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SPOTLIGHT REPORT

SITUATION OF PERSONS OF DIVERSE SEXUAL ORIENTATION, GENDER EXPRESSION AND SEX CHARACTERISTICS (SOGIESC) IN VIETNAM

For the 2023 Voluntary National Review of Vietnam



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Glossary

VNR	Voluntary National Review
Agenda 2030	The 2030 Agenda for Sustainable Development
APA	American Psychological Association
ASEAN	Association of South East Asian Nations
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
DSM	Diagnostic and Statistical Manual of Mental Disorders
High Level Political Forum	United Nations High-level Political Forum on Sustainable Development
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
Human Rights Committee	United Nations Human Rights Committee on the International Covenant on Civil and Political Rights
ICCPR	International Covenant on Civil and Political Rights
ICD	International Classification of Diseases
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
iSEE	The Institute for Studies of Society, Economy & Environment
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer
LNOB Viet Nam	Leave No One Behind Partnership Viet Nam
MOH	Ministry of Health
MPI	Ministry of Planning and Investment
MSM - TG	Men who have sex with men - transgender women

NCDs	Non-communicable diseases
NHRI	National Human Rights Institution
NGO	Non-governmental Organization
PFLAG	Parents and Friends of LGBTIQ
PrEP	Pre-exposure prophylaxis
SDG	Sustainable Development Goals
SOGIESC	Sexual Orientation, Gender Identity, Gender Expression and Sexual Characteristics
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
US CDC	United States Center for Disease Control
WHO	World Health Organization

Note on language:

The Vietnamese government often uses the language of “social organization” when referring to civil society organizations. We have adopted this language, and use “social organization” and “civil society organization” interchangeably.

About the Institute for Studies of Society, Economy & Environment (iSEE)

iSEE is a Vietnamese non-governmental organization working towards a vision of a Viet Nam where all people, majority and minority, know their rights, exercise their rights, and actively support others to exercise their right. Unique in its hybrid research-advocacy structure,

> iSEE is a local NGOs that activates and fosters social movements seeking freedom and justice for marginalized populations in Viet Nam

Our rights-based approach builds intersectional coalitions of knowledgeable, capable and vocal citizens, private sector actors, and government actors. The goal is to spark and empower changemakers to successfully advocate for the needs, rights and freedoms of their (and intersecting) communities beyond iSEE.

iSEE started working with the LGBTIQ community since the beginning of the organization in 2007, and was one of the first organizations in Viet Nam to apply a right-based approach in working with the LGBTIQ community. The iSEE LGBTIQ team has led some of the most concerted and sustained efforts to push for LGBTIQ rights in Viet Nam via a research-backed, rights-based and anthropological approach. We successfully:

- Produced foundational researches on contemporary LGBTIQ issues that served as a foundation for our interventions, our partners' programming and provided crucial information for policymaking.
- Empowered over 50 community organizations to solve problems at the local level and actively participate in national advocacy processes.
- Pushed for major changes in the legal framework such as the unbanning same-sex marriage in the Law on Marriage & Family (2014), legalize legal gender recognition (Article 37 of the Civil Code 2015).
- Carried out wide-reaching social campaigns to increase public acceptance and mobilize public support for legal changes, such as the I DO campaign for same-sex marriage, or the Leave with Pride campaign that resulted in Official Dispatch 4132/BYT-PC of Ministry of Health condemning conversion therapy practices.

Website: https://www.isee.org.vn/
https://www.facebook.com/iseevn

Library: https://thuvien.lgbt/

Executive summary

Vietnam has been engaged and receptive to the implementation and monitoring of SDGs, and feedback from the international community. Vietnam has taken significant strides towards achieving its SDGs ensuring that we "leave no one behind". This is especially important for LGBTIQ who have faced a history of discrimination and stigma, sometimes exacerbated by laws and policies directly or indirectly impacting LGBTIQ people. In South-East Asia, Vietnam has demonstrated its leadership in advancing the human rights of LGBTIQ. In recent years, Vietnam has taken positive steps to advance the rights of LGBTIQ people consistent with their commitments to achieving the SDGs. Notably, Vietnam has recognized that being transgender and homosexual is not a disease, removed the prohibition on same-sex marriage, and legalized the right to legal gender recognition for transgender people. However, there exist challenges of inclusion and follow-through on government commitment and initiatives that hinder Vietnam from achieving its full potential regarding the SDGs.

The 17 SDGs lay out a framework for States to work towards the development of a healthy and sustainable society, economy, and environment. This spotlight report contributes to monitoring SDG implementation to acquire a holistic understanding of Vietnam's work in the advancement of SDGs. It works to ensure that Vietnam achieves Agenda 2030 with the participation and inclusion of all stakeholders, including the LGBTIQ community, to ensure that the implementation of Agenda 2030 is sustainable, inclusive, and "**leaves no one behind**".

Introduction

Under international conventions that Viet Nam is a State Party:

> It is the State's duty to safeguard, without discrimination, the human rights of all people, irrespective of their sexual orientation, gender identity, gender expression and sex characteristics.

This obligation is documented in many international documents including the Universal Declaration of Human Rights and treaties ratified by Viet Nam. Guiding the application of these binding international commitments are the Yogyakarta Principles and Yogyakarta Principles plus 10 which are guides for upholding State obligations related to international SOGIESC obligations.

As a responsible member country of the United Nations (UN), Viet Nam has been actively participating in the implementation of the national and global sustainable development agendas. On 25 September 2015, the 2030 Agenda which set out 17 Sustainable the Development Goals (SDGs) were adopted by world leaders at the United Nations (UN) Sustainable Development Summit.

Even though the Agenda makes no explicit reference to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC), the overarching principles to "**leave no one behind**" and "reach the furthest behind first" creates new entry points for protecting the rights of LGBTIQ people who have often been overlooked within development initiatives. In response, the Government of Viet Nam issued the National Action Plan for Implementation of the 2030 Agenda for Sustainable Development in 2017, approving 17 Sustainable Development Goals (SDGs) into 115 Viet Nam SDG (VSDG), and providing guidance to government on the implementation of SDGs domestically. The National Action Plan emphasizes the importance of partnerships, and assigns responsibilities to respective stakeholders at both national and local levels.

