengthy prison sentences and substantial administrative fines—on individuals who exercise their freedom of expression in ways deemed contrary to official narratives. In practice, these provisions criminalize speech that is protected under international human rights law, particularly under Article 19 of the ICCPR, and are applied without due process.

The Press Law and the Law on Publication further restrict freedom of expression by reserving press and publishing activities exclusively for party-owned, state-owned, and state-affiliated entities, which effectively prohibits privately owned media organizations and publishing houses. In addition, the Cybersecurity Law, the principal legal instrument governing online expression, contains broadly worded prohibitions on content considered harmful to the interests of the state, the VCP, social order, morality, or national traditions and customs. The vagueness of these restrictions grants authorities wide discretion to censor online content and suppress dissenting opinions.

The Cybersecurity Law further extends state control over online expression by imposing extensive obligations on cross-border digital platforms such as Facebook, YouTube, and TikTok. These platforms must comply with Vietnamese law and respond to government requests for content removal, content restriction, and user data disclosure. Given Vietnam's substantial market size and strategic importance, the government has been able to exert significant leverage over major technology companies, compelling them to remove or restrict access to content that is protected under international human rights standards, particularly the right to freedom of expression.

Notably, restrictions on freedom of expression in Vietnam often fail to satisfy the three-part test established under the ICCPR: a restriction must be prescribed by law, must pursue a

legitimate aim, and must be necessary and proportionate to achieving that aim.¹⁰ Almost all of Vietnam's speech-related provisions are drafted in broad and vague terms, providing little clarity as to what constitutes unprotected expression. In practice, enforcement frequently appears aimed at protecting the political regime, its leaders, and their allies rather than the legitimate interests recognized under international human rights law. Moreover, the measures imposed are often disproportionate, relying on severe administrative or criminal sanctions rather than the least restrictive means available to achieve a legitimate objective.

Given the broader restrictions on freedom of expression in Vietnam, any AI-related regulation is likely to follow the same logic of controlling information and restricting AI-generated speech. This does not mean that the government will be unable or unwilling to adopt legitimate regulations aimed at protecting citizens from AI-generated content that falls outside the protection of international law, such as child sexual abuse material, harassment, terrorist advocacy, incitement to violence, and fraud. The key question is whether such regulations will be narrowly tailored and enforced to pursue these legitimate aims, or whether they will serve as a pretext for expanding state control over the flow of information.

¹⁰ Media Defence, "The Right to Freedom of Expression Under International Law," eReader, September 22, 2022, <https://www.mediadefence.org/ereader/publications/modules-on-litigating-freedom-of-expression-and-digital-rights-in-south-and-southeast-asia/module-1-key-principles-of-international-law-and-freedom-of-expression/the-right-to-freedom-of-expression-under-international-law/>.

3. AI LEGISLATION LANDSCAPE

AI legislation in Vietnam is still at an early stage of development, with few provisions addressing freedom of expression.

Although several legal instruments issued in the 2010s contained scattered provisions concerning artificial intelligence, the first instrument devoted specifically to AI was Prime Minister Nguyễn Xuân Phúc’s Decision No. 127/QĐ-TTg of 2021, an executive policy document that established the National Strategy on Research, Development, and Application of Artificial Intelligence through 2030.¹¹ Similarly, Decision No. 2259/QĐ-BTTTT, issued by the Ministry of Information and Communications in 2022, set out a strategy for developing AI applications through 2030.¹² These documents focused on technological development without addressing human rights in general or freedom of expression in particular.

AI regulation only began to receive serious attention in 2025.

The key pieces of legislation are the Law on Artificial Intelligence (2025), the Cybersecurity Law (2018 and 2025), the Law on Digital Technology Industry, and the Law on Personal Data Protection (2025). Within this restrictive quasi-Leninist system, Vietnam’s approach to AI regulation is primarily characterized by a risk-based framework coupled with significant government control over the development and use of AI technologies, consistent with its broader state-led model of governance and national development.

The most important of these is the Law on Artificial Intelligence, passed in December 2025 and entered into force on March 1, 2026.¹³ It is Vietnam’s first dedicated law on artificial

11 “Quyết Định 127/QĐ-TTg 2021 Chiến Lược Nghiên Cứu Phát Triển Và Ứng Dụng Trí Tuệ Nhân Tạo Đến 2030,” Thuvienphapluat.vn, n.d., <https://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Quyết-dinh-127-QĐ-TTg-2021-Chien-luoc-nghien-cuu-phat-trien-va-ung-dung-Tri-tue-nhan-tao-den-2030-463680.aspx>.

