



# BEING LGBT IN ASIA: VIET NAM COUNTRY REPORT

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A Participatory Review and Analysis of  
the Legal and Social Environment for  
Lesbian, Gay, Bisexual and Transgender (LGBT)  
Persons and Civil Society



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United Nations Development Programme

UNDP Asia-Pacific Regional Centre

United Nations Service Building, 3rd Floor

Rajdamnern Nok Avenue, Bangkok 10200, Thailand

Email: [aprc.th@undp.org](mailto:aprc.th@undp.org)

Tel: +66 (0)2 304-9100

Fax: +66 (0)2 280-2700

Web: <http://asia-pacific.undp.org/>

Design: Safir Soeparana/Ian Mungall/UNDP.

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# ACKNOWLEDGEMENTS

This report documents the presentations and discussions from the Viet Nam National LGBT Community Dialogue held in Ha Noi and Ho Chi Minh City in June 2013. Additional information was gained from interviews with Dialogue participants and a desk review of published literature. Please note that due to constant changes in LGBT community advocacy and politics, there may be recent developments that have not have been included in this report at the time of publication.

The organizers would like to gratefully acknowledge all the participants for their participation during the Dialogue and for providing valuable input for the report.

This report was written by Dinh Hong Hanh and Tran Khac Tung, with the assistance of Lieu Anh Vu and Vy Lam.

All photos in this report are of participants of the Dialogue and were provided by ICS and Luong The Huy.

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The Viet Nam National LGBT Community Dialogue and national report was supported by UNDP and USAID through the regional 'Being LGBT in Asia' initiative. Covering eight countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – this joint learning initiative aims to understand the legal, political and social challenges faced by LGBT people, relevant laws and policies, and their access to justice and health services. The initiative will also review the needs of LGBT organizations, the space they operate in, their capacity to engage on human rights and policy dialogues, and the role of new technologies in supporting LGBT advocacy.



# ACRONYMS

AAU	All About Us
CARE	CARE International (Cooperative for American Remittances to Europe)
CCIHP	Center for Creative Initiatives in Health and Population
CSAGA	Center for Study and Applied Sciences in Gender, Family, Women, and Adolescents
CSO	Civil society organization
FLF	Females who love females
ICS	Information Connecting and Sharing
IDAHO	International Day Against Homophobia
iSEE	Institute for Studies of Society, Economy and Environment
LGBT	Lesbian, gay, bisexual, and transgender
MSM	Men who have sex with men
NGO	Non-government organization
PFLAG	Parents, Families, and Friends of Lesbians and Gays
RFSU	Riksförbundet För Sexuell Upplysning
SIDA	Swedish International Development Agency
SOGI	Sexual orientation and gender identity
STI	Sexually transmitted infection
UN	United Nations
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
USAID	United States Agency for International Development
WHO	World Health Organization

# EXECUTIVE SUMMARY

## BEING LGBT IN ASIA: VIET NAM COMMUNITY DIALOGUE

This report reviews the legal and social environment faced by lesbian, gay, bisexual and transgender (LGBT) people in Viet Nam. It is a product of the Viet Nam National LGBT Community Dialogue held in June 2013. The Dialogue brought together Viet Nam's LGBT communities, alongside associated research and advocacy organizations, to discuss the legal, social, cultural, political and work environments faced by Viet Nam's LGBT communities. The Viet Nam National LGBT Community Dialogue comprised two events: the National Conference of the Vietnamese LGBT Community, held in Ho Chi Minh City with about 30 participants, a closed meeting with only LGBT community members; and the National LGBT Community Dialogue, held in Ha Noi with about 40 participants that included CSO representatives, media and multilateral agencies. The Dialogue was organized by the United Nations Development Programme (UNDP) in partnership with the United States Agency for International Development (USAID).



This country report is the product of a broader initiative entitled 'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for LGBT Persons and Civil Society' Launched on Human Rights Day, 10 December 2012, 'Being LGBT in Asia' is a first-of-its-kind Asia-wide learning effort undertaken with Asian grassroots LGBT organizations and community leaders alongside UNDP and USAID. With a focus on eight priority countries – Cambodia, China, Indonesia, Mongolia, Nepal, Philippines, Thailand and Viet Nam – the effort examines LGBT lived experience from a development and rights perspective.

'Being LGBT in Asia' has a number of objectives. It encourages networking between LGBT people across the region, building a knowledge baseline and developing an understanding of the capacity of LGBT organizations to engage in policy dialogue and community mobilization. Through this work, 'Being LGBT in Asia' promotes a regional understanding of both the inherent human rights of LGBT people and the stigma and discrimination that they face. It also outlines steps toward LGBT-inclusive development work for UNDP and the UN system; USAID

and the U.S. Government; and other development partners through research like this report and other social and multimedia products. Finally, this initiative highlights the views generated by LGBT participants at community dialogues, linking stakeholders who are working to enhance LGBT human rights across Asia.

## FINDINGS

This report provides an overview of LGBT rights in Viet Nam as related specifically to employment; education; health care; family affairs; the media; policies, rights and laws; and community. The report provides an overview of LGBT history in Viet Nam, reviews recent developments and includes key strategies for improving the rights of LGBT people through policy advocacy, support services, media representation and research. The report also explores organizational development and capacity-building as it relates to the LGBT community and other key stakeholders in the area of LGBT rights.

The year 2012 marked a turning point for the LGBT community in Viet Nam with media exposure, prominent and positive events, and support from the public and government. A remarkable amount of activism and community organizing took place in this period. However, negative laws or a lack of laws contribute to stigma and discrimination in a broad range of areas from sexual behaviour to same-sex marriage and recognition of sex changes.

In the sphere of employment, the Community Dialogue found that stigma and discrimination are common at the workplace. While some working environments are friendlier to LGBT people, there are a lack of positive role models and images of individuals who are open about their sexual or gender identity (SOGI) at work, a reflection of a hostile and unfriendly environment. More research is needed. Dialogue participants further reported a lack of activism to change discriminatory employment practices.

The testimony of LGBT people on their experiences in educational environments portrays a harsh environment. Surveys report high levels of physical violence, sexual harassment and verbal abuse. The result is that LGBT people do not feel safe. They experience violence, drop out of school and have suicidal thoughts. There is a lack of relevant educational material and resources on LGBT issues, and social and counselling services. Civil-society organizations (CSOs) are addressing this with training, events and information-sharing.

A lack of LGBT-friendly health care facilities and services in Viet Nam is coupled with discriminatory attitudes and practices by the medical establishment towards transgender people and men who have sex with men (MSM). Transgender people often cannot access gender-confirmation surgery<sup>1</sup>, hormones or relevant counselling or information in Viet Nam due to the cost and other barriers. In the big cities, there are now support services targeting MSM with relevant training and information-sharing, yet training and awareness-raising for medical staff are still needed.

Progress has been made, changing the attitudes of families towards their LGBT family members. This has been particularly through the success and spread of the group Parents, Families and Friends of Lesbians and Gays (PFLAG), as well as the work of other CSOs. However, outside Ha Noi and Ho Chi Minh City these support groups are few or non-existent. Traditional perceptions of sex, sexuality and family in Viet Nam make families generally hostile to LGBT individuals. There are no support hotlines and a lack of information. Many LGBT people get married to members of the opposite sex/gender as a result of social or family pressure.

For a long period, the media was extremely hostile towards LGBT people and their issues. Coverage was sensational and filled with inaccurate information. This was a major reason for social disapproval in Viet Nam of

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<sup>1</sup> Also known as “sex-reassignment surgery” or “sex change operation”, the word “confirmation” respects the will of the individual to have their gender changed to that which they feel is their true gender/biological sex.



SOGI issues. While discrimination persists and there is a continued need for media training, the media's perception of the LGBT community has improved over the last few years and LGBT and LGBT-supportive groups are using community media channels to provide alternate voices, and connect with each other. They are also leveraging international media sources and the Internet to change LGBT coverage across the media landscape. Books about LGBT people written by LGBT people themselves have been published.

The political and legal environment for LGBT people in Viet Nam is challenging and changing. While same-sex marriage remains illegal in Viet Nam, it is an issue of public discussion and interest with major advances made in 2013: the decriminalization of same-sex wedding ceremonies and the right for same-sex couples to live together. LGBT community members and media find it challenging to engage with legal issues, finding it easier to tackle social issues and work through information-sharing campaigns. There is nascent work among LGBT civil society in Viet Nam to raise awareness of legal and rights issues, and open dialogue between the LGBT community and lawmakers. More discussion, forums, analysis and legal services are needed. At the same time, many studies have been carried out in recent years that have allowed a closer and more accurate examination of the issues that LGBT people face. The results of these studies have been communicated to the media, the general public, and also to policymakers and government to advocate for legal and policy reforms that will improve the life of LGBT people.

Despite challenges, the LGBT community in Viet Nam has grown stronger over the years. A number of CSOs have emerged to advocate for the rights of LGBT people in the country. The Community Dialogue found a need for more collaboration and cooperation among members of the LGBT community members and for a greater awareness of human rights violations. Still, community and online groups are forming and promoting networks that are connecting lesbians, gay men and transgender people. It was also found that charity events are useful for both community mobilization and improving the image of the LGBT community as a whole.

## RECOMMENDATIONS

### *Recommendations to Viet Nam's LGBT Community*

- Build stronger connections internally through participating in groups, websites, forums and other activities while utilizing the support of financial and human resources from donors and other stakeholders.
- Continuously work towards building a cohesive LGBT agenda throughout Viet Nam.
- Expand LGBT-associated activities to the provinces, especially the presence of PFLAG.
- Have regular meetings with policymakers and the government to raise concerns, advocate for positive change, amend LGBT-associated laws, advocate for relevant laws to be implemented, and ensure that the LGBT reform process is grassroots-driven.
- Take advantage of relevant events to learn more about LGBT rights. Empower yourselves and those around you.
- Actively seek opportunities to enhance capacity, knowledge, and leadership skills.

### *Recommendations for Civil Society Organizations*

- Liaise with UN agencies and other development partners to reach policymakers and the government and provide them correct and updated knowledge of LGBT issues and advocate for positive changes in policy.
- Leverage their strong technical backgrounds to provide support to community members and self-help groups on financial and human resources management so that community members can organize pilot models of vocational programmes for LGBT people, especially for transgender people and those living in the countryside.

- Cooperate with UN agencies and other donors and partners and use their experience working on LGBT issues to identify and document cases of discrimination based on sexual orientation and gender identity, and to use such studies to positively influence the view of society on SOGI-based discrimination.

### ***Recommendations for the Government***

- Allow for registration of organizations representing LGBT people and advocating for LGBT rights in Viet Nam.
- Ensure the rights of LGBT people through the amendment of major laws and legal documents, including but not limited to the Constitution, the Civil Code, the Law on Marriage and Family, the Labor Code, and the Residence Code.
- Prohibit and punish discrimination and violence based on sexual orientation and gender identity.
- Actively seek out the voices of LGBT people who are being marginalized, study cases where their rights are being limited as the result of laws, and initiate necessary amendments to such laws.

### ***Recommendations for Sponsors and Donors working on LGBT issues***

- Focus on training to improve the knowledge and skills of the LGBT community and other activist groups.
- Cooperate with CSOs such as Information Connecting and Sharing (ICS), V Smile, the Institute for Studies of Society, Economy and Environment (iSEE) and the Centre for Creative Initiatives in Health and Population (CCIHP) to organize workshops. The aim of the workshops would be for community members to learn to protect and advocate for their own rights through training on issues such as self-empowerment, personal values, and self-enlightenment, as well as the broad areas discussed at the Community Dialogue such as health and education.
- Continue to organize events to promote LGBT pride and develop LGBT involvement with society, while creating a good impression with other ancillary groups. These activities should be conducted with the media, supporters and other rights activists.

### ***Recommendations for United Nations Agencies***

- Study discrimination against LGBT individuals and communities, including discrimination in Viet Nam and models of anti-discrimination laws from other countries and their application, based on the individual strengths of each agency.
- Influence Vietnamese lawmakers to promote the rights of LGBT people from their advantageous position based upon their strong international experience and expertise and financial and human resources.
- Share experience working on LGBT issues among UN agencies, and assign responsibility for LGBT issues among agencies to suit their specializations such as education, health care and employment.



# INTRODUCTION



## BEING LGBT IN ASIA

'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for LGBT Persons and Civil Society', a collaboration between UNDP and USAID's regional office in Bangkok, seeks to understand, map and analyse the situation of LGBT rights in communities and countries by producing an analysis and review of the situation of the LGBT community and their human rights in specific countries in Asia. The initiative comes in the midst of human rights challenges faced by LGBT people worldwide combined with increasing international engagement as exemplified by the UN Secretary-General, US President and US Secretary of State expressing concerns.



By developing important new knowledge and connections, 'Being LGBT in Asia' seeks to improve the networking of LGBT organizations in East and Southeast Asia and to inform policy and programming in the development context through a participatory process that emphasizes innovative approaches, including the use of video, the Internet, and social media. The initiative aims to achieve two-way learning, establish a baseline vis-à-vis legal and human rights issues, and empower LGBT participants. It will also help to create multimedia and social media tools and resources, engage youth leaders to support LGBT civil society, and improve the capacity of the U.S. Government and the UN family to work with LGBT civil society organizations across Asia.