(1) See international treaties that Viet Nam is signatory including the Universal Declaration of Human Rights (UDHR), Art. 2; International Covenant on Civil and Political Rights (ICCPR), Art. 26; International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 2(2); Convention on the Rights of the Child (CRC), Art. 2(1)

(2) Yogyakarta Principles, March 2007, retrieved from http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf [Yogyakarta]; See also, Yogyakarta Principles Plus 10, adopted on 10 November 2017, retrieved from https://yogyakartaprinciples.org/principles-en/yp10/. [Yogyakarta Plus 10]

(3) United Nations System Chief Executives Board for Coordination, "Leaving No One Behind: Equality and Non-Discrimination at the Heart of Sustainable Development", New York, 2017, retrieved from https://unsceb.org/sites/default/files/imported_files/CE-B%20equality%20framework-A4-web-rev3.pdf.

(4) Decision on Isuance of a Country Plan of Action for Implementation of the 2030 Agenda for Sustainable Development, No: 622/QD-TTq of the Prime Minister, 10 May 2017, Section 2, retrieved from https://thuvienphaplu-at.vn/van-ban/Thuong-mai/Quyet-dinh-622-QD-TTg-2017-Ke-hoach-hanh-dong-quoc-gia-thuc-hien-Chuong-trinh-nghi-su-2030-348831.aspx

Viet Nam has paid particular attention to vulnerable groups through a number of policies aimed at promoting social equality to ensure that no one is left behind. This demonstrates Viet Nam's commitment to advancing human rights using SDGs as a benchmark.

In 2018, the Vietnamese government presented the first Voluntary National Review (VNR) report for the implementation of the SDGs. The VNR aims to share with the global community the country's initial results in the implementation of Agenda 2030 and improve society's awareness of and mobilize all stakeholders' participation in sustainable development efforts under the guiding principles:

"Leaving no one behind"

Despite the commitment of leaving no one behind and several notable achievements in the legal framework on recognition and protection of the rights of people with diverse SOGIESC, Viet Nam's VNR report in 2018 failed to explicitly mention the legal, social and economic situation of LGBTIQ people, nor did the report document their involvement in the implementation of the SDGs. National data regarding people of diverse SOGIESC rarely takes into consideration surveys and research done by civil society organizations, leading to a lack of direct SOGIESC data across the SDG indicators.

Despite some progress in recent years in the legal framework and in public understanding, the LGBTIQ community in Viet Nam has been facing significant challenges in terms of discrimination, violence, and social exclusion. Within the Constitutional legal framework, which is the highest legal authority in Viet Nam, sexual orientation and gender identity are not explicitly mentioned as grounds for protection against discrimination, instead understood to be a part of "gender", leading to inconsistent interpretation of the law.

In the past few years, there has been progressive laws and policies that protect the right of LGBTIQ individuals, such as Article 37 of the Civil Code 2015 legalizing the right for legal gender recognition, or Directive 4132/BYT-PC of the Ministry of Health affirming that being homosexual and transgender is not a disease. However, the implementation of these policies is either inconsistent or delayed.

(5) The Constitution of the Socialist Republic of Viet Nam, dated 23 November 2013, effective since 01 January 2014, Article 16(1), retrieved from http://vbpl.vn/TW/Pages/vbpq-van-ban-goc.aspx?ItemID=3280. [Constitution]

(6) Civil Code (Revised) 2014, No. 91/2015/QH13 (2015), dated 24 November 2015, entry into force since 01 January 2017, Article 37, retrieved from http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=95942. [Civil Code]

(7) Directive 4132/BYT-PC, Ministry of Health, dated 3 August 2022, retrieved from https://thuvienphapluat.vn/cong-van/The-thao-Y-te/-Cong-van-4132-BYT-PC-2022-chan-chinh-cong-tac-kham-chua-benh-nguoi-dong-tinh-song-tinh-525166.aspx.

(8) Atty-Roos IJsendijk, "Eight years and counting - Why the Gender Affirmation Law matters in Viet Nam", in UNDP Vietnam blog, dated 16 May 2023, retrieved from https://www.undp.org/vietnam/blog/eight-years-and-counting-why-gender-affirmation-law-matters-viet-nam.

Discrimination and stigma continue to affect LGBTIQ people's access to education, healthcare, employment, and other essential services, which hinders their ability to advocate for their rights and achieve full inclusion. A 2015 survey conducted by the Institute for Studies of Society, Economy, and Environment (iSEE) and UNDP in Viet Nam found that 53.8% of LGBTIQ people in Viet Nam have experienced discrimination in education, 29% have been rejected in employment, while 66% and 4.5% have experienced harassment or physical assault, respectively. The same survey found that one-third of LGBTIQ people in Viet Nam feel they are not treated equally, and nearly two-thirds feel that their families do not support them.

Viet Nam will present the 2nd VNR report at the High-Level Political Forum in July of 2023. The 2023 VNR report will look at the past 5 years of monitoring and implementation of Agenda 2030 in Viet Nam under the theme "Accelerating the recovery from the coronavirus disease (COVID-19) and the full implementation of the 2030 Agenda for Sustainable Development at all levels".

This spotlight report is produced with the goal of ensuring data, statistics, and stories of people of diverse SOGIESC in Viet Nam are taken into consideration in the implementation and monitoring of Agenda 2030. The report will review the situation of legal and social inclusion of LGBTIQ people in Viet Nam under the SGD framework, and how the SGDs are being implemented by relevant institutions in regard to LGBTIQ people. It is a complementary perspective to the Viet Nam 2023 VNR report. The report reviews SDG implementation by thematic area seeing that some of the SDGs overlap with one another. This report is produced by reviewing existing legislation, policies, literature, news articles, secondary qualitative and quantitative data, from both governmental agencies and civil society organizations.