12 Thuvienphapluat.vn, “Quyết Định 2259/QĐ-BTTTT Năm 2022 Về Chiến Lược Phát Triển Ứng Dụng Trí Tuệ Nhân Tạo Đến Năm 2030 (Chiến Lược AI Ứng Dụng) Do Bộ Trưởng Bộ Thông Tin Và Truyền Thông Ban Hành,” Thư Viện Pháp Luật, October 25, 2024, <https://thuvienphapluat.vn/van-ban/So-huu-tri-tue/Quyết-dinh-2259-QĐ-BTTTT-2022-Chien-luoc-phat-trien-ung-dung-Tri-tue-nhan-tao-den-nam-2030-611790.aspx>.

13 Baker McKenzie, “Vietnam: Artificial Intelligence Law - Foundation and Outlook,” Insight, 2026, <https://www.bakermckenzie.com/en/insight/publications/2026/02/vietnam-artificial-intelligence-law-foundation-and-outlook>.

intelligence and is built around a risk-based framework for assessing and regulating AI systems according to the risks they may pose.

The remainder of the law focuses on establishing mechanisms for the development of AI technologies and supporting technological infrastructure. It contains very few provisions addressing human rights or freedom of expression. Apart from a handful of broadly worded clauses, the law provides little guidance on how AI regulation should be balanced with the protection of fundamental rights and freedoms. One such clause prohibits the “creation or dissemination of fabricated content that is likely to cause serious harm to national security, public order, or social safety.” Provisions of this kind offer limited safeguards against overly expansive interpretation or enforcement.

The second significant law concerning AI is the Cybersecurity Law.¹⁴ Passed in June 2018 and in force since January 2019, it has been widely criticized by human rights organizations as a major step in Vietnam’s turn toward digital authoritarianism. The law, amended in December 2025, provides the legal foundation for the government to require both domestic and foreign platforms to censor content. It also authorizes regulators to compel businesses, domestic or foreign, to provide user data within twenty-four hours.

The law also contains Vietnam’s earliest provisions on artificial intelligence, prohibiting the use of AI to create and disseminate information deemed “harmful” or “toxic.” The government uses these terms to cover content that may be considered harmful under generally accepted international standards, as well as content that the VCP regards as contrary to its policies, guidelines, or political objectives.

The third major law relevant to AI is the Law on Personal Data Protection, which was passed by the National Assembly in June 2025 and came into effect on January 1, 2026.¹⁵ It is Vietnam’s first comprehensive law on personal data, following years of fragmented regulations scattered across dozens of legal instruments. Like the Cybersecurity Law, the legislation has been criticized by human rights advocates for granting the government broad access to citizens’ personal data without any independent oversight mechanism.

The law, however, contains only one AI-specific provision: a general prohibition on using AI

14 Trường An, “The Quiet Passing of Việt Nam’s 2025 Cybersecurity Law,” *The Vietnamese Magazine*, December 12, 2025, <https://thevietnamese.org/2025/12/the-quiet-passing-of-viet-nams-2025-cybersecurity-law>.

15 Ey.com, “Legal Alert: Personal Data Protection Law,” July 2025, https://www.ey.com/en_vn/technical/tax/tax-and-law-updates/legal-alert-july-2025-personal-data-protection-law.

to process personal data in ways that harm national defense, national security, public order, or social safety, or that infringe on the life, health, honor, dignity, or property of others.

The final major piece of legislation is the Law on Digital Technology Industry, which took effect on January 1, 2026.¹⁶ The law contains a chapter devoted specifically to artificial intelligence (chapter 4, comprising five articles), which establishes principles for AI development. These include the general principle of “promoting human prosperity and well-being by adopting a human-centered approach, enhancing productivity and efficiency, and advancing intelligent transformation; ensuring an inclusive, flexible, equitable, and non-discriminatory approach; and respecting ethical and national values, human rights, citizens’ rights, and the lawful rights and interests of organizations and individuals.” Like the human rights provisions in the other laws, however, this principle is largely declaratory and symbolic: it lacks specificity and has no enforcement mechanism.

16 Thuvienphapluat.vn, “Luật Công Nghiệp Công Nghệ Số 2025,” Thư Viện Pháp Luật, September 11, 2025, <https://thuvienphapluat.vn/van-ban/Cong-nghe-thong-tin/Luat-Cong-nghiep-cong-nghe-so-2025-so-71-2025-QH15-621341.aspx>.