An important objective of 'Being LGBT in Asia' is bringing together emerging communities of practice among individuals and organizations working on LGBT issues throughout the region, and in the eight focus countries in particular, including development partners, governments, LGBT civil society organizations, and faith-based organizations. By investing in and developing a network of creative interactions among agencies and grassroots development partners, stakeholders will be better positioned in the future to realize LGBT-inclusive development approaches and programming. In each country, a 'National Community Dialogue' is the first key activity of the project.



# OVERVIEW OF LGBT HISTORY IN VIET NAM



Like in other countries around the world, homosexual behaviour and transgender identities have been noted in Viet Nam's history. Until modernity, Vietnamese society did not show particular prejudice to or make distinctions between people of diverse sexual orientations and gender identity and the rest of society. With modernity, a model of gender and sexual relationships was institutionalized, one that prescribed who people should be and who they should love, at the same time marginalizing those who did not belong to that model. Homosexual and transgender people suddenly found themselves outcasts of modern society, facing stigma and discrimination from the rest. Only in the last few years have there been major and positive changes toward recognizing LGBT lives and the human rights challenges they face.

In order to better grasp an understanding of the stigma and discrimination against the LGBT community in Viet Nam, it is important to understand that Vietnamese culture does not conceptualize sexual orientation and

gender identity in the same way as Western cultures. As a patriarchal and patrilineal society, non-normative sexual orientation and gender identity are traditionally viewed and discussed as male homosexuality. Male-to-female transgender identity and transvestism are viewed as extreme and visible forms of homosexuality. Lesbians and female homosexuality, if discussed at all, are typically not consequential or contentious as long as the woman conforms to the social norm of finding a husband, having children and raising a family. Given these cultural biases, the words “đồng tính” (literally “same-sex” or homosexuals) is officially and commonly used to represent the LGBT community. This is similar to how the word “gays” can be used to refer to LGBT people as a whole in the United States. In this report, we will use the words homosexuals and homosexuality where applicable to reflect a direct translation of Vietnamese law and literature.

## THE FOURTEENTH TO THE NINETEENTH CENTURY

Some Vietnamese artifacts from prehistoric times suggest that sexuality was viewed as wholesome and in harmony with nature. Local festivals encouraged sexual exploration and activity (even homosexuality in youth) to promote fertility and prosperity. Sexual relations did not start to become taboo until the arrival of Buddhism and Confucianism. Even then, an austere view of sexuality and female morality only predominated in official and elite society.<sup>2</sup>

The practice of cross-dressing, or taking on the role of the opposite sex was common in Vietnamese culture. Men dressing and behaving as women was more taboo and noticeable and thus recorded. In the countryside, men who dressed as women were usually known as witch doctors<sup>3</sup> and called “bóng cái” in the south and “đồng cô” in the north. Due to their ambiguous sexuality, they were said to have the power to communicate with spiritual forces. Cross-dressing children was viewed as a means to confuse and protect children who were weak and fragile from evil spirits. However, this practice was independent of the children’s sexuality or gender identity.

The first record of a transgender person in Viet Nam dated back to the 14<sup>th</sup> century, in the Complete Annals of the Great Viet (Dai Viet Su Ky Toan Thu), which mentioned a woman becoming a man in Nghe An, and the case of An Vuong Tuan, a member of the royal family, who was intelligent, knowledgeable, and strong, but stubborn and fond of wearing woman’s attire.<sup>4</sup> The first evidence of homosexual relationships in Viet Nam dated back to the 16<sup>th</sup> century, during the Mac Dynasty, in a legal code called Hong Duc Thien Chinh Thu, which is named after a king of the preceding Le Dynasty.<sup>5</sup> Hong Duc Thien Chinh Thu (Hong Duc Main Book of Morality) was a compilation of all laws issued during the reign of King Le Thanh Tong, whose title was Hong Duc. In 1476, there was a case about two women – one of whom was married and pregnant, the other who was single – living together. These two women were said to have sexual intercourse, which resulted in the other woman’s pregnancy. The unmarried woman was accused of adultery with a man, which was a crime, but the mandarin ruled that the pregnancy may have been caused by the transference of the husband’s seed when the two women had intercourse. She was thus ruled innocent in the end. Notably, the case did not criticize the homosexual relationship of the two women, nor consider it a social evil.

Although homosexuality or non-normative gender identities may have been portrayed as unnatural or sinister, they were never criminalized. Literature indicates that King Khai Dinh<sup>6</sup> (1885–1933) was well known for being

2 Khuat, Hong T. (1997). ‘Study on Sexuality in Viet Nam: The Known and Unknown Issues’, Institute of Sociology and Population Council in Ha Noi.

3 Heiman, Elliot M. and Cao, Le V. (1975). ‘Transsexualism in VIET NAM’, Archives of Sexual Behavior, vol. 4, no. 1.

4 Pham, Phuong Q.; Le, Binh Q. and Mai, Tu T. (2012). ‘Aspiration to be myself: Transgender people in VIET NAM: realities and legal aspects’; ISEE.

5 Le, Dung T. (2013). ‘Le Thanh Tong rules the case of a lesbian couple having a baby’. Available from <http://www.nguoiduatin.vn/le-thanh-tong-xu-an-quan-he-dong-tinh-nu-sinh-con-a77573.html> (accessed 27 April 2013).

6 Available from [http://www.lichsuVIETNAM.vn/home.php?option=com\\_content&task=view&id=1676&Itemid=34](http://www.lichsuVIETNAM.vn/home.php?option=com_content&task=view&id=1676&Itemid=34) (accessed 14 Mar 2014).

sexually attracted to men despite having twelve wives. He was frequently described as infertile because he did not show affection towards women. Prince Vinh Thuy, his only son and also his successor to the throne, was said to be adopted. Khai Dinh was also often criticized for his taste in clothing, as he loved covering himself in jewellery and dressing up like a woman.

The very first discussion of homosexual practice, transgender expression and cross-dressing as a sin came from Western literature, by French colonialists who wrote about the indigenous culture in the late 19<sup>th</sup> century. During the French colonial era, homosexual practice in Cochin-China (modern-day southern Viet Nam) was described by the colonialists as inherited from the Chinese culture.<sup>7</sup> Back then women were not allowed to be stage actors and female roles were played by young boys. When going to a Chinese theater in the southern colony of Cochin-China, Jacobus X observed that:

“[t]o such perfection do they imitate the manners, the walk, and the voice of a Chinese woman, that it is difficult to tell them from women. They even go further, and play the part of women in other ways . . . I cannot, however, pass over in silence, one eccentric form of the ludus amoris. The Chinese actors who play the women’s parts, come in their costumes [to the brothel], and assume the character of a modest virgin, afraid of losing her virginity, a refinement of vice which is much appreciated. In the presence of a number of old men, not very particular, the scenes of the first night of wedded life are represented without any shame.”<sup>8</sup>

Ironically, the Vietnamese always considered the practice as imported from Western civilization. It was considered common for European men to engage in sexual activity with young Vietnamese and Chinese boys who were aged from fifteen to twenty-five years old. They were called the derogatory term “pédé”, as in “pédéraste”, a French word describing men who practiced anal intercourse with a boy.<sup>9</sup> The word since then has been widely used in Vietnamese society for people with any sexual orientation and gender identity that deviates from social norms. Homosexual practice also existed in the northern colony of Tonkin, although it was less documented.

## TWENTIETH CENTURY

Urban centres grew as part of the modernization of Viet Nam in the 20<sup>th</sup> century, giving LGBT people places to gather. Communities of sexual and gender minorities became more socially visible.

During the Viet Nam War (1945–1975), homosexual activity was disapproved of and condemned in the South, although “Vietnamese homosexuals meet openly and regularly in a luxury restaurant in downtown Saigon.”<sup>10</sup> There were generally more establishments for gays than for lesbians and one even had a transvestite singer. Marnais (1967) described lesbian relationships and marriages as common and tolerated by society.<sup>11</sup> In such relationships, gender roles were not defined by masculinity or femininity, but rather, by seniority (reflective of Vietnamese culture’s general respect and deference to age-based hierarchy).

Following the Revolution, the socialist reconstruction movement emphasized equal rights for men and women, but suppressed sexuality by promoting revolutionary heroism and the sacrifice of private sentiment for the collective good.<sup>12</sup> Pre-marital relations and extramarital affairs were considered illicit and immoral. Sex education was non-existent and female sexual activity was tightly monitored and controlled to protect family values

7 X, Jacobus; Carrington, Charles; (1900). *Untrodden fields of anthropology: observations on the esoteric manners and customs of semi-civilized peoples*, (New York, American Anthropological Society, 1900). Available from <http://archive.org/details/untroddenfieldso00xjac> (accessed 14 March, 2014).

8 Ibid.

9 Merriam-Webster Dictionary

10 Heiman, Elliot M. and Cao, Le V. (1975). ‘Transsexualism in VIET NAM’, *Archives of Sexual Behavior*, vol. 4, no. 1.

11 Pastoetter, Jakob; ‘The International Encyclopedia of Sexuality: VIET NAM’. Available from <http://www.sexarchive.info/IES/VIET NAM.html> (accessed 9 October 2013).

12 Khuat, Hong T. (1997). ‘Study on Sexuality in Viet Nam: The Known and Unknown Issues’, Institute of Sociology and Population Council in Ha Noi.

and honour. Even then, homosexuality and transgender identity were not considered a crime. In fact, because homosexuality and transgender identity were not addressed in any legal documents, it led to much confusion and subjective interpretations by local government officials when dealing with cases involving the LGBT community.

In the decades after the Viet Nam war, transgender people were usually found participating in entertainment troupes moving around the southern provinces. While southern Viet Nam was more familiar with the entertainer role of transgender women, their northern counterpart remained less visible and limited themselves to religious ritual. Although Vietnamese society has been tolerant of transgender people holding a certain ceremonial and social status, like the witch doctor, for cultural and religious reasons, modern Viet Nam did not approve of this deviation from gender norms. In current day Viet Nam, the confluence of stigma and discriminatory laws serve to reinforce the exclusion and marginalization of transgender people. Transgender people are essentially forced into sex work or “performances” such as funeral singing as a livelihood, as they lack family support and are often refused employment due to stigma and discrimination and that legal documents do not reflect their chosen gender so they are easily identified as transgender by potential employers.<sup>13</sup> In Viet Nam, people believe that singing at funerals will help the dead’s souls to be released and the living to go on being happy. Thus, transgender people are often recruited to do such work because they are seen as targets for mockery and a source of amusement. Given such circumstances, it is not surprising that transgender people disproportionately suffer from exploitation, sexual assaults, and violence.

In 1990, the first case of HIV was reported in Ho Chi Minh City. Between 1992 and 2005, the number of cases exploded from 11 to 104,111. In response, the Vietnamese government focused exclusively on one high-risk population: young male drug users. This focus resulted in the neglect of other vulnerable populations such as the MSM community. By 2006, HIV prevalence in MSM in Ha Noi was as high as 20 percent.<sup>14</sup> Stigma and discrimination based on sexual orientation and gender identity led LGBT people to live hidden lives which then exacerbates their vulnerability to HIV as they may be hard to reach by health services and education programmes.

The situation worsened in 2002 when Viet Nam’s state-run media declared homosexuality a “social evil”, a sin comparable to gambling, prostitution and drug trafficking, and called for the arrest of homosexual couples.<sup>15</sup> The concept of “social evil” is vague but has been described as “[undesirable values] introduced to Vietnamese society by virtue of what was seen as the country’s increased involvement in a morally polluted world”.<sup>16</sup> This view further reinforced the traditional attribution of diseases to immorality and “bad behavior”, not improper personal hygiene.<sup>17</sup> Not until 2006 did the National Assembly list homosexual people among the high-risk groups prioritized for HIV prevention programming.<sup>18</sup>

The HIV/AIDS epidemic has had conflicting impacts on the LGBT community. On the one hand, because gay men, other MSM, and transgender women were identified as most-at-risk populations, the LGBT community as a whole became associated with the epidemic and was further stigmatized. On the other hand, the epidemic brought foreign aid to the LGBT community in terms of HIV treatment and prevention programmes. It was mainly through HIV networks that gay men and transgender women came together and formed communities throughout the country to fight the epidemic, but at the same time socialized with each other and learned about other political

13 Pham, Phuong Q.; Le, Binh Q. and Mai, Tu T. (2012). ‘Aspiration to be myself: Transgender people in VIET NAM: realities and legal aspects’; ISEE.

14 Garcia, Macarena; Meyer, Samantha and Ward, Paul (2012). ‘Elevated HIV prevalence and risk behaviours among men who have sex with men (MSM) in VIET NAM: a systematic review’; BMJ Open; 2:e001511.

15 CDC National Prevention Information Network, “VIET NAM Media Call Homosexuality “Social Evil,” Vow Crackdown”, The Body, 19 April 2002. Available from <http://www.thebody.com/content/art22986.html> (accessed 1 April 2014).

16 Rydstrom, Helle (2006). ‘Sexual Desires and “Social Evils”: Young women in rural VIET NAM’; Gender, Place & Culture, Vol 13, Issue 3, pp. 283–301.

17 Blanc, M. E. (1999). “Social diseases” tried by modernity? Ethnohistorical survey on epidemic management in VIET NAM! Mekong Malaria Forum, 4: 55–73.