(9) Lương Thế Huy, and Phạm Quỳnh Phương. "'Is It Because I Am LGBT?': Discrimination Based on Sexual Orientation and Gender Identity in Viet Nam.", 2016, Institute for Studies of Society, Economy and Environment, retrieved from http://www.thuvien.lgbt/s/iSEE_SOGI-Discrimination-in-Viet-Nam.pdf. [iSEE]

Legislative framework and SGD Implementation progress

Goal 1 **End poverty in all forms everywhere**

Goal 4 **Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all**

Goal 8 **Promote sustained, inclusive and sustainable economic growth, full and productive employment, and decent work for all**

Viet Nam has taken positive action in some regards to advance the employment and education of its people contributing to the advancement of SDGs 1, 4 and 8

- **Employment**: The limited grounds for discrimination prevents some members of the LGBTQ community from accessing employment protection on discrimination due to diverse SOGIESC. The statistics also demonstrate a pressing need for the government to take positive action consistent with their international obligations to explicitly mention sexual orientation and intersex identity as grounds for discrimination.
- **Education**: Viet Nam has taken positive strides to include SOCIESC-related topics in school curriculum, and create a more healthy and inclusive learning environment for LGBTQ students.

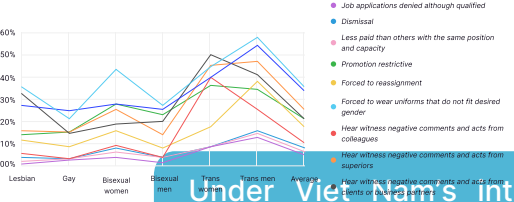
Employment

In the Labour Code, prohibited acts of discrimination include gender and HIV infection status amongst a list of defined protected groups. However, the limited scope of protected groups prevents members of the LGBTIQ community from accessing employment protections on the basis of discrimination based on SOGIESC.



(10) ICCPR, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, ratified and accessed by Viet Nam since 24 September 1982, Article 7, retrieved from http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx, accessed 29 May 2023; Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Article 1, retrieved from https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_decl_fs_85_en.pdf , accessed on 29 May 2023. [Discrimination Convention]

(11) Labour Code, No. 45/2019/QH14 by the National Assembly, Article 8, retrieved from https://boluatlaodong2019.molisa.gov-.vn/lang_en/topic/viet_nam_labour_code/index.



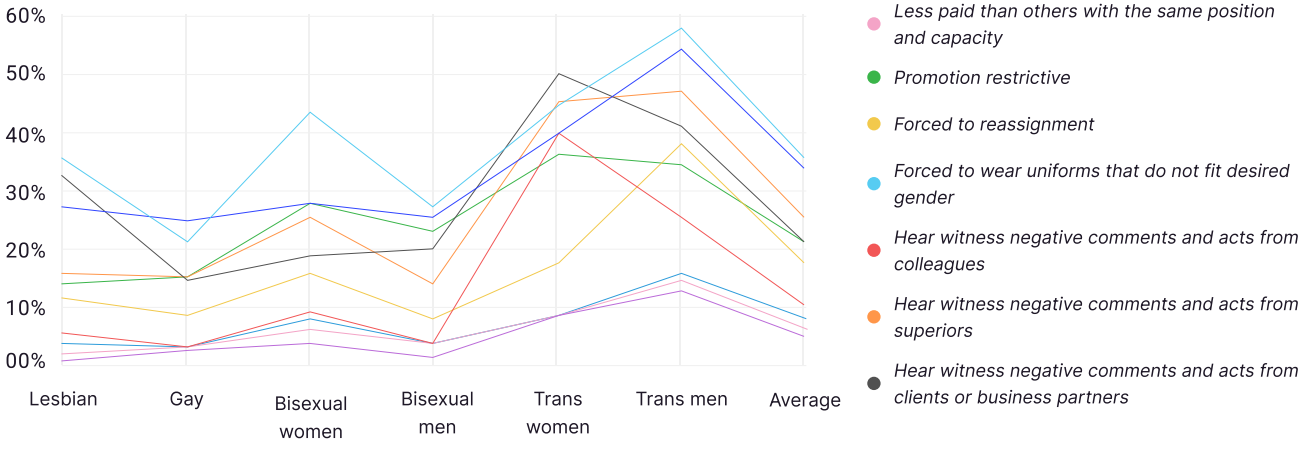
Under Viet Nam's international obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Discrimination (Employment and Occupation) Convention, they are responsible to ensure employment free from discrimination.

States Parties must also take steps to realize the rights which can include the adoption of legislative measures and/or " to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation". It also prevents members of the LGBTIQ community from achieving in some instances, the right to enjoy just and favorable conditions of work that ensure a safe and healthy working condition, and equal opportunity for promotion listed in the ICESCR. Viet Nam still has work to do to eliminate discrimination on the basis of sexual orientation from the labor force to uphold its obligations under international law.

The statistics show that more workplace protections are needed for members of the LGBTIQ community. **According to a survey of 2363 respondents by iSEE, almost 30% of the respondents were denied of job applications for being LGBT.**

- The percentage of transgender people with rejected job applications (59.0%) is three times higher than those of homosexual and bisexual people (19.6%).
- Transgender people also face discrimination in payment or work promotion, which results in them often occupying low level, basic positions with little chance to move to managerial positions or higher.

Chart: Discrimination against LGBT people in occupation



(12) ICESCR, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 3 January 1976, ratified and accessed by Viet Nam since 24 September 1982, Article 7, retrieved from http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx . [ICESCR]

(13) Discrimination Convention, supra note 10 at Article 1.

(14) Discrimination Convention, supra note 10 at Article 1.

(15) Discrimination Convention, supra note 10 at Article 2.