4. ELECTION AND POLITICAL CONTENT

The Cybersecurity Law—originally adopted in 2018 and amended in 2025—strictly prohibits AI-generated content that is largely protected under the international human rights law. Article 7 bans the use of AI to create, publish, and distribute in the following categories:

- “Propaganda against the Socialist Republic of Vietnam, including: propagating distorted information or defaming the people’s government; conducting psychological warfare; inciting wars of aggression; sowing division and hatred among ethnic groups, religions, and the peoples of different countries; insulting the nation, the national flag, national emblem, national anthem, great figures, leaders, distinguished persons, or national heroes;”
- “Distorting history; denying revolutionary achievements; undermining the great national unity bloc; insulting religions; engaging in gender discrimination or racial discrimination.”

Restrictions of this kind are common in Vietnamese law and are drafted vaguely so as to protect the VCP-led political regime. Violations can result in administrative fines under Decree No. 174/2026/ND-CP¹⁷ or criminal sentences under Articles 117 and 331 of the Penal Code.¹⁸

Article 117. “Making, Storing, Disseminating, or Propagating Information, Materials, or Items for the Purpose of Opposing the Socialist Republic of Vietnam (1-20 years of imprisonment).”

Article 331. “Abuse of Democratic Freedoms to Infringe upon the Interests of the State or the Lawful Rights and Interests of Organizations and Individuals (3-7 years of imprisonment).”

17 LuatVietnam, “Nghị Định 174/2026/NĐ-CP: Xử Phạt Vi Phạm Hành Chính Bưu Chính, Viễn Thông, Công Nghệ Thông Tin,” 2026, <https://luatvietnam.vn/vi-pham-hanh-chinh/nghi-dinh-174-2026-nd-cp-xu-phat-vi-pham-hanh-chinh-buu-chinh-vien-thong-cong-nghe-thong-tin-435225-d1.html>.

18 LuatVietnam, “Văn Bản Hợp Nhất 135/VBHN-VPQH 2025 Hợp Nhất Bộ Luật Hình Sự,” 2025, <https://luatvietnam.vn/tu-phap/van-ban-hop-nhat-135-vbhn-vpqh-nam-2025-do-van-phong-quoc-hoi-ban-hanh-hop-nhat-bo-luat-hinh-su-410901-d5.html>.

Except for Article 331 of the Penal Code, the above-mentioned provisions are typically framed as national security measures, which serves to justify them. Article 7 of the Law on Artificial Intelligence likewise prohibits the use of AI to “create or disseminate fabricated content that is capable of causing serious harm to national security, public order, or social safety.”

The conduct targeted by these provisions largely consists of criticism of the government that is protected under international law. Human rights organizations around the world have condemned these vague provisions as tools for persecuting dissenting voices, suppressing activist, and chilling expression throughout society.¹⁹ Because these laws cannot be challenged through independent judicial review or constitutional oversight, they are interpreted and applied arbitrarily in practice.

Individuals found in violation of these provisions often face severe administrative penalties or lengthy prison sentences, with little or no meaningful opportunity to challenge the charges against them. In cases brought under Article 117 of the Penal Code, which falls within the chapter on national security crimes, suspects are generally denied access to legal counsel throughout the investigation stage.

The investigation and trial of such cases are frequently marked by serious violations of criminal procedure, including the alleged use of torture, prolonged incommunicado detention, restrictions on family visits, and closed trials.²⁰ These proceedings, commonly referred to as political trials, often last only a few hours, and defendants are rarely given a genuine opportunity to present their arguments. Critics argue that judges, who are members of the VCP, do not exercise real independence and that verdicts are often predetermined, a practice known as *án bỏ túi* (“pocket verdicts”).

AI-related criminal cases have recently begun to emerge. The most notable examples are the cases of Lê Trung Khoa and Nguyễn Văn Đài,²¹ two prominent dissidents living in Germany. Despite their residence abroad, they were prosecuted by the Vietnamese

19 International Federation for Human Rights, “Briefing Paper for the 14th European Union-Vietnam Human Rights Dialogue,” 2026, <https://www.fidh.org/en/region/asia/vietnam/vietnam-briefing-paper-for-the-eu-vietnam-human-rights-dialogue>; Human Rights Watch, “Vietnam,” January 16, 2026, <https://www.hrw.org/world-report/2026/country-chapters/vietnam>; Amnesty International, “Human Rights in Viet Nam,” 2025, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/viet-nam/report-viet-nam>.