18 Government of Viet Nam, Law on HIV/AIDS prevention and control (No 64/2006/QH11), V. N. N. Assembly, Ha Noi, 2006.



issues. Existing CSOs for MSM and transgender women were primarily built by HIV/AIDS programmes and have so far been unsuccessful at moving beyond this health remit to promote dialogue on SOGI, address stigma and discrimination against the LGBT community, and promote rights and equality for LGBT communities.

Marriages and weddings in the late 1990s challenged the legal vacuum regarding homosexuality and same-sex relationships in Viet Nam. In 1997, the first public wedding was held between two people of the same sex.<sup>19</sup> Two men held a lavish ceremony in a big hotel in Ho Chi Minh City despite protests from the residents. Previously, as homosexuality was taboo, weddings between two people of the same sex took place in private. There were different opinions on this marriage. The Vice-Director of the Consulting Center for Love, Marriage and Families said that the practice should be condemned, while the police said there was no provision by law for prosecuting the couple. In 1998, the first intervention of the government into a marriage between two people of the same sex took place. The marriage of two women in the Mekong Delta, province of Vinh Long, was annulled soon after it took place following an order from the Viet Nam Ministry of Justice.<sup>20</sup>

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19 Nguyen, Tien; Lam, Tran and Le, Tom (1999) 'Gay Life is Persecuted and Condemned in VIET NAM'; GayVietVoice; San Francisco, 7 July 1999. Available from <http://www.asylumlaw.org/docs/sexualminorities/VIETNAM2SO.pdf> (accessed 27 April 2013)

20 France-Presses, Agence (1998). 'VIET NAM orders lesbian marriage be annulled'; The Nation, 4 June 1998. Available from <http://news.google.com/newspapers?id=Pa0pAAAIBAJ&sjid=CTIDAAAIBAJ&pg=6148%2C1070834> (accessed 27 April 2013)



# RECENT DEVELOPMENTS

## LGBTI CIVIL SOCIETY

Despite challenges, the LGBT community in Viet Nam has grown stronger over the years. A number of CSOs have emerged to advocate for the rights of LGBT people in the country. Notable CSOs working on LGBT issues are the Institute for Studies of Society, Economics, and Environment (iSEE) established in 2007, the Center for Creative Initiatives in Health and Population (CCIHP) established in 1999, and the Center for Studies and Applied Sciences in Gender, Family, Women and Adolescents (CSAGA) established in 2001. In 2008, with the establishment of Information Connecting and Sharing (ICS), the first LGBT civil-society organization working on LGBT human rights, the LGBT movement is moving away from the traditional focus on HIV.

Along with the emergence of CSOs advocating for the rights of LGBT people, many studies have been carried out allowing a closer and truer look at LGBT people and the challenges they face. The results of these studies, many of which inform this report, are communicated to the media, the general public, and also to policymakers and the government to advocate for legal and policy reforms that will improve the life of LGBT people.

## THE MEDIA

In the early 2000s, LGBT people were ridiculed in the media and by the entertainment industry. Their negative portrayals further reinforced the public's stigma and discrimination against the LGBT community. A study of online and print news articles from 2004, 2006, and 2008 by iSEE and the Department of Sociology – Academy of Journalism and Communication<sup>21</sup> showed that the majority of journalists used stereotypical and discriminatory

21 'Sending the wrong messages – the portrayal of homosexuality in the Vietnamese Printed and online press'; iSEE and the Department of Sociology – Academy of Journalism and Communication.

language to emphasize that homosexual activities are abnormal, seductive, and addictive. Once you are caught in the web of homosexuality, you cannot escape. LGBT people are often portrayed as hedonistic, self-indulgent, and immoral, and living dangerous and risky lives. Sensational media headlines often link homosexuality with promiscuity, infidelity, prostitution, and murder. This further discourages LGBT people from being open about their sexual orientation or gender identity as they would be afraid of being associated with such negativity.

The perception of the media on the LGBT community has also improved over the last few years. From May 2012 to June 2013, there were over 40 radio programmes with the theme of gay and transgender issues in Viet Nam. Millions of subscribers of newspapers were reached, including through articles in mainstream press such as Tuoi Tre, Thanh Nien, Tien Phong, Nguoi Lao Dong, Sai Gon Giai Phong, Phu Nu, An Ninh The Gioi and VnExpress. Broadcast channels such as VTV3, VTV1, VTV4, and VTV6 aired full-length documentaries about transgender life. ICS organized talk shows on sexual diversity and LGBT rights with 30 universities, clubs and creative youth groups in Ho Chi Minh City and Ha Noi, and also reached out to areas such as Can Tho, Nha Trang and Dak Lak. There were also many successful awareness and information events organized by the community. Community members observed that books about LGBT people written by LGBT people themselves have been published. The LGBT movement has also been growing stronger not only with the effort of LGBT people but also with the support from their friends and family, the non-LGBT “allies”. There are now more heterosexual people speaking up against stigma, discrimination, and violence targeting LGBT people and for the equal treatment of LGBT people before the law.

## LEGAL ENVIRONMENT

Same-sex relationships were first mentioned in the Law on Marriage and Family in 2000, when the law was amended to include a ban on same-sex cohabitation and marriage.<sup>22</sup> In 2002, state media declared homosexuality a “social evil” comparable to gambling, prostitution and drug trafficking, and called for arrests of homosexual couples.<sup>23</sup> Subsequent decrees in 2002, 2003, and 2006 made illegal same-sex adoption and surrogacy, as well as marriages conducted abroad and to foreigners of the same sex (see Annex 3). Following these decrees, police raids of LGBT-friendly establishments became common and the LGBT community was pushed further underground.

However, it took just ten years for a radical change in political views. Awareness and public discourse on homosexuality and the LGBT community in Viet Nam rose suddenly in 2012 when the Minister of Justice Ha Hung Cuong publicly declared disapproval of prejudice against homosexual people and mentioned the controversial topic of same-sex marriage.<sup>24</sup> He also recognized the lack of a mechanism in the 2000 draft of the Law on Marriage and Family to address same-sex couples who cohabit, which resulted in difficulty for same-sex couples. It was the first occasion where a government official spoke in public about the LGBT community in a non-discriminatory tone.

A few months later, the Vice-Minister of Health showed his support for the legalization of marriage between two people of the same sex, saying, “...in the angle of human rights, homosexuals also have the right to live, eat, wear, love and be loved and pursue happiness. In the angle of citizenship, they have the right to work, study, have medical examination and treatment, register birth, death, marriage... and have rights and perform the obligations with the State and society.”<sup>25</sup>

22 Viet Nam, National Assembly, The Law on Marriage and Family (Ha Noi, 2000). Available from [http://www.moj.gov.vn/vbqp/en/Lists/Vn%20bn%20php%20lut/View\\_Detail.aspx?ItemID=373](http://www.moj.gov.vn/vbqp/en/Lists/Vn%20bn%20php%20lut/View_Detail.aspx?ItemID=373) (accessed 17 March 2014)

23 CDC National Prevention Information Network, “VIET NAM Media Call Homosexuality “Social Evil,” Vow Crackdown”, The Body, 19 April 2002. Available from <http://www.thebody.com/content/art22986.html> (accessed 17 March 2014)

24 Leach, Anna (2012) ‘Minister talks about gay marriage in VIET NAM’, Gay Star News, 25 July 2012. Available from <http://www.gaystarnews.com/article/minister-talks-about-gay-marriage-VIET-NAM250712> (accessed 17 March 2014)

25 Tran, Cham (2013). ‘Ministry Health proposes same-sex approval’; VIET NAMNet, 17 April 2013. Available from <http://english.VIETNAMnet.vn/fms/government/71775/ministry-health-proposes-same-sex-approval.html> (accessed 17 March 2014)

In December 2012, in response to a request from the Viet Nam Ministry of Justice, the United Nations Development Programme (UNDP) in Viet Nam organized a workshop that shared international experiences on the issue of marriage between two people of the same sex with the participation of international and national experts. As the Law on Marriage and Family was being revised in 2013, UNDP Viet Nam worked closely with UN Women and UNAIDS to provide comments to the draft law, on the principle of equality for all people regardless of their gender, gender identity and sexual orientation. Minutes from the workshop were submitted to the Committee of Social Affairs of the National Assembly, who is in charge of the law's amendment.

In alignment with the stance of the UN worldwide, UN Viet Nam has been vocal in support of LGBT rights. The first Viet Pride, a public event displaying LGBT community solidarity, took place for the first time in the country in 2012 with strong support from the United Nations. During the International Day Against Homophobia (IDAHO) in 2013, the One UN initiative in Viet Nam released a statement congratulating the country on their recent progress towards equality for people with diverse sexual orientation and gender identity. An opinion-editorial from the United Nations Resident Coordinator in Viet Nam, Ms Pratibha Mehta, was also published during Viet Pride week in 2013. It encouraged a free and equal society for millions of LGBT people with a simple message: You are not alone. Moreover, UN staff participated in the bicycle rally and marched the streets of Ha Noi with a rainbow flag flying high.

In November 2013, Viet Nam decriminalized same-sex wedding ceremonies and gave same-sex couples the right to live together through Decree No. 110/2013/ND-CP that was dated 24 September 2013 and came into effect 12 November 2013. It overturned provisions in a previous decree that included a fine for organizing or participating in a same-sex marriage ceremony. However, in June 2014, the National Assembly passed a revised Law on Family and Marriage with no clause to prohibit or recognize same-sex marriage. The practical implication is that same-sex marriages will no longer be fined (as in the past), however, same-sex partners will also not receive any legal recognition or benefits.

## EMERGENCE OF THE CONCEPT OF GENDER IDENTITY

Even though transgender people have been a part of Vietnamese culture, the definition and understanding of gender identity is relatively new. The “transgender” label is often only associated with people who have undergone gender-confirmation surgery; thus, some transgender people, especially those who have not undergone surgery, only refer to themselves as homosexual.<sup>26</sup>

Even among transgender people, the concept of ‘transgender’ in Viet Nam can be unknown. So, transgender people can often be confused whether to identify themselves according to their gender (transgender) or according to their sexual attraction (heterosexual or homosexual), with some transgender women thinking that they may be homosexual transvestites or that they are gay, because like gay men they are attracted to men.

This is further complicated by the fact that the word “homosexual” in Vietnamese is often used to identify the LGBT community as a whole. The media often perpetuate this confusion by equating homosexuality with transgender identity.<sup>27</sup> Many gays and lesbians do not agree with being categorized as transgender and believe that transgender people are the cause of stigma and discrimination against gays, lesbians and bisexuals.<sup>28</sup> This leads to transphobia as lesbians, gay men and bisexuals distance themselves from transgender people and further isolate them from society.

26 Pham, Phuong Q. (2013) The LGBT community in Viet Nam.

27 Institute for Studies of Society, Economy and Environment (iSEE), “Sending the wrong messages – The portrayal of homosexuality in the Vietnamese printed and online press”, a collaborative research project between the Institute for Studies of Society, Economy and Environment (iSEE) and the Department of Sociology – Academy of Journalism and Communication.

28 Pham, Phuong Q.; Le, Binh Q. and Mai, Tu T. (2012). ‘Aspiration to be myself: Transgender people in VIET NAM: realities and legal aspects’; iSEE.

For transgender people who are sexually attracted to the opposite sex, they are often left unable to build a relationship with a heterosexual partner. Due to social pressure from family and society to have children and raise a family, heterosexual partners often cannot commit to a relationship with a transgender person.<sup>29</sup>

There are limited resources dedicated to the specific needs of the transgender community, especially for female-to-male transgender persons. Unlike gays and lesbians, it has been difficult for transgender people to establish a separate and independent community. The emergence of cyberspace has opened doors to many transgender individuals, especially young people, to make friends and share information about gender identity. Transgender persons have participated in major gay and lesbian websites including vuontinhnhan, taoxanh, and bangaiavn. The most popular forums for transgender men and women have been LesKing, Thegioithu3, and G3VN. However, LesKing, a major forum for lesbian women and transgender men, is no longer active as of 2014.

It is currently not legal for transgender people to have gender-confirmation surgery in Viet Nam. People with defined sexual organs cannot legally undergo gender-confirmation surgery in Viet Nam, and physicians are forbidden from performing such operations. Another challenge for transgender people is that it is illegal for them to change their name or gender on identification and legal documents. Transgender people who undergo gender-confirmation surgery outside of Viet Nam cannot reflect the gender change on their legal documents.

Gender-confirmation surgery and changing gender on legal documents is only permissible for intersex people, i.e. people with “The genitalia are indistinguishable as male or female. The gonads have both testis and ovary”, as per decree number 88/2008/ND-CP.<sup>30</sup> However, intersex persons are often also denied the right to choose their desired gender. Doctors and parents are usually the ones who make decisions on surgery for their intersex children. This decision can be made without the child’s consent if the child is younger than 16. Intersex people do not currently have the option to maintain their intersex status. As with homosexuality and non-normative gender identity, intersex persons are considered “defective” and are involuntarily subjected to surgery and are legally assigned a sex and gender identity by their doctors or parents.