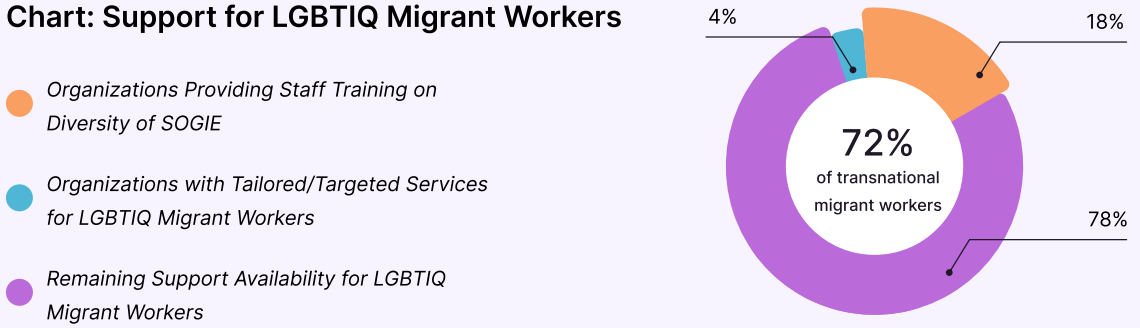
(16) ICESCR, supra note 12 at Article 7(b) and 7(c).

(17) iSEE, supra note 9 at pp 57.

- Further, LGBT people report encountering negative comments and foul acts from colleagues, superiors and clients, as well as partners, at the rate of around 33% to almost 50%.
- The discriminatory acts that respondents shared also include: being constantly asked about their intimate partners, and partner matching with opposite-sex coworkers. While the reasons for such discriminatory acts are often not openly discussed but concealed by other reasons, most LGBT people could often tell that they are unfairly treated for "being LGBT".
- Only 2% of the respondents who had been discriminated against in the last 12 months reported the incidents to the police, civil defense force, or local authority. Although current laws on specific topics stipulate a plethora of anti-discrimination regulations, the failure to explicitly mention SOGIESC combined with inaccessible resolution mechanisms prevent victims from reporting the incidents.

Many people with diverse SOGIE found opportunities in migrant work, both domestically and internationally. According to an ILO study, 72% of transnational migrant workers interviewed reported economic advancement as their motivation for labor migration. Data gathered through more than 70 interviews conducted with representatives of civil society organizations, migrant-worker service providers, trade unions and government departments suggest that:

Chart: Support for LGBTIQ Migrant Workers



- In most circumstances neither tailored nor targeted services supporting LGBTIQ migrant workers are available.
- Of the interviewed organizations, just 4 percent reported having specialized materials or services targeting the needs of migrant workers with diverse SOGIE.
- Additionally, only 18 percent of these organizations provided their staff with any form of training on the diversity of SOGIE.

(18) iSEE, supra note 9 at pp 80.

(19) ILO, "A very beautiful but heavy jacket: The experiences of migrant workers with diverse sexual orientation, gender identity and expression in South-East Asia", 2022, pp 19, retrieved from https://www.ilo.org/asia/publications/WCMS_854686/lang--en/index.htm.

COVID-19 preventative measures heavily impacted vulnerable groups including people with diverse SOGIESC.

While LGBTIQ persons are generally included under governmental programs supporting vulnerable groups, the lack of specific data prevents organizations from obtaining a comprehensive picture of the widespread impact of COVID-19 on people of diverse SOGIESC, especially transgender women who often work in informal or unregulated industries because of lack of opportunity in the traditional job market. Research and surveys from civil society can provide insights into some parts of the picture, but they lack the resources and network to carry out large-scale public surveys. This gap in knowledge means governmental support may fail to reach many people of diverse SOGIESC.

The lack of data also extends to the process of data collection, consultation, monitoring and evaluation of the SDGs. There is no data on diverse SOGIESC people in the last Viet Nam VNR report. In employment, important metrics regarding the economic situation of vulnerable groups such as Employment Rate (Indicator 8.5.2) or Average Hourly Earning (Indicator 8.5.1), and Proportion of Informal Employment (Indicator 8.3.1) failed to disaggregate people of diverse SOGIESC.

Education

The Education Law includes provisions that could potentially be used to protect the rights of SOGIESC diverse learners without explicitly mentioning SOGIESC as grounds for discrimination. It states that:

> Learners have the right to receive respect, and have equal opportunities in education and learning, learners have the right to a safe and healthy educational environment, and teachers must be “respecting learners' dignity, treating learners equally”.

- In 2016, the Ministry of Education and Training established the Action Plan on Gender Equality in the Education Sector for the period 2016-2020, with specific objectives to ensure gender issues and gender equality are integrated into the overall educational program, the curriculum, as well as the learning materials.
- In 2017, the Government issued a decree regulating a safe, healthy, friendly and non-violent educational environment, requiring that documentaries and instructional materials at educational facilities and independent classes be "**without gender prejudice, discrimination**".

(20) Hoang, T. A., & Oosterhoff, P. (2016). Transgender at Work: Livelihoods for Transgender People in Vietnam. Brighton, UK: IDS.

(21) Education law, No. 43/2019/QH14 by the National Assembly, dated 14 June 2019, Article 83 (2), retrieved from https://thuvienphaplu-at.vn/van-ban/Giao-duc/Law-43-2019-QH14-Education-420477.aspx?v=d. [Education Law]

(22) Education Law, ibid note 21 at Article 83(4). **(23)** Education Law, supra note 21 at Article 69(3).

(24) Decision Approving the Action Plan on Gender Equality in the Education Sector (2016-2020), No. 4996/QD-BGDDT of the Ministry of Education and Training, dated 28 October 2016, currently enforced, Goal 3, Goal 4 and Goal 5, retrieved from https://thuvienphaplu-at.vn/van-ban/Van-hoa-Xa-hoi/Quyet-dinh-4996-QD-BGDDT-Ke-hoach-hanh-dong-ve-binh-dang-gioi-cua-nganh-Giao-duc-2016-2020-331140.aspx

(25r) Decree on Stipulating Safe, Healthy, Friendly and Counter-Violent educational environment, No. 80/2017/ND-CP of the Government, dated 17 July 2017, entry into force since 5 September 2017, Chapter II, Article 4, retrieved from http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=128348.