20 Human Rights Watch, “World Report 2025: Rights Trends in Vietnam,” December 17, 2024, <https://www.hrw.org/world-report/2025/country-chapters/vietnam>.

21 The Vietnamese Magazine, “Trial in Absentia Ends with 17-Year Prison Sentences for Lê Trung Khoa and Nguyễn Văn Đài,” January 5, 2026, <https://thevietnamese.org/2026/01/trial-in-absentia-ends-with-17-year-prison-sentences-for-le-trung-khoa-and-nguyen-van-dai>.

authorities under Article 117 for “making, storing, disseminating, or propagandizing information and materials aimed at opposing the State.” According to state media, citing the investigation conclusion and the indictment, Mr. Lê Trung Khoa was accused of “using AI and deepfake technology to impersonate the voices and images of Party and State leaders, splice videos, fabricate false content, and use sensational headlines to attract views,”²² while Mr. Nguyễn Văn Đài was accused of “using artificial intelligence to produce video clips containing images and content that distort and defame Party and State leaders.”²³ Both were sentenced in absentia to seventeen years in prison in December 2025.

These two prosecutions, along with other political cases in Vietnam, involved serious violations of criminal procedural safeguards.

22 Đ.H., “Lê Trung Khoa Sử Dụng AI Và Deepfake Để Giả Mạo Giọng Nói, Hình Ảnh Lãnh Đạo Đảng, Nhà Nước,” Báo điện tử Tiền Phong, December 21, 2025, <https://tienphong.vn/le-trung-khoa-su-dung-ai-va-deepfake-de-gia-mao-giong-noi-hinh-anh-lanh-dao-dang-nha-nuoc-post1806605.tpo>.

23 VOV.VN, December 21, 2025, <https://vov.vn/phap-luat/nguyen-van-dai-phat-tan-hon-3500-bai-viet-video-noi-dung-bia-dat-xuyen-tac-post1255546.vov>.

5. HATE SPEECH

The VCP places a strong emphasis on national unity and social cohesion and has incorporated these concepts into Vietnam’s legal framework as guiding principles. Thus, the 2025 Cybersecurity Law prohibits the use of AI to create, publish, or disseminate hate speech, including content that “sows division and hatred among ethnic groups, religions, and the peoples of different countries,” as well as content that “insults religions, engages in gender discrimination, or racial discrimination.”

The Penal Code also criminalizes acts deemed to undermine national unity under the offense of “sabotaging the policy of national solidarity.” Under this provision, conduct such as “inciting hatred, discrimination, division, or ethnic separatism, or infringing upon the right to equality among Vietnam’s ethnic communities” as well as “creating divisions between religious and non-religious people, among followers of different religions, or between religious believers and the people’s government or socio-political organizations” may be punishable by imprisonment ranging from six months to fifteen years.

Notably, the government has provided no further interpretation of these broadly worded provisions, nor has it established any clear standards, guidelines, or legal tests for determining what conduct falls within their scope. This ambiguity affords enforcement authorities broad discretion in interpreting and applying the law. In practice, however, the provisions are rarely invoked. When they are applied, they are often used against members of ethnic minority communities who advocate for religious freedom or greater autonomy from Kinh-majority rule. By contrast, these provisions are rarely enforced against individuals who engage in hate against ethnic or religious minorities.

6. DEFAMATION

Vietnamese law regulates defamation as a criminal, civil, or administrative matter, exposing speakers to criminal prosecution, civil remedies, or administrative sanctions.

The Cybersecurity Law (2025) prohibits the use of AI to create, publish, or disseminate defamatory speech. Article 7 bans, among other conduct, “fabricating, slandering, or disseminating false information that infringes upon the dignity, honor, or reputation of another person, or causes harm to the lawful rights and interests of agencies, organizations, or individuals.”

As with the political speech discussed above, defamatory speech can result in administrative sanctions or criminal prosecution. Acts deemed defamatory may be prosecuted under Articles 117 and 331 of the Penal Code. In addition, individuals may be charged with slander under Article 156, which carries a maximum prison sentence of seven years.

For their part, victims of defamation may bring civil claims under Article 34 of the Civil Code, seeking remedies such as a public apology, correction of false statements, and damages.

In practice, however, defamation is frequently treated as a criminal matter in Vietnam.²⁴ Civil defamation suits are rare, while the police often respond actively to defamation allegations—particularly when the alleged targets are government officials or large businesses—sometimes resulting in criminal prosecution and conviction. This reflects the authorities’ broader tendency to criminalize matters that might otherwise be resolved through civil law, a legal culture in which citizens commonly turn to the police to settle private disputes, and a general lack of public confidence in the civil court system.