## ASSESSMENT OF THE LGBT COMMUNITY IN VIET NAM

Recent research has shed some light on the demographics of the LGBT community in Viet Nam. A national survey of 2,340 MSM by iSEE<sup>31</sup> shows that 63.4 percent identified as homosexual, 17.7 percent identified as bisexual, while 11 percent identified as “uncertain” and 3.8 percent as heterosexual. A small number of participants identified themselves as transgender. Another online survey of 3,000 gay men and 200 lesbian women by iSEE shows that 68 percent of gay men and 70 percent of lesbian women had a higher education degree. These lesbian and gay survey participants worked in diverse sectors, with customer service leading at 18 percent, contrary to the belief that homosexual people are mostly concentrated in the cultural and entertainment industries.<sup>32</sup>

Studies done by iSEE from 2009 to 2012 showed that stigma and discrimination causes most gays and lesbians to remain closeted. For instance, in 2009, only 2.5 percent gay men came out completely and only 5 percent were mostly open.<sup>12</sup> 32.5 percent of gays were closeted and 35 percent were somewhat closeted. Most gays and lesbians hide their sexual orientation for fear of upsetting parents and being subjected to negative reactions from parents, families, friends, and colleagues. Social stigma towards homosexuality remains widespread. Although many people think that homosexuality is a natural phenomena, 29 percent think that homosexuality is an illness or contagion, 54 percent believe it is due to a lack of parental care/love/guidance, and 48 percent believe LGBT people can be cured. Common misperceived causes of homosexuality include biological changes during fetal

29 Ibid.

30 <http://kenfoxlaw.com/resources/legal-documents/governmental-decrees/2547-vbpl.html> (accessed 17 March 2014)

31 Nguyen, Cuong Q. (2009). ‘A study of socio-economic characteristics of MSM in Viet Nam’; iSEE.

32 Pham, Phuong Q. (2013) The LGBT community in Viet Nam.

development and psychological disorders. A majority of people, 57 percent, also think of homosexuality as a recent social phenomenon or trend. On the positive side, 76 percent believe there should be laws to protect LGBT people (even though only 36 percent support same-sex marriage) and 68 percent and 79 percent support gays and lesbians raising children, respectively.

Lesbians, transgender men, and other females who love females (FLF) are vulnerable to discrimination based on multiple factors, as women and as members of a sexual minority. In 2009, iSEE interviewed 40 females who love females<sup>33</sup> and learned that two key reasons why FLFs choose to remain closeted or hidden are concerns for the psychological well-being of their parents and their own financial stability. Firstly, they fear that by coming out, they will impose a burden on their parents, dishonour their parents in the eyes of the community, and cause their parents to be disappointed, sad and worried. Secondly, in a patriarchal society, the lack of a husband (and children) will cause them to be neglected and lack financial stability later in life. The combined stigma and discrimination resulting from the lack of understanding of SOGI by their parents and the lack of legal and economic empowerment and protection from society means that FLFs are frequently forced into heterosexual marriages at the cost of their happiness and emotional well-being. Only in a small number of cases (5 out of 40) were the parents accepting and supportive of their daughter's sexuality.

The lack of a viable livelihood is a real and valid concern for LGBT persons in Viet Nam. CARE International in Viet Nam commissioned three studies<sup>34, 35, 36</sup> on the underlying cause of poverty for LGBT people to find that stigma and discrimination perpetuate poverty in the LGBT community. MSM, lesbians, gays, and transgender participants reported that abandonment by family and denial of education and employment are key factors that keep them in poverty and drive them to sex work, which further predisposes them to abuse, exploitation, and marginalization by society.

Stigma, discrimination, prejudice and violence are also prevalent against LGBT persons in schools. A study conducted by CCIHP<sup>37</sup> showed that the most common act of violence LGBT people experienced at school was verbal harassment such as using insulting nicknames, mostly in front of other students or teachers. 16 percent of participants were the victims of physical violence such as being slapped, attacked with stones and bricks or beaten up until they were bleeding. 19 percent of participants were the victims of sexual harassment such as having genital parts touched by others involuntarily and involuntary sexual intercourse/rape. 54 percent of participants reported that their school was not safe for LGBT students.

The effects of anti-LGBT violence in school were also assessed in the study. 43 percent of students experiencing violence could not maintain their performance and some had to drop out. One-third of those who experienced violence at school thought about committing suicide, while half of those had attempted suicide. Transgender students fare much worst. 85 percent of male-to-female transgender students drop out and are not able to graduate from secondary schools because of assaults and bullying.

Another study done by iSEE<sup>38</sup> suggested that the LGBT community continues to face stigma and discrimination in their access to health education and care. The study interviewed 23 health care staff members who attended

33 Nguyen, Q. Trang, Nguyen, T. T. Nam, Le, N. T. Thuy, Le, Q. Binh (2010) "Song Trong Mot Xa Hoi Di Tinh – Cau Chuyen Tu 40 Nguoi Nu Yeu Nu, Quan He Voi Cha Me", iSEE.

34 Elias, Rebecca and Lee, Hannah, (29 June 2012), "Underlying Causes of Poverty and Vulnerability Workshop Report – Male Sex Workers", CARE Viet Nam.

35 Elias, Rebecca and Lee, Hannah, (30 May 2012), "Underlying Causes of Poverty and Vulnerability Workshop Report – Sexual Minorities: Transgender", CARE Viet Nam.

36 Elias, Rebecca and Lee, Hannah, (3 July 2012), "Underlying Causes of Poverty and Vulnerability Workshop Report – Sexual Minorities: Homosexual Men and Women", CARE Viet Nam.

37 Hoang, Anh T. and Nguyen, Vinh T. (2013). 'An online study of stigma, discrimination and violence against homosexual, bisexual, transgender, transsexual, and intersex people at school'; CCIHP.

38 Tran, Nam T.; Dang, Phuong T. V.; Vu, Thao P.; Phi, Hai T. and Nguyen, Nam T. (2011) 'Stigma and discrimination from medical staff in providing medical services to MSM'; iSEE.

Family Health International's training programmes and 29 MSM community members. Interview results showed that staff members lacked general knowledge on MSM and SOGI and primarily relied on appearances and social stereotyping to identify MSMs and their needs as opposed to direct consultation. MSMs on the other hand, are reluctant to access health care services because they feel patronized and ostracized by service providers. MSMs also lacked knowledge about available health services and the risks of HIV and other diseases to seek help. The study identified additional and more in-depth information sharing on SOGI and sexual health is necessary to both address the stigma and discrimination in both health care service provision and utilization. Due to the limited scope of this study, additional research will be necessary to better assess the health care needs of the LGBT community as well as their ability to access services.

## LGBT STREET CHILDREN

In 1991, the National Assembly of Viet Nam issued the Law on Child Protection, Care and Education<sup>39</sup>, which was amended in 2004, and is in the process of being amended as of 2013.<sup>40</sup> Viet Nam is also the first country in Asia, and the second in the world, to have ratified the Convention on the Rights of the Child in 2010.<sup>41</sup> Children have received much attention from policymakers and the government. However, sexual orientation and gender identity, and discrimination on the basis of SOGI, have never been mentioned in the Law on Child Protection, Care and Education, including the latest draft in 2004. There is also no mention of intersex children and protection of children against involuntary sex-reassignment surgery.

A joint study on the situation of LGBT street children in Ho Chi Minh City by Save the Children in Viet Nam and iSEE (2012) found that LGBT children leave home due to rejection from their family because of their sexual orientation and gender identity, or psychological stress from the lack of sympathy and support from their family.<sup>42</sup> They go to the big city where they have easy access to the LGBT community. However, in the city, LGBT children face extremely hard living conditions. Without a home, they have to sleep in public parks or in cafés. They can also share space in cheap hotels and guesthouses, and share the cost; however, there are risks of being evicted by the police (for those without proper identification documents), and of being sexually harassed or assaulted by their peers. Access to social and health care services is a luxury to the children especially when health care facilities and humanitarian shelters often discriminate against them due to their sexual orientation and gender identity. Many suffer depression and loneliness, which commonly leads to the use of psychoactive substances and self-laceration. Lack of proper education and discrimination from prospective employers further hamper their opportunity to gainful employment, so most of them end up resorting to sex work. This means of livelihood, however, exposes them to high risk of sexual exploitation, violence, HIV and other STIs.

A particularly grave problem facing LGBT street children is that law enforcement officers do not respect LGBT street children's rights as prescribed in the Law on Child Protection, Care and Education. Because children are homeless, officers often feel entitled to arbitrarily harass, arrest, and impose discipline, abuse, and violence on the children. The combined vulnerabilities of being LGBT and street children makes these children even more marginalized than any other group in society. Yet there has been no effort to address the problems that LGBT street children face in Viet Nam.

39 Viet Nam, Ministry of Justice, Law on Child Protection, Care and Education 1991, Ha Noi.

40 Socialist Republic of Viet Nam, Government Portal (2004), Law on Children Protection, Care and Education 2004, Ha Noi.

41 United Nations Children's Fund (2010), From Vision to Action – Viet Nam celebrates the 20th anniversary of the ratification of the Convention on the Rights of the Child in Viet Nam, Ha Noi, Viet Nam.

42 Save the Children (2012), Situation Assessment of LGBT Street Children in Ho Chi Minh City, Ha Noi.



# 10 IMPORTANT EVENTS IN PAST YEARS

Delegates from LGBT communities throughout Viet Nam voted on the 10 events that had the most impact on them during the past few years:

- 1 “Awakening to the Rainbow” – A chain of events taking place in the four largest cities in the country – Ho Chi Minh City, Ha Noi, Da Nang, and Can Tho – to celebrate the International Day Against Homophobia and Transphobia. It attracted more than 10,000 participants. (May 2013).
- 2 The same-sex marriage issue for the first time made the front page of Tuoi Tre, the mainstream newspaper with the largest circulation in Viet Nam.
- 3 The draft on Law on Marriage and Family drew the attention of both the LGBT community and the public at large, and created controversies among the community, lawmakers and experts.
- 4 “The Pink Choice” photo shoot of Maika Elan won the first prize of the 2013 World Press Photo awards – Contemporary Issues – Stories. The photo shoot featured the intimate moments of Vietnamese homosexual couples in their private lives.
- 5 “Being Myself”, a contemporary theatrical art and contemporary dance performance, portraying the desire of homosexual people to be themselves, toured over 30 universities all over the country.
- 6 Vu Kieu Oanh, a non-LGBT ally, travelled across the country on her bicycle with a rainbow flag to show support to the LGBT community.
- 7 “Love is Marriage”, a staged public wedding featured ten couples of diverse sexual orientation and gender identity in celebration of the International Day Against Homophobia and Transphobia in Ha Noi (May 2013).



- 8 “Desire to be Myself – Legal and Practical Issues of Transgender People in Viet Nam”. This conference disclosed findings on discrimination and violence against transgender people and called for anti-discrimination measures for this group. It took place in Ha Noi (August 2012).
- 9 Viet Pride, the first-ever Pride event in Viet Nam, took place with a bicycle march across the capital of Ha Noi. (August 2012).
- 10 “Hand In Hand”, a public event with LGBT people and their allies marching around the Crescent Lake in Ho Chi Minh City, took place concurrently with Viet Pride in Ha Noi (August 2012).

These 10 choices reflected every corner of community lives including social events, the media, law advocacy, arts, allies and friends. They demonstrated the tremendous presence of the LGBT community and changes in the way society perceives LGBT subjects. Activities within the community were the most popular among LGBT delegates, while they considered results from legal advocacy to be among the most significant changes for LGBT communities.



# THE VIET NAM NATIONAL LGBT COMMUNITY DIALOGUE



The Viet Nam National LGBT Community Dialogue, organized as a key part of the 'Being LGBT in Asia' project, comprised two events held in Ho Chi Minh City and Ha Noi in early June 2013. UNDP Viet Nam, with the support of USAID and the LGBT civil-society organization ICS, organized the meetings on 1, 2 and 5 June 2013. UNDP Viet Nam, along with the 'One UN Initiative, Viet Nam', engaged with LGBT community organizations to identify and invite participants.

In order to protect the confidentiality of the participants, and in order to better mobilize the LGBT community across the nation, the Viet Nam National LGBT Community Dialogue was implemented as two separate events: first in Ho Chi Minh City, the National Conference of the Vietnamese LGBT Community, and then in Ha Noi, the National LGBT Community Dialogue. The first event in Ho Chi Minh City was a closed meeting with only members from the LGBT communities throughout Viet Nam. The closed setting allowed them to freely express themselves

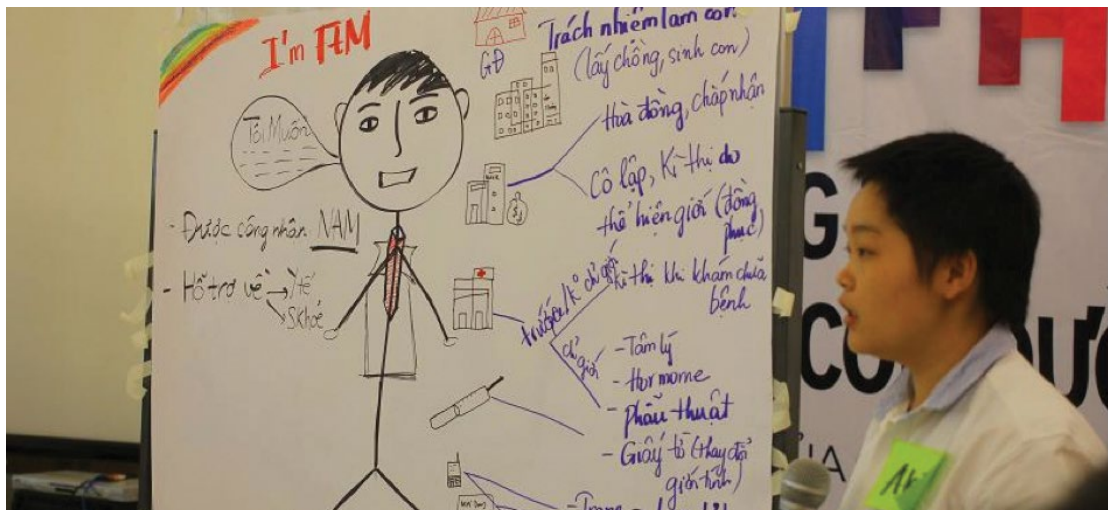
without being exposed to the media and the public. It was attended by about 40 participants. The second event in Ha Noi involved the more outspoken LGBT representatives who had been nominated by the community during the first event as LGBT rights advocates, as well as CSO representatives working on LGBT issues, the media, and representatives from USAID and the UN. The Ha Noi event was attended by about 30 participants.