These examples demonstrate Viet Nam's ongoing commitment to equal education consistent with the Association of Southeast Asian Nations (ASEAN)'s Human Rights Declaration which stipulates that:

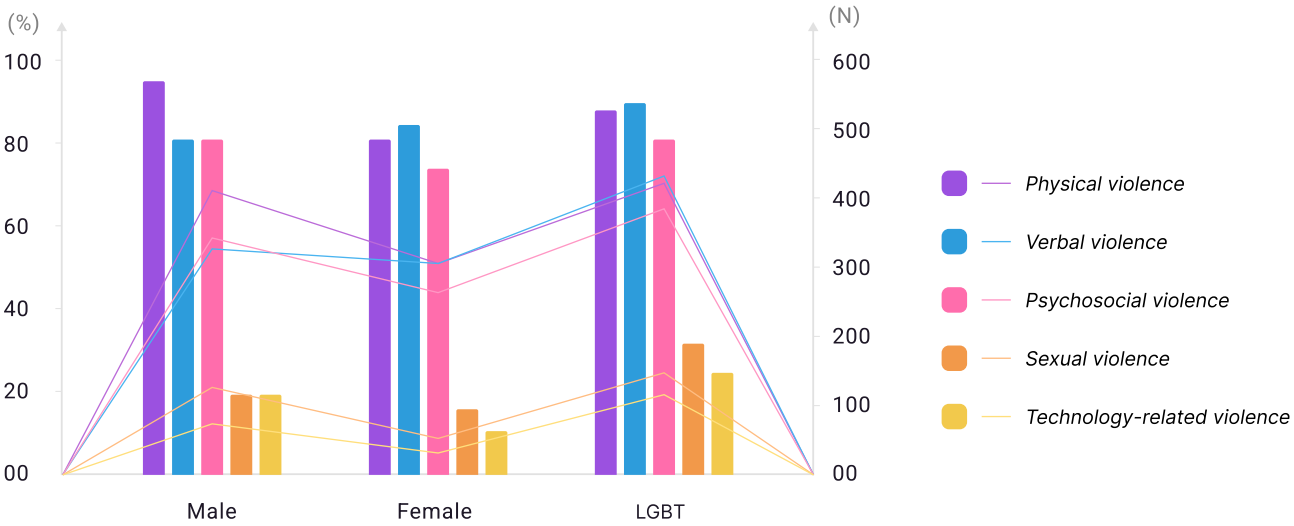
> "Education shall be directed to the full development of the human personality and the sense of his or her dignity...Furthermore, education shall enable all persons to participate effectively in their respective societies"

It also upholds obligations under the ICESCR requiring that State Parties direct education towards:

> The "full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms"

While national measures have provided some degree of protection for LGBTIQ learners, in practice research by UNESCO in 2015 found that self-identified LGBTIQ students were exposed to violence in all forms and significantly more than non-LGBTIQ students. In particular, 71% of LGBTIQ students experienced physical violence, 72.2% verbal abuse and 65.2% psychological violence.

Chart: LGBT students' experiences of violence compared to non-LGBT students



These threats and acts of violence have negative impacts on LGBT students. Only 72.7% of LGBT students assessed their school as a safe space. They reported being often worried about being abused by schoolmates (31.9%) and teachers (11.4%). Further, 24.9% of LGBT

(26) ASEAN Human Rights Declaration, adopted on 19 November 2012, Article 31(3). Retrieved from https://asean.org/asean-human-rights-declaration/ . [ASEAN Declaration]

(27) ICCPR, supra note 10 at Article 13, para 1.

(28) UNESCO, "Reaching Out: Preventing and Addressing SOGIE-related School Violence in Viet Nam", 2015 , pp 30, section 5.3.1., para 1, retrieved from http://unesdoc.unesco.org/images/0024/002469/246928E.pdf. [UNESCO Reaching Out]

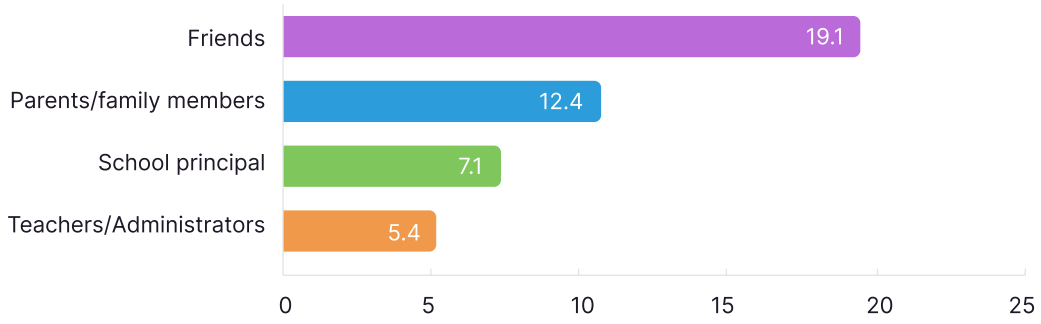
students assessed their school as a safe space. They reported being often worried about being abused by schoolmates (31.9%) and teachers (11.4%). Further, 24.9% of LGBT students who had experienced violence had also experienced suicidal ideation, with 14.9% attempting to engage in self-harm or suicide in the last 12 months of the survey. Other impacts of violence include dropping out (31.1%), alcohol consumption (25.8%) and under-average study results (6.1%)

Table: Wellbeing and academic outcomes for student victims of SRGBV

	Victims					Non-Victims				
	Male/Female		LGBT		pValue	Male/Female		LGBT		pValue
	N	%	N	%		N	%	N	%	
Thoughts of suicide or self injury in the last 12 months	172	13.6	149	24.9%	0.000***	39	6.9	23	%	0.000***
Intentionally self-injured or attempted suicide in the last 12 months	88	7	89	14.9	0.000***	17	3	11	%	0.007***
Dropped out	474	26.1	225	31.1	0.052	119	21.3	33	%	Not sig
Alcohol consumption	233	18.4	155	25.8	Victims	69	12.1	27	%	0.007***
Final study results under average	50	3.9	37	6.1	0.052	19	3.3	5	%	Not sig

Out of all the victims and witnesses of SOGIE-related school violence, 29.3% reported that they responded by seeking assistance from adults and 18.7% of LGBT students reported doing nothing or 'keep silent and deal with it'. Compared to the statistics of non-LGBT students, LGBT students are less likely to report violence to school staff (7.1% in comparison to 17.7% for non-LGBT students) or teachers (5.4% in comparison to 12.5% for non-LGBT students).