Defamation targeting political topics is consistently treated as a criminal offense and prosecuted under Articles 117 and 331 of the Penal Code. In less serious cases and those

24 Dan Thanh, “Vingroup’s Civil Lawsuits Highlight Shifts in Việt Nam’s Legal Culture,” The Vietnamese Magazine, October 2, 2025, <https://thevietnamese.org/2025/10/vingroups-civil-lawsuits-highlight-shifts-in-viet-nams-legal-culture>.

involving non-political topics, individuals have more often faced administrative sanctions for creating false content using AI.

In April 2026, a woman identified as N.T.K. was administratively fined VND 7.5 million, (about US\$300), for creating and posting 415 YouTube videos about fictitious incidents in Lâm Đồng Province. Among them were videos titled “The Shocking Đà Lạt Case: Three Students Buried Alive on a Fateful Night,” “Bloody Đà Lạt: Wife Dismembers Her Husband with Two Friends,” “Sixty Bodies Hidden for VND 1.5 Billion,” and “Twenty-One Victims Missing in Đà Lạt: Human Finger Found in a Bowl of Beef Pho.” The penalty cited “providing and sharing fabricated information, false information, distorted information, slanderous information, and information that insults the reputation of agencies and organizations or the honor and dignity of individuals.”²⁵

In a January 2026 case, Hồ Chí Minh City Police summoned and warned two people for using AI to create a fabricated video claiming that actor Quyền Linh had been arrested. Police said the video “affected the reputation of organizations and insulted the honor and dignity of individuals, in violation of the law.”²⁶

In early August 2026, Vietnam Television—one of VCP’s largest mouthpieces—reported that since 2025, the police had identified, investigated, and taken action against thirty-two individuals who administered more than one hundred social media pages and channels that used AI to create fabricated information.²⁷ One of the cases cited involved the owner of the YouTube channel *Tuyển Vlog*, who was accused of using AI to create a video titled “While Out Having Fun, I Was Chased by the Traffic Police.” According to the report, he was summoned for questioning and admitted using AI to fabricate content intended to attack the police.

Administrative sanctions imposed by Vietnamese police frequently involve serious due process violations, including torture, coerced confessions, and unlawful access to phones and computers, all without independent oversight. Those sanctioned rarely appeal in court, given the judiciary’s lack of independence.

25 VnExpress, “Dùng AI Bịa Đặt Nhiều Vụ Án Rùng Rợn Ở Đà Lạt,” April 2, 2026, <https://vnexpress.net/dung-ai-bia-dat-nhieu-vu-an-rung-ron-o-da-lat-5057656.html>.

26 Trần Duy Khánh and Ngọc Lê, “Công An TP.HCM Xử Lý 2 Người Tạo Video AI Sai Sự Thật Về MC Quyền Linh,” Báo Thanh Niên, January 8, 2026, <https://thanhnien.vn/cong-an-tphcm-xu-ly-2-nguoi-tao-video-ai-sai-su-that-ve-mc-quyen-linh-185260108163614851.htm>.

27 Ban Thời Sự, “Xử Lý Nghiêm Hàng Trăm Tài Khoản Sử Dụng AI Tạo Dựng Tin Giả,” VTV, August 4, 2026, <https://vtv.vn/xu-ly-nghiem-hang-tram-tai-khoan-su-dung-ai-tao-dung-tin-gia-100260804142853385.htm>.

7. PROTECTION OF MINORS

Vietnam's principal legislation on protecting minors comprises the 2025 Cybersecurity Law, the 2016 Law on Children, and their implementing regulations.²⁸

Article 16 of the 2025 Cybersecurity Law, on the “prevention and combat of harm to children in cyberspace,” recognizes that children have “the right to access information, participate in social activities, engage in recreation and entertainment, have their personal secrets and private lives protected, and enjoy other rights in cyberspace.” Yet the law places primary responsibility for protecting children on parents or legal guardians and on technology companies.

Accordingly, when children use value-added services in cyberspace, “parents or legal guardians, as prescribed by civil law, must register accounts using their own information and are responsible for supervising and managing the content that children access, post, and share on those service platforms.” Technology companies must likewise monitor content and prevent, block, and remove material deemed harmful to children.