Discussions and recommendations at the two dialogues formed the basis of these next sections, covering LGBT issues in the areas of employment, education, health care, family affairs, media, politics and community. Recommendations were tailored to relevant stakeholders and are presented as vision statements at the end of each section. Some of the recommendations have been summarized and included in the Executive Summary. This report also provides a brief review of LGBT history in Viet Nam, human rights issues, and recent events and progress. The review also draws on previous consultations with LGBT civil society and research studies on the community.

The sections below provide context for protecting rights in the areas listed above and key strategies for policy advocacy, support services, media representation, research, and organizational development and capacity building. The last section of the report assesses the capacity of the LGBT community, sponsors, donors and UN agencies to carry out these strategies.



## EMPLOYMENT



Stigma and discrimination towards LGBT people are common at the workplace.<sup>43</sup> Transgender people in particular, because their gender identity and expression are often more physically visible, are usually discriminated against and rejected by potential employers. They have difficulty finding a job that meets their expectation and competency. For LGBT people whose sexual orientation and gender identity and expression are not readily evident in their appearance, they are “safe” as long as they remain in the closet.

Conservative employers still view LGBT people negatively, often stereotyping and characterizing LGBT employees in a similar way as the government does, as a social evil. Thus, LGBT employees are often isolated at work and unable to be honest and open about their personal lives for fear of losing their jobs. The psychological pressure of keeping their sexual orientation and gender identity

43 Hieu Minh, “Homosexual intellectuals have difficulties looking for jobs”, 7 September 2012. Available from <http://VIETNAMnet.vn/vn/doi-song/87676/tri-thuc-dong-tinh-chat-vat-tim-viec-lam.html>

hidden and concern over their personal safety detracts from their work performance. Some of those who are brave enough to be open in the work place are victimized by violence and discriminatory practices and eventually have to quit their jobs.

Employers generally do not have enough information and knowledge of LGBT people or SOGI and thus tend to have negative stereotypes of LGBT people, especially of transgender people. The current Labor Code has no provision to prevent discrimination on the basis of sexual orientation and gender identity. In-depth research on the working environments for LGBT people in general, and transgender people in particular, is still lacking. There is insufficient reliable information to build a campaign for social awareness.

Vietnamese businesses also do not publicly express support for the LGBT community. The concept of businesses portraying themselves as supportive of LGBT people in the media is absent in Viet Nam. Despite the hostile environment for LGBT people, certain sectors such as design, fashion, arts, performance and entertainment are generally considered more LGBT-friendly than others. Dialogue participants also thought that white-collar workers tend to be more open to LGBT people. This may be due to their access to information on LGBT issues, and the tendency of white-collar LGBT workers to build a positive image of the LGBT community at the workplace. They have produced and publicly shared many short films and video clips about LGBT workers. Members of the LGBT community thus tend to seek white-collar employment.

Dialogue participants reported a lack of activism to change discriminatory employment practices. Some believed that by staying in the closet, employed LGBT persons exacerbate stigma and discrimination since they are not participating in the LGBT movement and are neglecting the community's fight for rights. Further, LGBT civil society organizations have not reached out to and do not work with vocational training centres to help promote LGBT attendance and develop practical training programmes that are tailored to the needs of LGBT people. Vocational training centres are run by the Ministry of Labor, Invalids, and Social Affairs to provide technical and vocational training to people who do not pursue higher education and professional degrees.<sup>44</sup>

CASE  
STUDY  
#1

Despite having excellent English skills and a Bachelor's degree, P.H. still had not found a stable job despite graduating almost two years ago. As a female-to-male transgender person with the appearance of a man, P.H. had many troubles looking for a job because potential employers always questioned his gender. Despite his appearance, P.H. had to report as a female in her job applications. "They told me: 'We do not hire lesbians here!'" P.H. said.

Many other LGBT people are in the same situation, educated but still unemployed. Some have to hide their sexual orientation and gender expression in order to have a job to earn a living. M., a gay man explained: "Thanks to my masculine look, no one knows my true gender [implying non-normative sexual orientation]. Although I want to come out, my work doesn't permit me to do so. If society accepted me, I wouldn't have to stay in the closet."

CASE  
STUDY  
#2

At work, H. immediately noticed when her colleagues, especially those in senior management, started treating her with a different attitude once they found out she was a lesbian. A few days later, she was "outed" and H. was requested to submit a statement that she would become "normal" again. This unreasonable request and the negative attitudes led to

44 L. Lieu & Tieu Long, "Employment pain of the homosexual", 21 December 2012. Available from <http://www.nguoiduatin.vn/noi-thong-kho-viec-lam-cua-nguoi-dong-tinh-a55855.html>

her decision to resign. Although she held an important position in the company, they signed her resignation letter within seconds.

### ***Vision Statement for LGBT and Employment in Viet Nam***

To promote a better employment environment for LGBT people, dialogue participants envision:

- LGBT people have the chance to be open about their identity and can focus on doing their best in the workplace without discrimination.
- Vocational training centres are accessible to LGBT persons and offer programmes tailored to the specific needs of LGBT people and transgender people.
- Businesses treat every employee equally, including granting the same spousal benefits, insurance, and the social welfare for same-sex couples and their children as for heterosexual families.
- Businesses that have LGBT-friendly policies should be commended and promoted while those violating the labor code or discriminating against LGBT employees should be penalized.



## **EDUCATION**



LGBT people often face prejudices and are marginalized in schools. Sex education is rarely covered in academic curricula. Even when lessons on sex are included, they are usually put at the very end of textbooks and ignored by educators. Students are thus not taught about SOGI or to respect diversity. LGBT students at most schools are not provided with fundamental knowledge or support on SOGI issues either by their teachers or by school services such as school counselors and nurses, or through other resources. LGBT students have nowhere to turn to for assistance when they are victimized by assaults and discrimination.

There is also a lack of cooperation between students, their families, and the school boards in combating violence and discrimination. Many LGBT students drop out of school because of an insecure learning environment. In recently years LGBT CSOs have started to address this neglect. For example, ICS provided information and training materials to LGBT people to help them improve their knowledge on SOGI and encouraged other LGBT-friendly CSOs to post information on their websites. ICS staff participated in events and organized talk shows and training programmes in interpersonal and people skills in various localities throughout the country. In Ha Noi, ICS worked

with collaborators to give lectures on LGBT and SOGI in universities and colleges, and provided targeted sex education to high school students. ICS also disseminated documents and other informative materials to the libraries of universities and colleges. Another CSO in Ha Noi, V Smile, also reached out to the broader community by organizing training sessions and hosting talk shows to discuss LGBT issues.

In Da Nang, the LGBT community built a network between CSOs working on LGBT and MSM rights to organize talk shows on LGBT-related subjects for the broader community. Sau Sac Cau Vong produced educational videos that conveyed simple yet comprehensive messages on sexuality. Similarly, Bangaivn (an online lesbian network of lesbians) supported the establishment of two networks to share information on sexuality: Rainbow Network in Ha Noi, and Toi Chuyen Dong in Ho Chi Minh City. Even though Rainbow Network mainly focuses on activities in the northern areas of Viet Nam, they collaborate with a lesbian group in Tien Giang, a southern province, to write and share information on sexuality on many forums including Bangaivn.net, thuvienlgbtq.org, Facebook Ketnoicauvong, and Facebook Thuvienlgbtq. They also provided counselling services to young lesbians on Bangaivn.

In summary, education institutions are not safe for LGBT students due to the lack of anti-bullying and non-discrimination policies. Furthermore, sex and SOGI education is still limited in Viet Nam and are considered sensitive topics that teachers usually avoid. There are also no initiatives to teach diversity and tolerance, or interpersonal skills.



L. L., a male-to-female transgender person in Ho Chi Minh City, confided “I was threatened and beaten up by friends just for expressing my true gender. Over time, it became their habit to bully me, and even our teachers were unable and unwilling to do anything. The boys formed a circle at recess, took off my pants, ‘scanned’ my private parts, and sexually harassed me.”

### ***Vision Statement for LGBT Education in Viet Nam***

To promote a better educational environment for LGBT people, the National LGBT Community Dialogue envisions:

- Promoting that LGBT people have the right to an education in a friendly, safe, and supportive environment.
- Supporting the drafting of policies on anti-bullying, equality and diversity, and SOGI-based non-discrimination for schools, as well as establishing policy implementation manuals and guidance.
- Publishing and widely disseminating information on LGBT and sexual diversity.
- Providing counselling services at schools and teaching students to respect diversity and eliminate discrimination.
- Teachers and educators should receive training on sexual diversity and inclusive and non-discriminating teaching methods.
- In academic fields that have significant impact on social awareness such as education, pedagogy, psychology and communications, additional courses on sexual diversity should be provided and required, so that these professionals would be able to disseminate objective and accurate information on SOGI and LGBT person to the public.



## HEALTH CARE



LGBT people are discriminated against at health care centres, and there are few LGBT-friendly facilities or services available to community members. Men who have sex with men are usually ridiculed and humiliated by medical practitioners, which dissuade them from accessing HIV or other STI testing or treatment services. The situation is worse in rural areas, where there are few support and consultation services on HIV, and very few clinics specializing in MSM health.

Transgender people are also turned away because medical practitioners have no knowledge of transgender people, their specific needs and how to treat them. There are no psychological counselling and services for hormone injections for transgender people, and a paucity of information for those who would like to undergo gender-confirmation surgery, as it is not legal in Viet Nam. According to the law, sex surgery is only allowed for intersex people but not for those whose sex organ was already defined on birth (as determined by doctors and parents). So support services for transgender people who want to pursue gender-confirmation surgery are inadequate. Undergoing gender-confirmation surgery at facilities within Viet Nam is thus highly risky because since providers cannot be held accountable regardless of the result, as it is not legal service. Often, transgender people end up doing their own research (via word of mouth or on the internet) and access services overseas. People who are less fortunate and have no financial resources sometimes self-inject cheap and impure chemicals such as silicone and other petroleum products which in some cases led to serious harm and even fatalities.<sup>45, 46, 47</sup>

Although homosexuality is no longer considered a psychological or physical illness, some clinics and practitioners still try to “cure” LGBT people with dangerous treatments that can have lasting negative effects on their psychological and physical health. Even worst, some medical practitioners still consider homosexuality a disease that can infect people, or a bad behavior that is learned. Because MSMs are considered a high-risk group in terms of HIV, they are forbidden from donating

- 45 Petrotimes, Theo, “Transgender – An Event That Could Cost a Life”, iONE, 14 May 2013. Available from <http://ione.vnexpress.net/tin-tuc/nhip-song/chuyen-gioi-su-tra-gia-bang-mang-song-2749228.html>. (accessed 17 March 2014);
- 46 Tam, Lua and Le, Van, “Taking Risks with Your Body”, Tuoi Tre, 6 October 2013. Available from <http://m.tuoi-tre.vn/tin-tuc/Phong-su-Ky-su/200086,Mao-hiem-voi-than-xac.ttm>. (accessed 17 March 2014)
- 47 Thanh, Thu, “Dead Because of Hormone and Silicone Injections”, VietQ, 19 September 2013. Available from <http://vietq.vn/mat-mang-vi-tiem-hooc-mon-silicon-gia-re-d22293.html> (accessed 17 March 2014)

blood. In general, infirmaries and medical personnel are not well-educated on sexual diversity and LGBT issues. They still consider LGBT people in general as a “social evil” and have particular prejudice against transgender people; they are thus reluctant to provide health services.

In big cities such as Ha Noi and Ho Chi Minh City, there are now a few support centres that provide information and knowledge to MSMs. Some CSOs also provide self-help services. For example, V Smile organizes training and prevention courses for the community on HIV and other STIs. Living My Life offers consultations on HIV and also research and translate medical instructions for male-to-female transgender people. Youth Dream and Tao Xanh provide information, knowledge and consultations on safe sex, mental health and STIs to MSM and gay youth. Other organizations such as Sau Sac Cau Vong use the media to educate the public on HIV while All About Us provides a question and answer section on sexual health through their radio channel.