Chart: Key people LGBT student victims reported seeking assistance from (LGBT online survey, N=241)



Moreover, 95.4% of school staff believed that their schools had measures of response in the event of violence, with 85.4% of students reporting that they had not received assistance in their

(29) UNESCO Reaching Out, ibid note 28 at pp 43, table 7.

experiences of violence. This indicated less support for students, especially those who are LGBT who have notable concern about public shaming, the lack of privacy, or proper and up-to-date information.

One obstacle to improving conditions for LGBTQ students in Vietnamese schools is the lack of teachers and counselors with adequate training to provide appropriate support to LGBTQ students. In a 2016 report on education, UNICEF and the Vietnamese Ministry of Labor, Invalids, and Social Welfare noted that while student to teacher ratios had dropped across most of the country, most teachers—in particular in rural areas—remained overwhelmed and undertrained for the various tasks they were charged with. Research has also found a shortage of trained school counselors—in particular when it comes to dealing with minority students and youth with mental health conditions.

Spotlight initiatives:

RAINBOW SCHOOL

- In 2015, the Rainbow School program was founded with the aim to raise awareness of the LGBTIQ community and promote a more inclusive educational environment where discrimination against LGBTIQ students is no longer tolerated.
- In 2019, the program welcomed their first collaboration with the private sector to deliver knowledge on sex education and gender & sexuality diversity to students across 10 high schools and universities in Ho Chi Minh city. The program now consists of 40 highschools and universities, including both public and private entities in Ho Chi Minh city, Hanoi, Vinh Long, Can Tho, and Thanh Hoa. With the support from the program, many student clubs and organizations gained agency and took initiatives to promote a more accepting environment for LGBTIQ students.
- In 2022, schools within the network, together with the I Do campaign - a social campaign advocating for marriage equality in Vietnam, held many workshops and talk shows in order to create safe spaces for young people to discuss diversity, inclusion and their view on marriage in modern Vietnamese society . The results are varied and include changes in school policies on protection against discrimination, informed staff and teachers, and gender-inclusive regulations, amongst others. This network plays a profound role in the advancement of LGBTIQ rights in Vietnam, especially with the younger generation.

(30) UNESCO Reaching Out, supra note 28 at pp 39, para 2, and pp 43, para 1.

(31) UNICEF and the Ministry of Labor, Invalids, and Social Welfare, Socialist Republic of Viet Nam, "A Situational Analysis of Children in Viet Nam 2016", December 2017, retrieved from https://www.unicef.org/Viet Nam/media/3621/file/A%20situation%20analysis%20of%20children%20in%20Viet%20Nam%202016.pdf

(32) Thùy Linh, "Cả nước đang thiếu 70.000 giáo viên tư vấn tâm lý," Giaoduc, 26 April 2018, retrieved from https://giaoduc.net.vn/giao-duc-24h/ca-nuoc-dang-thieu-70000-giao-vien-tu-van-tam-ly-post185651.gd

Goal 3 **Ensure healthy lives and promote wellbeing for all at all ages**

Viet Nam's most remarkable achievement in terms of health care in recent years has been the improved capacity to provide access to health services. Viet Nam has welcomed revisions and additions to the legal framework regarding the protection and promotion of inclusive healthcare for people of diverse SOGIESCs within the Civil Code (2015), the National Action Plan on Ending AIDS by 2030 (2020) and the National Strategy on Gender Equality 2021 - 2030 towards the achievement of SDG 3. However, similar to the previously mentioned SDGs, a lack of disaggregated data on SOGIESC prevents a comprehensive look at the inclusion of LGBTI people in Viet Nam SDG implementation.

Access to inclusive medical care

According to the Law on Medical Examination and Treatment, patients have the right not to be discriminated against or forced into medical examination and treatment. In addition, the law regulates the obligations of practitioners in the field of medical examination and treatment, and prohibits them from letting personal interests or discrimination affect their professional decisions.

On 1 January 2024, the Law on Medical Examination and Treatment 2023 will come into force articulating that medical practitioners have a positive duty to "Respect, protect, and treat patients equally, and stop stigma or discrimination towards patients".

It also states that patients should be respected in regard to their age, gender, ethnicity, religion, personal belief, health status, economic condition, and social status but makes no explicit reference to discrimination on the basis of sexual orientation and gender identity.

Similar to the previous version of the law, patients are protected from stigma, discrimination and mistreatment during the course of the medical exam and treatment, and requires that medical practitioners "avoid allowing personal interests or discrimination to influence their professional decisions"

(33) Viet Nam's Voluntary National Review on the Implementation of the Sustainable Development Goals, dated June 2018, retrieved from. https://sustainabledevelopment.un.org/content/documents/19967VNR_of_Viet_Nam.pdf. [VNR 2018]

(34) Law on Medical Examination and Treatment 2009, No. 40/2009/QH12, dated 23 November 2009, entry into force since 01 January 2011, Article 3, Article 9 and Article 36, retrieved from http://www.moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=10471.

(35) Law on Medical Examination and Treatment 2023, No. 15/2023/QH15, dated 9 January 2023, coming into force 1 January 2023, Article 3(1), retrieved from https://lawnet.vn/en/vb/Law-15-2023-QH15-medical-examination-and-treatment-87FB7.html. [Law on Medical Exam and Treatment 2023]

(36) Law on Medical Exam and Treatment 2023, ibid note 35 at Article 10(1).