The 2016 Law on Children also prohibits “discrimination against children on the basis of their personal characteristics, family circumstances, gender, ethnicity, nationality, beliefs, or religion” as well as the provision of “[i]nternet services and other services ... that adversely affect the healthy development of children.” As with the Cybersecurity Law, the Law on Children places primary responsibility for protecting children online on parents, teachers, and caregivers.

Vietnam has adopted almost no provisions specifically addressing the protection of children in the age of artificial intelligence. The only such provision identified to date is Article 7 of the Law on Artificial Intelligence (2025), which prohibits the “exploitation of vulnerabilities of vulnerable groups, including children ... in a manner that causes harm to themselves or others.” Beyond this general prohibition, a more specific regulatory framework for protecting children from AI-related risks has yet to be established.

28 National Assembly of Vietnam, “Law on Children,” Law No. 102/2016/QH13 (2016), https://www.economica.vn/Content/files/LAW%20%26%20REG/102_2016_QH13%20Law%20on%20Children.pdf.

8. EXPLICIT CONTENT

In Vietnamese law, explicit content generally falls under the concept of “depraved cultural products,” defined as “the depiction, through actions, images, or sounds, of a depraved and morally corrupt lifestyle characterized by vulgar indulgence and base forms of entertainment, to the extent that it seriously violates moral standards and runs contrary to the nation’s customs and cultural traditions.”²⁹ Disseminating such content is prohibited under both administrative and criminal law.

Vietnam has not yet adopted specific regulations governing AI-generated explicit content. However, as with other categories of expression, explicit material—whether generated by AI or not—remains subject to the existing legal framework.

Article 7 of the 2025 Cybersecurity Law prohibits the “propagation of obscene and depraved cultural products; incitement, promotion, or glorification of violence, debauched or deviant lifestyles; and acts that undermine the nation’s fine customs and traditions, social morality, or public health.” Article 13(4)(d) of the same law further classifies the dissemination of depraved cultural products in cyberspace as infringing upon public order and social safety.

Article 326 of the Penal Code punishes the dissemination of depraved cultural products, including online, with up to fifteen years’ imprisonment.

Vietnamese administrative law also imposes severe penalties for creating and disseminating explicit content. Decree No. 174/2026/ND-CP authorizes the suspension of both national (.vn) and international domain names (Article 5), and fines of up to VND 70 million, approximately US\$2,500 (Articles 91, 93, and 94).³⁰

To date, no publicly available information records any criminal case or administrative sanction involving AI-generated explicit content.

29 LuatVietnam, “Truyền Bá Văn Hóa Phẩm Đồi Trụy Là Gì? Mức Phạt Mới Nhất 2026,” July 2, 2022, <https://luatvietnam.vn/linh-vuc-khac/toi-truyen-ba-van-hoa-pham-doi-truy-883-90425-article.html>.

30 LuatVietnam, “Nghị Định 174/2026/NĐ-CP: Xử Phạt Vi Phạm Hành Chính Bưu Chính, Viễn Thông, Công Nghệ Thông Tin,” 2026, <https://luatvietnam.vn/vi-pham-hanh-chinh/nghi-dinh-174-2026-nd-cp-xu-phat-vi-pham-hanh-chinh-buu-chinh-vien-thong-cong-nghe-thong-tin-435225-d1.html>.

9. COPYRIGHT

In contrast to its treatment of explicit content, Vietnamese law is relatively clear in protecting intellectual property rights in the age of artificial intelligence.

Article 7 of the Law on Artificial Intelligence (2025) prohibits “collecting, processing, or using data to develop, train, test, or operate artificial intelligence systems in violation of laws on data, personal data protection, intellectual property, and cybersecurity.” Other provisions on databases used for AI, including Articles 17 and 20 also require the protection of intellectual property rights.

The 2025 amendments to the Law on Intellectual Property also introduced an AI-related provision.³¹ Article 1 of the amended law states: “Organizations and individuals may use texts and data concerning intellectual property-protected subject matter that have been lawfully published and made accessible to the public for the purposes of scientific research, testing, and training artificial intelligence systems, provided that such use does not unreasonably prejudice the lawful rights and interests of authors and intellectual property rights holders under this Law.”³²

To date, no known case has resulted in sanctions for infringing intellectual property rights through the use of AI, although author’s observations suggest that such violations are widespread. A common form of infringement involves using copyrighted images and videos to generate new material, often with fabricated content. Such conduct overlaps with the cases and incidents discussed in section 6 on defamation.

31 Baker McKenzie, “Vietnam’s Newly Amended IP Law Takes Effect,” Insight, 2026, <https://www.bakermckenzie.com/en/insight/publications/2026/03/vietnams-newly-amended-ip-law-takes-effect>.