CASE  
STUDY  
#4

A 22-year-old medical staff member in Ha Noi stated “Sex between a man and a woman is normal, but that between two men or two women is not. I think it’s something sick. It’s all because of society. It’s seen as evil by society so I think the same.”

Another 21-year-old counsellor expressed “I don’t support [homosexuality] but I respect their private life. I think they are simply influenced by the environment.”

CASE  
STUDY  
#5

Mrs. T.’s husband was from the province of Thai Binh and placed great importance on continuing the family lineage. Fortunately, her first-born child, D., was a baby boy who quickly became the joy of the whole family. Happiness grew ever more in that small family. “Thinking of him, I broke into tears of happiness,” Mrs. T. said.

During his second year in college, her son admitted that he was gay. Mrs. T. and her husband started to discriminate against him. “The more I had loved him before, the more I ignored him, hated him, and even was disgusted by him then. Society thought of homosexuality as an illness, and so did we, thinking of them as insects,” she remembered.

Mrs. T. did not care for or love her son anymore. “When he graduated, we were invited but never went.”

Mrs. T. and her husband tried to change his sexual orientation. They took him to one hospital after another, had his blood tested and forced hormone treatment upon him.

“Since rumours had it that a female spirit may have invaded my son, we took him to a shaman in the Mekong Delta. They prodded him in his private parts while asking who he was, but he kept answering: ‘I am D.’ They tied him up and prodded him more, and he kept screaming: ‘It hurts, hurts, hurts; I am gay, and I like boys.’ I and my husband looked and each other, knowing that if we had continued, our son would have died,” Mrs. T. confessed.

Despite his treatment, D. always obeyed his parents. Now thinking back, Mrs. T. knew that her son was struggling a lot. During high school, he was hospitalized because of psychological instability and stress (they did not know his sexual orientation back then). The second time he was hospitalized because of work-related stress. He had multiple jobs while going to graduate school because his parents said that they would never support him after he had come out.

“I was silly to the point that I asked the doctor to keep him in the female pavilion instead of the male one. One night when we were next to him, he suddenly stood up and counted from one to six. ‘I count to 6 and H. (then his boyfriend) will appear,’ he said. ‘We promised each other.’ Then he collapsed to the floor and repeated the same actions.”

After many similar instances, they realized their son was experiencing a hundred times more pain than they were. They decided to stop and take care of him to make up for those times.



"He is now 30 years old and working in the Philippines. His mind is stable but his illness returns in times of stress. We cannot live forever. If something were to happen to him, who would take care of him? Only when letting him live the way he wants can we rest in peace," Mrs. T. said.<sup>48</sup>

CASE  
STUDY  
#6

Yuki (a male-to-female transgender person, Ho Chi Minh City) had an accident and had to be hospitalized. Though the injury was quite serious, the doctors did not provide treatment but were only there to gossip. After a while, without any treatment being provided, Yuki went home and bandaged the wound herself.

### Vision Statement for LGBT Health Care in Viet Nam

To promote better health care for LGBT people, the National LGBT Community Dialogue envisions:

- Health departments would have manuals and guidance on providing nondiscriminatory services to LGBT people. Medical staff would be trained and educated on sexual diversity to avoid stigma and discrimination against LGBT people accessing health services.
- The media would publish and broadcast topics on sexual health, sexuality and LGBT issues.
- The law would acknowledge a person's right to change one's sex, in actuality and on paperwork, so that service providers would be allowed to carry out gender-confirmation surgery and be held accountable for the whole medical process.
- Transgender people would be offered information and counselling on medication, hormone therapy and surgery, and be provided with psychological support by trained medical staff.



### FAMILY AFFAIRS



The traditional perception of sex and sexuality in Vietnamese culture, and Asian culture at large, is generally conservative and severe. Most parents of LGBT people have beliefs and perceptions of gender that conform to traditional values. It is likely that they will not be able to face the truth that their children have sexual orientations, identities and behaviors that deviate from societal norms, and will react disapprovingly and harshly.

48 Tuoi Tre, "Abandoned by family, gay men turn to prostitution", VnMedia, 1 July 2013. Available from [http://vnmedia.vn/VN/xa-hoi/chuyen-doi/18\\_1345518/bi\\_gia\\_dinh\\_xua\\_duoi\\_dong\\_tinh\\_nam\\_di\\_ban\\_dam.html](http://vnmedia.vn/VN/xa-hoi/chuyen-doi/18_1345518/bi_gia_dinh_xua_duoi_dong_tinh_nam_di_ban_dam.html). (accessed 17 March 2014)

Families, and the general public as a whole, usually do not have access to accurate information about LGBT people and thus do not understand sexual orientation and gender identity. What they do receive are the negative stereotypes portrayed by the media and the entertainment industry, which most of the time try to attract the attention of readers and viewers with shocking and inaccurate headlines and images. Thus, it is made impossible for parents to sympathize with their children.

LGBT people are discriminated against, physically and psychologically assaulted, abandoned, and “cured” by their family by many harmful methods that involve mental and physical abuse. They are forced to get married to those who they do not love, which can lead to the breakdown of marriages after a short period of time, further damaging the image of LGBT people. Transgender people are assaulted, abandoned, and humiliated by their own families because of their gender expression.

The situation of families with LGBT people has been changing fast in recent years, thanks to the establishment of the group PFLAG and other organizations promoting the LGBT community. Many parents have joined individual PFLAG chapters and advocated for their children’s rights. A few others have actively learned more about LGBT issues and gradually have become more supportive and sympathetic to their children and other family members. More and more families are accepting their LGBT children as a result.

ICS has been working closely with core members of PFLAG, integrating them into the LGBT movement and the constant struggle for LGBT rights. PFLAG is currently very active in Ha Noi and Ho Chi Minh City, the two most populated cities in the country. ICS and PFLAG in Ha Noi provide counselling and support to their members to come out to their family, and most of them do so. However, in more rural provinces, there are no PFLAG groups to provide support to families of LGBT people.

Other CSOs and community organizations around the country also actively support the coming out process of LGBT children to their families. V Smile provides consultations to closeted gay men in Ha Noi. The Tien Giang lesbian groups share their experiences of coming out to families with others. In Da Nang, community members hold in-person meetings to share coming out experiences. AAU Radio interviews parents and family members who have LGBT relatives and interview LGBT individuals on their coming out processes.

Despite the growing presence of LGBT-supportive CSOs, there are limited helplines or services to support parents and family of LGBT children during the coming out process. At the local, or city, level there are occasional resources such as PFLAG and the hotline for lesbian women run by CSAGA. However, at the national level, hotlines do not have any knowledge of LGBT issues and instead of helping, they tend to worsen the situation by providing advice based on outdated knowledge and information.



When J., a 26-year-old male-to-female transgender person in Ho Chi Minh City, first announced that she was female, she was involuntarily checked into the hospital by her family. She had to undergo a blood test and was later subjected to “curative” treatments by a shaman. She was psychologically harassed and physically assaulted in her own home. After she travelled to Thailand to have gender-confirmation surgery using her own hard-earned money, her family started to accept her. The acceptance was also due to the scientific information that they researched afterwards. Now, once again, they treat her with love and respect.

## CASE STUDY #8

T's parents one day found out that he was gay. Unable to accept him, his parents beat him, humiliated him and kicked him out of their home. Having not graduated from high school and without a job, T. wandered on the streets of Ha Noi.

Disappointed and lonely, T. joined a male brothel. "He received many clients there, and because he lived at the brothel, half of his income was taken by the owner. One time, he was too exhausted to receive clients. He was raped by the owner to the point that his intestine was torn," L., a friend of T. said.

"His life was sad. Not only was T. sad but so were the others. Everyone thought that male prostitutes earned lots of money but it was really nothing. I have never seen anyone with a prosperous life; most of them only had enough to live day by day. No one had the courage to leave the job despite all of them knowing the hidden deadly consequences."

L.'s biggest worries were the days when T. was in the hospital: "His body was covered with lesions, his lips were bleeding, and his face was dark and pale. There was no one from his family, only some friends. During those last days, he cried a lot." The most painful thing was that T. could not remember who he got the virus from. "The most suspected persons tested negative, so T. must have been infected for a long time, and had been infecting many others."

At T.'s funeral, there was no one but a few people from his family. None of his friends were informed of his death. When the coffin was buried, his mom collapsed and screamed, "It was me who killed you!"<sup>49</sup>

Mrs. H.'s son was 24 years old, handsome and well-built. He was admitted to two universities and working while a student.

"Looking at him, I couldn't express how proud I was. However, as time went by, I saw something strange about his behavior." Mrs. H. said.

When he was in grade 11 and 12, he usually went out late at night. Mrs. H. was worried, so she asked to go along to learn more about his friends. After much hesitation, he allowed Mrs. H. to go out with him. "Seeing that all his friends were gay, it hurt me deeply. I was confused, worried, and pained that my son would be humiliated and ridiculed, but I tried to hide my sadness and talked to his friends as usual."

Six years ago, knowledge about homosexuality was not common and she found very little information. But with a mother's heart, she accepted her son's choice. "I thought that my son was talented and smart, so if he chose his path it means he had thought about it carefully. If I tried to change him, he would become sad and ruined. Then I would really lose my son."<sup>50</sup>

### ***Vision Statement for LGBT and Family in Viet Nam***

To promote a better family environment for LGBT people, the National LGBT Community Dialogue envisions:

- As PFLAG is currently only established in Ha Noi and Ho Chi Minh City, we envision that:
  - » PFLAG would expand its presence and services across the country, establish tight connections between members and become ready to consult newcomers.
  - » There would be more veteran members willing to work as peer consultants for other parents who need advice. This would make parents feel like they are not alone, especially the mothers.

49 Anh Thu, "The pain of parents having homosexual children", An Ninh Thu Do, 8 June 2013. Available from <http://www.anninhthudo.vn/Loi-song/Noi-long-cha-me-co-con-dong-tinh/502671.antd> (accessed 17 March 2014)

50 Anh Thu, "The pain of parents having homosexual children", An Ninh Thu Do, 8 June 2013. Available from <http://www.anninhthudo.vn/Loi-song/Noi-long-cha-me-co-con-dong-tinh/502671.antd> (accessed 17 March 2014)

- LGBT children would gain acceptance and recognition from their parents, regardless of their sexual orientations and identities.
- Resources on sexual diversity would be widely published and distributed to families, through multiple accessible channels.
- Society would become more familiar with many different models of family rather than the current limited and conservative paradigm of two heterosexual parents that is known in Viet Nam.
- There would be more role models of happy LGBT families.
- Couples, regardless of their sexual orientation and gender identity, and their children, would be protected under the law.
- The Women's Union, the Youth League and other national mass organizations would be involved in protecting the rights of LGBT people and same-sex families.



## MEDIA



Media coverage on LGBT issues and lives is mixed. There is increasingly more supportive and positive news coverage in official and prestigious newspapers as journalists actively seek out more accurate information from the LGBT community. ICS has maintained a good working relationship with journalists, including mainstream newspapers. ICS now acts as a contact for journalists on LGBT issues. Nonetheless, these positive changes are limited. Some media still consider homosexuality a sensitive topic, bad behaviour, or social evil despite the recent change in tone by most of state media to be more neutral or supportive of LGBT issues. There is currently no legislation to fine or regulate articles that publish false and inaccurate information.

Rural provinces often have little access to positive media coverage of LGBT people. Many tabloids and local newspapers still publish sensationalized and inaccurate information on LGBT issues to attract attention. Negative stereotypes of LGBT people still exist in the media and the entertainment industry. They are often ridiculed and made fun of using discriminatory and derogatory terms.

Community-based groups are contributing to a change in the media landscape. AAU Radio reviews news in the LGBT community, interviews couples about their experiences living together, and offers advice to young audiences. ICS has a strong connection with national and international

media in the field of telecommunication, radio and journalism, and has become a reliable source of information to journalists. ICS works with all levels of journalists to introduce community events and provide positive and accurate news; they also ask tabloids to rectify or take down inaccurate information in articles in a timely manner. In Ha Noi, V Smile provides official and scientific information to journalists. And in Hai Phong and Da Nang, LGBT community members share information and knowledge from the national and international LGBT movement among each other. Although there have been a few training sessions on LGBT issues for journalists, they are not organized regularly. Further, even after the training, a number of reporters have not committed to writing articles with accurate information.

Online media plays a critical role for Viet Nam's LGBT community. For example, in Can Tho, even though community members connect with each other through community events, they also share information, including HIV prevention and services, using online media such as G-link. Based in Ha Noi, Youth Dream set up iBoy.vn as the community's media channel for the latest news concerned LGBT issues. Likewise, LGBT.vn gives updates of information, knowledge, and events from national and international LGBT communities timely and accurately. Sau Sac Cau Vong works on forums, produces analysis of the national and international LGBT movement, updates information and knowledge on and for the community, and provides strong arguments and viewpoints on LGBT issues. Tao Xanh updates information and knowledge and provides feedback and viewpoints on forums. Bangaivn does the same through their news bulletin. While online forums and websites are functional, the LGBT community does not have any official media channels to actively convey the image of the community and to publicize objective and accurate information on SOGI.



CASE  
STUDY  
#9

There were more than 35 journalists from over 20 print and online media channels that joined a training session on transgender topics organized by ICS in April 2013. Since then, news coverage of LGBT people has become more objective and positive, which is contributing to the growing LGBT movement in the country.