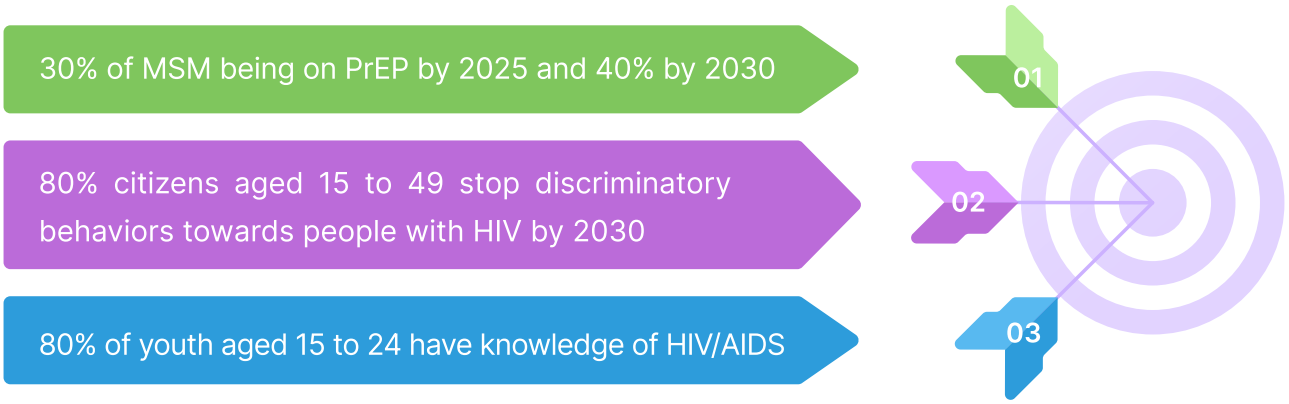
(37) Law on Medical Exam and Treatment 2023, supra note 35 at Article 10 (3) and Section 6, Article 4

It also protects patients from involuntary clinical services subject to certain exceptions. This is in line with a Dispatch in 2022 by the Minister of Health recognizing that:

> Homosexuality is entirely not an illness, therefore homosexuality cannot be "cured" nor need to be "cured" and cannot be converted in anyway.

It also provides guidelines to medical professionals on the care that should be provided to LGBTIQ people. These measures demonstrate Viet Nam's commitment to "**recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**" stipulated in the ICESCR and show advancement towards the attainment of SDG goal 3.

The Vietnamese government has committed to improve the health situation of LGBTIQ people by setting tangible goals to measure progress. The National Action Plan on Ending AIDS by 2030 (2020) has set goals directly pertinent to the LGBTIQ community in Vietnam:



The National Action Plan on Ending AIDS by 2030 (2020) also sets out actions to achieve these indicators by focusing on PrEP intervention targeting groups such as men who have sex with men and transgender women or implementing HIV testing model tailored to the need of these groups including MSM and transgender women. Furthermore, the National Strategy on Gender Equality 2021 - 2030 (2021) aims to have:

> 40% of provinces and cities have at least 01 medical provider providing healthcare services for gay, lesbian and transgender people by 2025 and 70% by 2030.

(38) Law on Medical Exam and Treatment 2023, supra note 35 at Article 10(4).

(39) Re: Rectifying the medical examining and treatment for homosexual, bisexual and transgender patients, No.: 4132/BYT-PC presented by the Ministry of Health, 3 August 2022, retrieved from https://www.hrw.org/sites/default/files/media_2022/08/MOH%20letter.pdf. [Medical Directive]

(40) Medical Directive, ibid note 39. **(41)** ICESCR, supra note 12 at Article 12(1).

(42) Decree 1246/QĐ-TTg on National Action Plan on Ending AIDS by 2030, No. 1246/QĐ-TTg, 14 August 2020, Article II(3.e) , retrieved from https://moh.gov.vn/chien-luong-dinh-huong-quy-hoach-ke-hoach-phat-trien/-/asset_publisher/SZbO5XkbdwaA/content/chien-luoc-quoc-gia-cham-dut-dich-benh-aids-vao-nam-2030?inheritRedirect=false. [Action Plan on Ending AIDS]

(43) Action Plan on Ending AIDS, ibid note 42 at Article II(3.g). **(44)** Action Plan on Ending AIDS, supra note 42 at Article II(3.h).

(45) Action Plan on Ending AIDS, supra note 42 at Article **(46)** Action Plan on Ending AIDS, supra note 42 at Article IV(4.a).

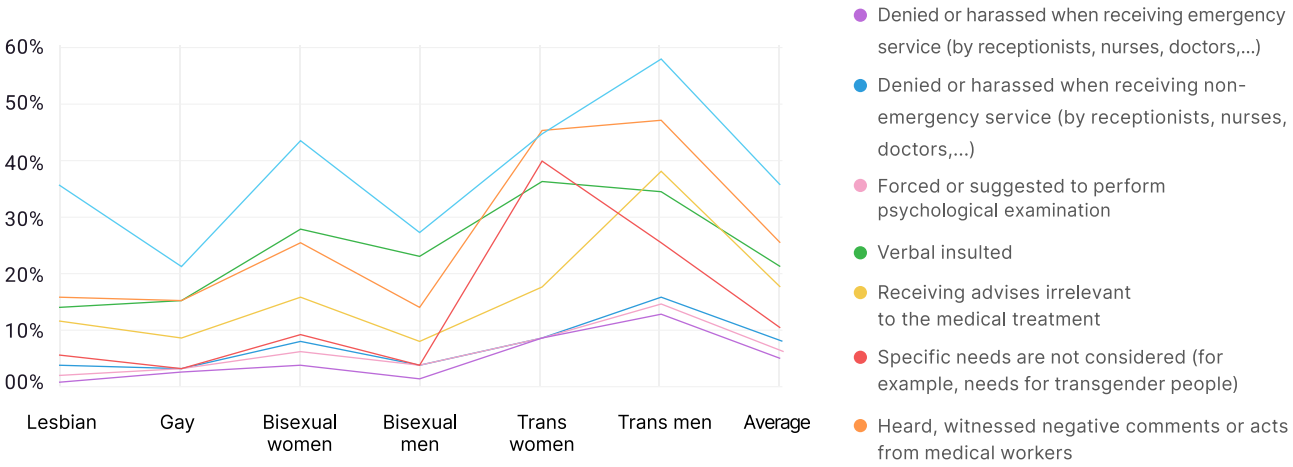
(47) Resolution Promulgating the NATIONAL STRATEGY ON GENDER EQUALITY FOR 2021 – 2030, No. 28/NQ-CP by the Government, 3 March 2021, Article I(2)(c), retrieved from https://thuvienphapluat.vn/van-ban/Van-hoa-Xa-hoi/Nghi-quyet-28-NQ-CP-2021-Chien-luoc-quoc-gia-ve-binh-dang-gioi-giai-doan-2021-2030-466613.aspx.