32 LuậtVietnam, “Luật Sở Hữu Trí Tuệ Sửa Đổi 2025, Số 131/2025/QH15,” 2025, <https://luatvietnam.vn/so-huu-tri-tue/luat-so-huu-tri-tue-sua-doi-2025-so-131-2025-qb15-423358-d1.html>.

10. AI-POWERED SURVEILLANCE

AI is increasingly becoming a policy focus in the monitoring of citizens, encompassing both overt surveillance activities, such as traffic surveillance camera systems, and the integration of AI into citizens' personal data systems.

The Ministry of Public Security has developed the VNeID application into a super app. It holds more citizen data than any other platform and has become central to daily life. Under Prime Ministerial Decision No. 940/QĐ-TTg of May 26, 2026, VNeID will be integrated with AI and connected to five categories of data:³³

- Citizens' digital data;
- Electronic identification and authentication data;
- Online public services and administrative procedures used by citizens;
- E-wallets, payment channels, and information on social welfare payments;
- Data on communications between citizens and the government, between citizens and businesses, and among citizens themselves.

VNeID has been in use since 2021 and, as of December 2025, had 67 million users out of a total population of 101 million.³⁴ It now integrates personal data, including identity and health records, addresses, bank accounts, land and housing documents, and metro tickets.³⁵ Decision No. 940 reaffirms the government's intent to control citizens' financial transactions and communications, and establishes a timeline for connecting this volume of personal data to AI:

33 Thông Tin, "Quyết Định Số 940/QĐ-TTg Của Thủ Tướng Chính Phủ: Phê Duyệt Đề Án 'Phát Triển Ứng Dụng Định Danh Quốc Gia VNeID Giai Đoạn 2026 - 2030, Tầm Nhìn Đến Năm 2045,'" Chínhphu.vn, 2026, <https://vanban.chinhphu.vn/?pageid=27160&docid=218266>.

34 Trường Tô, Luật Khoa Tạp Chí, December 22, 2025, <https://luatkhoa.net/2025/12/vneid-hien-co-67-trieu-tai-khoan-tren-dan-so-101-trieu-nguoi>.

35 Lê Giang, Luật Khoa Tạp Chí, February 5, 2026, <https://luatkhoa.net/2026/02/sieu-ung-dung-vneid-them-tinh-nang-dinh-danh-tre-em-tich-hop-so-do-ve-metro>; Hoàng Nam, Luật Khoa Tạp Chí, January 7, 2026, <https://luatkhoa.net/2026/01/sieu-ung-dung-vneid-so-suc-khoe-dien-tu-duoc-thay-the-so-giay>.

ARTIFICIAL INTELLIGENCE AND FREEDOM OF EXPRESSION IN VIETNAM

- By 2028, AI integration will begin, with the aim of improving efficiency and user experience.
- By 2030, 70 percent of all services and utilities will be integrated with AI to personalize and enhance user experience.
- By 2045, 100 percent of services and utilities will be integrated with AI.

Citizens' personal data held in government databases—and connected to VNeID—is centralized, and Vietnam has no independent mechanism to oversee how the government collects and uses it. Many data leaks have been neither investigated nor disclosed the people affected.

Little is publicly known about how the government uses AI to monitor citizens. What is known concerns the use of AI by some local authorities to manage traffic and penalize violations.³⁶ In addition, commune-level police across Vietnam can connect to household CCTV cameras under Prime Ministerial Decision No. 502/QĐ-TTg.³⁷ Although presented as voluntary, this arrangement ignores the unequal bargaining position of citizens and the state. When the government—especially the police—“requests” something, few people feel able to refuse, and those who do may face consequences in future dealings with the authorities.

Several recent developments—it is unclear whether AI played any role—have raised public concern that the authorities are misusing citizens' data to intimidate them over their speech. In April 2026, several local police agencies used their Facebook pages to post the identifying details of individuals who had criticized them, along with threats to find and punish them.³⁸ What has alarmed the public was the speed with which commune-level police could look up the personal data of strangers. AI may have assisted those searches. Even without it, the episode showed how rapidly police can retrieve such information; with AI, could become faster and more extensive.