### ***Vision Statement for LGBT and the Media in Viet Nam***

To promote a better media environment for LGBT people, the National LGBT Community Dialogue envisions:

- LGBT topics would no longer be ignored or considered sensitive by the media.
- The LGBT community would produce multimedia products of high quality with financial, human resource and technology support from sponsors and professional organizations.
- Those products and media channels from the community would become well established and reliable.
- There would be civil-society media channels to effectively provide objective and updated news coverage on LGBT issues.
- All mainstream newspapers would publish accurate and objective information in articles about the LGBT community.
- Success stories of community projects and events would be publicized widely.



## POLICIES, RIGHTS AND LAWS



Political, legal, and human rights environments are challenging for the LGBT community in Viet Nam. Laws are in flux and generally do not respect the diversity of LGBT people. Many LGBT-related situations arise without being legally defined, which confuses authorities when dealing with cases such as same-sex weddings, sexual abuse, assaults on transgender people, and differences in gender identification on legal documents, as well as, more generally, discrimination based on sexual orientation and gender expression.

Issues related to sexual assault and violence are particularly concerning. Because sexual violence in Viet Nam is defined to involve sexual intercourse only between men and women, transgender women are not able to prosecute against their aggressors as they are legally considered men. This limitation also affects men who are raped by other men.

As of July 2014, the revised Law on Family and Marriage no longer prohibits or recognize same-sex marriage. In the preceding years, authorities were often confused between marriages and wedding ceremonies which led to interventions to stop same-sex wedding ceremonies, and same-sex couples being fined under other articles. Same-sex weddings were fined in several provinces such as Ca Mau and Binh Duong. Despite interventions from the local authorities, more and more weddings of same-sex couples took place throughout the country over the past few years. These weddings were frequently covered by the media and contributed to the visibility of same-sex couples and raised awareness of same-sex couples' desire to live together. In September 2013, same-sex wedding ceremonies were legalized by decree No. 110/2013/ND-CP.

Until recently there has been no dialogue between the LGBT community, lawmakers, and organizations responsible for labour and civil problems. The existence of LGBT persons and their rights have not been taken into consideration in policy making. iSEE and ICS have, however, organized and participated in dialogues between the community, lawmakers and government officials, and made suggestions to amend the constitution and draft laws through conferences, online surveys, and questionnaires. Through these dialogues, lawmakers and the government have had a closer and more realistic look at the situation facing the LGBT community. The needs of LGBT people were also reflected in the government's recent responses to the media. Consultations with the government also helped build a positive image of the LGBT community in the sense that they

could have an open discussion with the government about their rights instead of being seen as social evils to be avoided.

LGBT websites have thus far focused on networking and sharing knowledge of sexuality without addressing legal issues affecting the lives of LGBT people. Further, LGBT media appears ignorant about violations against LGBT human rights and do not have a goal towards addressing this issue. However the community has started to advocate for their rights, starting with the amendment of the Law on Marriage and Family. Efforts have been made to gather signatories for a petition to legalize same-sex marriage, with support from non-LGBT allies and a number of CSOs, including those that do not work on LGBT issues.

Civil society organizations working on LGBT issues cannot obtain permission to provide legal consultations to LGBT people who are marginalized by existing laws because of their sexual orientation and gender identity. Thus, there are no legal counselling centres for LGBT people. Some legal counsellors have investigated cases of assaults and discrimination against LGBT people and advocated for same-sex marriage. Analysis and debate took place on social networks and in mass media. Sau Sac Cau Vong built an online legal issues consultation database to help the LGBT community understand violations against their human rights. The database was comprehensively shared on online LGBT forums. LGBT civil organizations are starting to provide feedback to lawmakers to support legal issues such as changing gender identity for transgender people, same-sex marriage, and the need to impose penalties on published articles that have inaccurate information about LGBT issues.

CASE  
STUDY  
#10

Early this April, ICS met and consulted with two lesbians living together in the home of one of the partners. According to their story, when the local police arrived at their home for inspection, one of the partners had their ID card confiscated by the police. When she came to see the police to register for temporary residence, the chief insulted their sexuality and lives and was quoted as saying, “Even 20 students are allowed to register together but the gays – never”. After the consultation session at ICS, the couple came back to the police station to finish their registration. This is not an exceptional story for same-sex couples cohabiting in Viet Nam.

### ***Vision Statement for LGBT Policies, Rights and Law in Viet Nam***

To promote a better political environment for LGBT people, the National LGBT Community Dialogue envisions:

- The human rights of LGBT people would be recognized by law, like those of any other person and should be stipulated in the Constitution and other major legal codes.
- The establishment of organizations to protect the rights of LGBT people with the ability to legally act against violations of those rights would be allowed.
- Same-sex couples would have the same rights, including the rights to cohabitation, to represent each other, to marriage, to surrogacy, to child adoption, and to inheritance, as heterosexual couples do; and these rights shall be reflected in the Civil Code, the Law on Civil Status, the Law on Adoption, and the Law on Marriage and Family.
- Transgender persons would have the right to have their sex changed, both in actuality and on identification documents after sex reassignment surgery. Intersex people would have the right to change their gender to their desired one, or to retain their intersex condition without intervention from their family or doctor, in actuality and on identification documents. These

rights would also be reflected in the Civil Code and the Law on Child Protection, Care and Education.

- The violation of the basic human rights against LGBT people, such as discrimination based on sexual orientation and gender identity would be punishable by law, and should be prescribed in the Penal Code. Sexual harassment and sexual assault targeting transgender people and intersex people, or when the victim is a person of the same sex as the aggressor, would also be prosecutable by the law.



## COMMUNITY



Despite the rapid progress of the LGBT movement, many community members still face discrimination and inequality. With their rights neglected by Vietnamese law, many people in the LGBT community are not aware that their rights are being violated and thus do not take any action. This neglect is particularly evident in the cases of lesbians and male-to-female transgender people who are marginalized on the basis of multiple factors including sexuality, gender and gender identity.

Stigma and discrimination against LGBT people in Viet Nam is pervasive. To counteract this, the Swedish International Development Agency (SIDA) and iSEE collaborated on a project in 2011-13 to provide counseling services and sexuality education. SIDA supported the Swedish organization Riksförbundet För Sexuell Upplysning (RFSU) to provide technical support to ICS to implement this project.

Conflicts and discrimination within the LGBT community lead to the segregation of subpopulations. Lesbians, gay men and transgender persons cannot speak with one voice and work together. Bisexual people are still invisible and do not speak out. Lesbian, gay and transgender groups sometimes marginalize bisexual individuals because they are seen as betraying the community by hiding their homosexuality behind heterosexual relationships. In the more rural provinces, i.e. areas outside of the centrally governed cities of Ha Noi, Ho Chi Minh, Da Nang, Hai Phong, and Can Tho, the LGBT community is still fragmented and has trouble connecting to each other.

In Ha Noi and Ho Chi Minh City, LGBT communities have started to form networks among themselves through organizations such as ICS. In the capital, V Smile Group mobilized volunteers



and allies to connect gay men and transgender people through their events. Youth Dream Club also organized events to connect community members, and to discuss discrimination within the LGBT community. Online forums such as Tinh Yeu Trai Viet include CSOs and community members from all over the country and those who live overseas through online and offline events. Bangaivn provide small lesbian groups around the country with accurate and updated information.

In the rural provinces, LGBT communities are building a stronger community of their own. Lesbians in Tien Giang and Dong Nai organize sport events to meet each other. In Hai Phong and Can Tho, they gather through charity events. Charity events seem to be a favoured way to connect community members; Asian Labrys and Tao Xanh have organized them. This is another way to improve the image of the community.

CASE  
STUDY  
#11

In May 2013, "Awakening to the Rainbow" was held in four urban centres of Viet Nam: Ho Chi Minh City, Ha Noi, Da Nang and Can Tho. The event attracted over 10,000 people and allies, and was covered in the media by over 10 broadcasting channels and 50 news articles. This was a keystone event of the LGBT community, during which they made a bold statement about their existence and their pride.

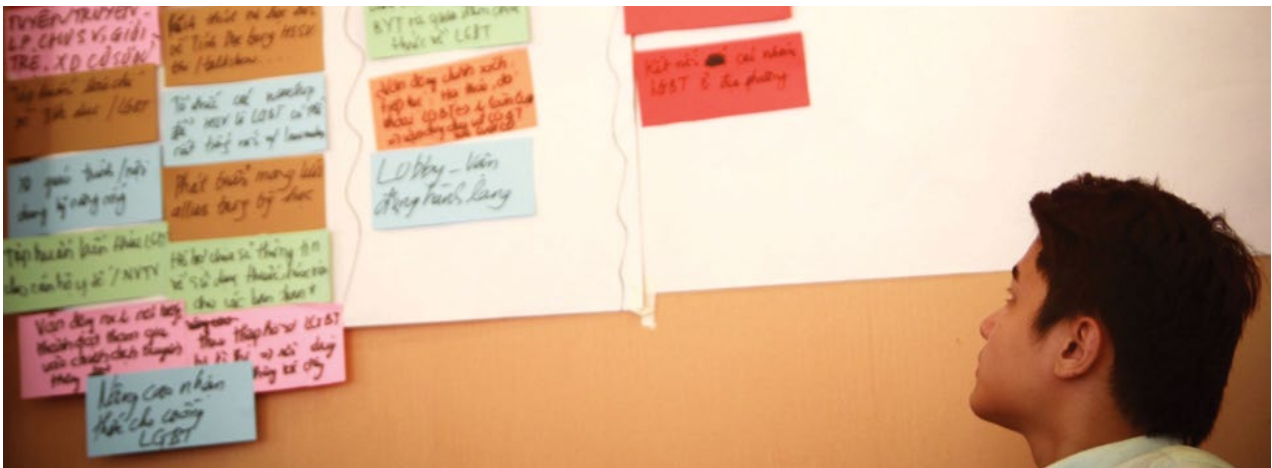
### ***Vision Statement for LGBT and Community in Viet Nam***

To promote better LGBT communities, the National LGBT Community Dialogue envisions:

- The LGBT community will speak with one voice, and there will be no discrimination among the members, and among different groups of L, G, B, T and others.
- Community members throughout the country will establish a network to work together and contribute to the national LGBT movement.
- Civil society organizations will become more established with stronger organizational capacity and technical skills.



# KEY STRATEGIES



Participants at the National LGBT Community Dialogue provided views on how to protect LGBT rights under the following categories of policy advocacy, support services, media representation, research, and organizational development and capacity building.



## POLICY ADVOCACY

Viet Nam is going through a major legal reform with many important laws, such as the Law on Marriage and Family, the Civil Code, the Labor Code, the Residential Code and the Constitution, being amended in the upcoming period. This is an opportunity for the LGBT community to

participate in the process and ensure their rights are protected. This is also the opportunity to add anti-discrimination policies based on sexual orientation and gender identity.

While amending these laws is essential, it is even more important to involve general community members in this process to empower them and to help them be more aware of their rights. The support should build up from grassroots civil society and citizens to the government and not the other way around. The LGBT community should have regular meetings with working groups on the laws, policymakers and the government to describe their challenges. Campaigns to collect ideas from the community and the public should be organized when dialogue is not possible.

Supporting organizations should work with the World Health Organization (WHO) so that the Ministry of Health can put forward an official viewpoint on LGBT issues, leading to changes in awareness, attitudes and the behaviour of medical staff in Viet Nam towards LGBT patients.



## SUPPORT SERVICES

There is a need for legal consultation centres for LGBT people to help them with legal issues in their daily life. This is also a way to educate members of the community on their rights, as many are not aware of them. Legal consultation should be offered to LGBT people through incorporating information and knowledge regarding LGBT issues into a national network of legal clinics/hotline, such as the national HIV hotline.

Organizations representing the LGBT community with one voice and safeguarding their rights should be legally established in order to provide prompt, accessible, and timely perspectives on LGBT issues. CSOs working towards equality for LGBT people should be allowed to register as a legal entity for more effective operation.

Community and self-help groups should actively take action to build a model of vocational centres for LGBT people, especially for transsexuals, the homeless and those who live in the countryside. Supporting organizations can provide technical support and human resources to make this possible.

PFLAG should expand their activities to other parts of the country, while building a strong network to connect members in the provinces with those in the big cities of Ha Noi and Ho Chi Minh. Their activities should reach more families throughout the country and provide timely advice and support to parents in need. PFLAG should act as a bridge connecting their LGBT family members with the wider society.



## MEDIA REPRESENTATION

Multimedia products have been an effective tool in raising awareness of LGBT issues in Viet Nam, as evidenced by the amount of media coverage on movies and art collections with LGBT themes throughout recent years. Thus, there should be more documentaries, videos and photo exhibitions on topics of sexual diversity to educate the public. Other forms of communication such as plays and performances should be explored to promote new models of family and gender roles in a more positive way. A funding source from supporting organizations should be secured to print and publish awareness-raising materials.

Media outreach should include the conduct of additional and continued training on LGBT issues for journalists. Training materials should be updated to reflect the current progress in LGBT movement, as well as to correct the shortcomings of previous training sessions. High-profile personalities should also be involved in awareness-raising campaigns to build a positive image of the LGBT community. LGBT couples and family should be featured more in the media to give society a realistic look at LGBT people. Youth including students and young people should be educated about LGBT issues through lectures, discussions and an online database that can be accessed by everyone.