36 Minh Ngân, “Đẩy Mạnh Ứng Dụng AI, Nâng Cao Hiệu Quả Xử Lý Vi Phạm (Phạt Nguội) Tự Động, Tăng Tính Minh Bạch, Tạo Môi Trường Giao Thông An Toàn, Văn Minh,” Bộ Công An, 2024, <https://bocongan.gov.vn/chinh-sach-phap-luat/bai-viet/day-manh-ung-dung-ai-chuan-hoa-du-lieu-giao-thong-thong-minh-bao-dam-an-ninh-trat-tu-va-an-toan-giao-thong-1779179738>.

37 Hải Nam, “Bộ Công An Nói Về Việc Chia Sẻ Camera Của Cá Nhân, Tổ Chức Cho Công An Xã,” Báo Điện Tử Dân Trí, June 2026, <https://dantri.com.vn/phap-luat/bo-cong-an-noi-ve-viec-chia-se-camera-cua-ca-nhan-to-chuc-cho-cong-an-xa-20260601112258182.htm>.

38 Lê Sáng, Luật Khoa Tạp Chí, April 16, 2026, <https://luatkhoa.net/2026/04/trang-facebook-cua-cong-an-phuong-o-cho-dua-va-ba-ngoi-cong-khai-thong-tin-ca-nhan-va-doa-xu-phat-nguoi-binh-luan>.

11. MEASURES EMPOWERING FREEDOM OF EXPRESSION

Vietnamese law contains few provisions addressing the use of AI to promote freedom of expression. The Law on Artificial Intelligence (2025) provides only general language, and no more specific policies or regulations have followed.

Article 5 states: “Implement policies to ensure rights, and facilitate access, learning and benefits from AI for organizations and individuals; encourage the development and application of AI to serve social welfare, support people with disabilities, the poor and ethnic minorities to narrow the digital divide; preserve, promote and maintain the national cultural identity.”

As a matter of general policy, Vietnam appears to place considerable emphasis on protecting vulnerable groups, ethnic minorities, and minority languages. Several other provisions of the Law on Artificial Intelligence provide that the government will invest in and prioritize the development of AI technologies aimed at this objective.

Article 16 states that “the State shall invest, develop and operate AI infrastructure for provision of public services, support for research, development, state management and startup including shared computing capacity and data; platforms for training, testing and sandbox; platform models, multipurpose AI models, large language models in Vietnamese and ethnic minority languages; other infrastructure components.”

Article 18 provides: “The State shall prioritize the development and mastery of core AI technologies; prioritize resources for researching and developing multipurpose AI models, large language models in Vietnamese and ethnic minority languages, Vietnamese knowledge processing technologies, high-performance computing and training technologies, hardware, and semiconductors to serve AI; promote the development and application of open-source software to enhance technological autonomy, national safety and sovereignty in the digital environment.”

Minority languages appear again in Article 25, within the framework for supporting startups

ARTIFICIAL INTELLIGENCE AND FREEDOM OF EXPRESSION IN VIETNAM

and small and medium-sized enterprises: “Startups, small and medium enterprises, scientific and technological organizations, and research groups having feasible innovation projects shall apply for support tickets to use computing infrastructure, shared data, large language models in Vietnamese and ethnic minority languages, training platforms, testing environments, and technical consulting services for research, development and deployment of AI.”

These provisions are largely limited to policy declarations, a pattern common to Vietnamese laws. Lacking detailed implementing rules and resources, they remain only effective on paper. Fundamentally, Vietnam’s one-party political system, dominated by the ethnic Kinh majority, has little incentive to encourage diversity of opinion and expression.

12. CONCLUSION

Vietnam's AI legislation remains in its early stages, but the government's approach is already clear.

On the one hand, the government wants to build AI capacity for national governance and economic growth. The Law on Artificial Intelligence therefore focuses almost entirely on developing technological infrastructure support for AI enterprises, and the application of AI in government administration. The government has also acknowledged, at least in theory, unequal access to AI, particularly for ethnic minorities and minority-language communities.

On the other hand, the government appears to understand AI's capacity to generate content that may challenge both the existing social order and its own authority. It has therefore designed AI regulation around a logic of risk and control, folding it into the existing framework that governs expression. AI-generated expression consequently faces the same stringent controls as any other form of expression in Vietnam.

Regardless of whether content is AI-generated, users risk administrative sanctions and imprisonment, particularly for criticism of the regime or its officials. As a one-party authoritarian state, Vietnam applies the law arbitrarily to maintain power rather than respecting human rights.

At the same time, Vietnam's AI legislation also contains principles and provisions that are compatible with international law on freedom of expression, especially in the areas of child protection and intellectual property. These principles are recognized only on paper, however, and the government has far less incentive to enforce them than to suppress speech critical of the authorities.



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