## RESEARCH

Cases of discrimination against LGBT people in different aspects of life such as education, employment, family, and health should be documented and published to raise societal awareness of and reduce SOGI-based discrimination.



# ORGANIZATIONAL DEVELOPMENT AND CAPACITY BUILDING

Owing to the importance of building skills and improving organizational capacity in the LGBT community, delegates suggested making organizational development and capacity building into a clear and standalone strategy – most groups felt that they did not have strong leadership as well as stable financial sources for their activities.

During the dialogue, participants assessed the capacity of various stakeholders. They examined the strengths, weaknesses, opportunities and challenges faced by the LGBT community itself, by sponsors and donors, and by UN agencies. Based on the assessment, a series of recommendations have been made for each stakeholder.



## CAPACITY ASSESSMENT



### LGBT COMMUNITY

#### *Strengths*

- The LGBT community in Viet Nam at the moment is young, enthusiastic, active and creative. It is comprised of mostly students and young adults whose awareness of their rights and knowledge of sexuality is improving. They are well educated and well connected to LGBT communities in big cities. They have a willingness to learn about advocacy experiences from LGBT movements in other countries.
- The LGBT community is supported by parents and family members who have joined the group PFLAG.

### ***Weaknesses***

- Different groups within the LGBT community still discriminate against each other. The community cannot speak with one voice. Lesbian and female-to-male transgender groups are still fragmented and do not have the courage to fight for their rights.
- The progress of the LGBT movement moves at an unequal pace throughout the country. Our community in the countryside is still disconnected and left behind. There is also a disparity in competency among LGBT groups. Many campaigns do not have strong leadership.

### ***Opportunities***

- LGBT civil-society organizations can take advantage of support from other larger CSOs and international NGOs to push the movement forward. LGBT campaigns are growing all around the world, which our community in Viet Nam can learn from.
- LGBT issues have become high profile, not only worldwide but also in Viet Nam, which has attracted attention from the media.
- The government is open to discussing same-sex marriage.
- Support from “allies” is increasing.

### ***Challenges***

- The level of discrimination from the society is still high, which may hinder community initiatives.
- Community-based groups still have difficulties in spreading knowledge and skills as well as gathering human resources.
- Sponsorship is not stable enough to sustain activities and the LGBT movement at large; thus, projects are still short-lived.



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## **SPONSORS AND DONORS**

### ***Strengths***

- Sponsors and donors in Viet Nam, with an established management system, have strong technical and financial resources to support LGBT groups and organizations in the country. Many of them are allies of the LGBT community and have a strong reputation and support from the LGBT community.
- Coming from more developed countries, donors usually have extensive experience working with sexual minorities.

### ***Weaknesses***

- Changes in personnel often affect work assignments.
- Execution of projects is time-bound without full specialization and investment into projects.

- Donors have not undertaken enquiry into what the community desires, and do not fully understand the values of community.
- Donors sometimes are not specialized in LGBT issues, thus their activities are often very general.
- They are not LGBT representatives, and LGBT people are not engaged yet in their work.

### ***Opportunities***

- An increasing number of sponsors have started to be aware of LGBT issues in Viet Nam and have started to fund LGBT-related projects. State authorities also pay attention to and actively study LGBT issues.
- Organizations have opportunities to expand their scope of activities in order to further develop their missions, with clearly identified priorities.

### ***Challenges***

- Sponsors prefer assisting LGBT CSOs directly without going through more established CSOs.
- Organizations do not connect with each other, which would allow them to become more effective in their work.
- Organizations offering legal or support services to LGBT people may have troubles with their legal operations.
- There are few national independent funding resources for LGBT activities.
- Donors have difficulty working with State agencies and civil society organizations in the country.
- Agencies of the United Nations



## **AGENCIES OF THE UNITED NATIONS**

### ***Strengths***

- UN agencies in Viet Nam have a strong connection with lawmakers and other governmental organizations and State agencies.
- They have access to international rights experts through the extensive UN system.
- They have international experience in human rights protection.
- They can enforce the implementation of international conventions where Viet Nam is a signatory.
- UN agencies are capable of engaging relevant stakeholders and civil society organizations working on LGBT issues.

### ***Weaknesses***

- UN agencies still have not cooperated with civil society much.
- They have limited funding for LGBT programmes.
- Advocacy for LGBT rights has not been a priority of the United Nations in Viet Nam.

- Agencies have not worked together to share their experiences working in LGBT issues.

### **Opportunities**

- Donors are becoming more aware of LGBT issues.
- The government and lawmakers have more open attitudes towards LGBT people.

### **Challenges**

- The financial crisis has had an impact on funding activities.







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# ANNEX 1: LIST OF PROMINENT LGBT ORGANIZATIONS IN VIET NAM

Organization	Phone No.	Email Address	Mission
Center of Creative Initiatives in Health and Population (CCIHP)	+84 435770261	ccihp@ccihp.org	Advocates for the rights of women, rights to reproductive health, sexuality and HIV.
ICS Center	+84 839405140	info@ics.org.vn	Advocates for the rights of lesbian, gay, bisexual, and transgender (LGBT) people.
Institute for Studies of Society, Economy and Environment (iSEE)	+84 462737933	isee@isee.org.vn	Advocates for the rights of minority groups including ethnic minorities and sexual minorities.
Institute of Social Development Studies (ISDS)	+84 437820058	isdsvn@isds.org.vn	Aims for a democratic, inclusive, and participatory society with an emphasis on promoting rights of under-privileged populations.
Living My Life	+84 933897850	clb.lml5@gmail.com	



## ANNEX 2: MEDIA COVERAGE

The National Conference of Vietnamese LGBT Community and the National Dialogue on LGBT 2013 was covered in multiple news sources. Here are the names of the news sources followed with the relevant weblink to its location on the Internet:

- Clip về Hội thảo LGBT Toàn quốc tại TP. HCM 1 June 2013:  
<https://www.youtube.com/watch?v=bM5kqBpTZLA>
- Viet Nam News Agency's Television:  
news report during evening news programme on 5 June
- VOV News:  
<http://english.vov.vn/Society/Ha Noi-hosts-seminar-on-samesex-and-transgender/261163.vov>
- Vietnambreakingnews:  
<http://vietnambreakingnews.com/2013/06/Ha Noi-hosts-seminar-on-lbgt-in-vietnam/>
- Thông Tấn Xã Việt Nam/Viet Nam Plus:  
<http://en.vietnamplus.vn/Home/Dialogue-talks-challenges-for-LGBT-community/20136/35230.vnplus>
- CPV Online:  
[http://dangcongsan.vn/cpv/Modules/News\\_English/News\\_Detail\\_E.aspx?CN\\_ID=589563&CO\\_ID=30107](http://dangcongsan.vn/cpv/Modules/News_English/News_Detail_E.aspx?CN_ID=589563&CO_ID=30107)
- Dztime.net:  
<http://www.dztimes.net/post/social/positive-signs-for-lbgt-community.aspx>
- Tin Tuc – News:  
<http://baotintuc.vn/xa-hoi/ho-tro-nguoi-dong-tinh-song-tinh-va-chuyen-gioi-o-viet-nam-20130605110023438.htm>
- Nong Thon Ngay Nay - Countryside Today:  
<http://danviet.vn/141272p1c31/nguoi-dong-tinh-song-tinh-va-chuyen-gioi-doi-thoai-cong-khai.htm>
- Phununet.com:  
[http://www.phununet.com/Blog/Chitietblog.aspx?Pk\\_iBlogID=34092&Pk\\_iEntryID=161637](http://www.phununet.com/Blog/Chitietblog.aspx?Pk_iBlogID=34092&Pk_iEntryID=161637)
- The Thao Van Hoa – Sports and Culture:  
<http://thethaovanhoa.vn/xa-hoi/ho-tro-cong-dong-nguoi-dong-tinh-song-tinh-va-chuyen-gioi-o-viet-nam-n20130605125828130.htm>

- Thanh Tra – Inspection:  
<http://thanhtra.com.vn/tabid/77/newsid/68403/temidclicked/34/seo/Ho-tro-cong-dong-nguoi-dong-tinh-chuyen-gioi-Viet-Nam/Default.aspx>
- Citinews.net:  
<http://citinews.net/the-gioi/ho-tro-cong-dong-nguoi-dong-tinh--chuyen-gioi-viet-YF64MYQ/>
- Thông Tin Xã Việt Nam/Viet Nam Plus:  
<http://www.vietnamplus.vn/Home/Ho-tro-cong-dong-nguoi-dong-tinh-chuyen-gioi-Viet/20136/200756.vnplus>
- Nhân Dân – People’s Daily:  
<http://www.nhandan.org.vn/xahoi/tin-tuc/item/20498002-%C4%91%E1%BB%83-ng%C6%B0%E1%BB%9Di-%C4%91%E1%BB%93ng-gi%E1%BB%9Bi-%C4%91%C6%B0%E1%BB%A3c-s%E1%BB%91ng-t%E1%BB%91t-v%E1%BB%9Bi-x%C3%A3-h%E1%BB%99i.html>
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<http://danviet.vn/141272p1c31/nguoi-dong-tinh-song-tinh-va-chuyen-gioi-doi-thoai-cong-khai.htm>
- Website Gaystarnews:  
<http://www.gaystarnews.com/article/social-media-campaign-launched-unite-asias-lgbt-community110613>
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<http://www.un.org.vn/en/undp-agencypresscenter1-99/2638-usaid,-undp-support-lgbt-dialogue-for-more-inclusive-development-in-viet-nam.html>



# ANNEX 3: LAWS AND POLICIES

## LAWS AND POLICIES CONCERNING THE LGBT COMMUNITY

(Reproduced from USAID Pathways for Participation Project 2013)<sup>51</sup>

Policy or Right	Status	Relevant Policy, Articles, and Legislation
Sexual behaviour between people of the same sex	Not mentioned	No articles mention its prohibition
Same-sex wedding ceremonies	Legal	Decree No. 110/2013/ND-CP
Unregistered cohabitation	Illegal	Article 11, Law on Marriage and Family
Registered partnership	Not mentioned	Not mentioned
Same-sex marriage	Currently illegal	Item 5, Article 10, Law on Marriage and Family; proposed law may make it neither illegal nor legal.
Adoption of children by same-sex couples	Illegal	Item 3, Article 8, Adoption Law
Surrogate pregnancy	Illegal	Article 6, Decree 12/2003/ND-CP
Marriage to a foreigner whose country has legalized same-sex marriage	Illegal	Article 10, Decree 68/2002/ND-CP
Recognition of a same-sex marriage that is conducted abroad	Illegal, with exceptions	Article 1.7, Decree 69/2006/ND-CP
Serving in the military	Legal	No articles mention its prohibition (Article 4, inter-circular 167/2010/TT-BQP)
Donation of blood	Legal	No articles mention its prohibition
Protection in domestic violence cases from relatives who discriminate against one's SOGI and from same-sex partners	Not clear	Article 2, Law on Prevention of Domestic Violence
Umbrella anti-discrimination law	Does not exist	Specific articles on HIV prevention law for those infected with HIV
Education on SOGI in schools	Does not exist	Not included in school curricula

51 USAID Pathways for Participation Project, United States Agency for International Development. *LGBTI Civil Society Organizations (CSOs) in Vietnam—A Brief Analysis* (2013).

## LAWS AND POLICIES CONCERNING TRANSGENDER AND INTERSEX PEOPLE

(Reproduced from USAID Pathways for Participation Project 2013)<sup>52</sup>

<b>Policy or Right</b>	<b>Transgender People</b>	<b>Intersex People</b>	<b>Relevant Policy, Articles, and Legislation</b>
Change of name (before gender-confirming surgery)	Not clear	Not clear	Article 27, Civil Codes, Decree 158/2005/ND-CP
Change of name (after gender-confirming surgery)	Not clear	Legal	Article 27, Civil Codes, Decree 158/2005/ND-CP
Gender-confirming surgery	Illegal	Legal	Articles 4, 5, and 6 of Decree 88/2008/ND-CP
Change of sex on paper (before operation)	Illegal	Not illegal	Article 27, Civil Codes, Decree 158/2005/ND-CP
Change of sex on paper (after operation)	Illegal	Legal	Articles 10, 11, and 12 of Decree 88/2008/ND-CP
Option "another sex" on paper	Illegal	Illegal	The option does not exist on identification or other personal papers
Addressing consequences before operation	Not applicable	Not clear	Law does not address the issue (Civil Law, Law on Marriage and Family; Decree 88/2008/ND-CP)
Requirement of agreement by the person undergoing the operation	Not applicable	Not clear	Inter-circular 05/2012/TT-BTP
Non-discrimination on the grounds of gender expression	Not applicable	Not applicable	No law exists

52 Ibid 51







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**United Nations Development Programme**  
**UNDP Asia-Pacific Regional Centre**  
United Nations Service Building, 3rd Floor  
Rajdamnern Nok Avenue, Bangkok 10200, Thailand  
Email: [aprc.th@undp.org](mailto:aprc.th@undp.org)  
Tel: +66 (0)2 304-9100  
Fax: +66 (0)2 280-2700  
Web: <http://asia-pacific.undp.org/>