Despite government commitments and positive changes in national healthcare legislation people of diverse SOGIESC still face regular discrimination and challenges to access. These challenges range from restricted access to sexual and reproductive health care to gender-affirming care. One in every four LGBT people has heard or seen negative comments and actions from the medical staff, according to a 2016 survey.

> The discrimination within the medical environment mainly occurs from violations of standard medical procedures such as excessive curiosity about individuals, advice irrelevant to the examination and treatment, and verbal insults.

Transgender people face discriminatory acts at a disproportionate rate compared to gay, lesbian and bisexual, especially with over-curiosity (40% vs. 3.3% for gay men) or negative remarks from medical workers (45.5% vs. 15.95 for gay men).

Chart: Discrimination against LGBT people in healthcare



Although certain deviations from standard medical procedures are not explicitly contrary to professional obligations, they uphold harmful stereotypes towards members of the LGBTIQ community and may be understood as discriminatory treatment.

Access to mental healthcare services

Viet Nam has taken positive strides towards increasing awareness and care for people with mental health, and has adopted different national strategies and programmes to advance mental wellbeing. This includes the National Programme on Social Support and and Rehabilitation for People with Mental Illness and the National Targeted Programme on Health, and the National Strategy on Mental Health, 2016-2025 with a view to 2030.

(48) iSEE, supra note 9 at pp 62.

More recently the Decision On Approval of the National Plan for Prevention and Control of Non-communicable disease (NCDs) and Mental Disorders for the period 2022-2025 was passed which aims to reduce and manage mental disorders. Importantly, the program focuses on mental illness generally and does not make explicit reference to the specific mental health care and concerns of LGBTIQ patients. This contributes to findings that there is a lack of qualified, sufficient and gender appropriate human resources for all individuals seeking mental health care.

A 2021 study looking at the mental health of trans people found that:

- 6.7% (n=115) of the sample had experienced symptoms of depression.
- 72.8% (n=179) had experienced symptoms of anxiety.
- Only 11.8% (n=29) of the sample reported ever been tested for depression.
- 10.6% (n=26) and/or ever been tested for anxiety by a qualified health professional, over one third, 39.4% (n=93) reported that they had, among those who had ever had suicidal thoughts.
- 40.7% (n=37) had attempted to end life. The study found that considerably more trans men had repeated suicide attempts than trans women, and were twice as likely to avoid seeking help than trans women.

Legal gender recognition

In November 2015, the National Assembly passed a revised Civil Code which provides a legal basis for transgender people to access gender affirmation therapy and have their gender recognised on official document. Article 37 reads:

> The sex change is performed as regulated by law. Individuals who underwent surgery have the rights and obligation to register the change of civil status according to the law on civil status; have personal rights consistent with the new gender as stipulated by this Code and other relevant laws."

(49) UNICEF Viet Nam, "The lack of mental health services in remote areas of Viet Nam leaves children and young people in need helpless", 6 Feb 2018, retrieved from https://www.unicef.org/Viet Nam/press-releases/lack-mental-health-services-remote-areas-viet-nam-leaves-children-and-young-people

(50) Decision On Approval of the National Plan for Prevention and Control of Non-Communicable Diseases (NCDs) and Mental Health Disorders for the Period of 2022-2025, No. 155/QD-TTg by the Prime Minister, 29 January 2022, retrieved from https://thuvienphapluat.vn/van-ban/The-thao-Y-te/Decision-155-QD-TTg-2022-plan-for-prevention-and-control-of-non-communicable-diseases-529025.aspx

(51) UNICEF Viet Nam and Overseas Development Institute, "Executive Summary Mental health and psychosocial wellbeing of children and young people in selected provinces and cities in Viet Nam", pp 14, retrieved from https://www.unicef.org/Viet Nam/media/981/file/Executive%20summary.pdf.

(52) Asia Pacific Transgender Network (APTN), "Our Right to Health: Investing in the Transformation of Health Care for Transgender People", pp 15, retrieved from https://www.aidsdatahub.org/sites/default/files/resource/aptn-cost-stigma-2021-vietnam.pdf.

The subsequent Gender Affirmation Law has been drafted by the Ministry of Health of Viet Nam to implement the Civil Code with the explicit purpose to respect and ensure the rights of transgender people who wish to undergo medical intervention. The draft includes conditions related to legal gender recognition and access to health services regarding gender affirmation which is critically important to protect the rights of people seeking gender affirming transitions, health services, and change of their legal gender markers.



However, there are also concerns on mandatory medical intervention, age and marital status requirements that might prevent transgender individuals to access legal gender recognition on the basis of self-determination without requiring medical diagnosis, surgeries or hormonal treatment. Despite the Civil Code entering into effect in 2017, the draft Gender Affirmation Law has not been discussed or passed in the National Assembly preventing the right to legal gender recognition to be realized in practice.

- There are an estimated **290,000-480,000** people in Viet Nam who identify as transgender.
- Almost **87%** of transgender men and **75%** of transgender women report having had to change their physical appearance in ways that do not align with their identity for practical purposes in their everyday lives such as housing, work, schooling, and social services.

(53) Civil Code, supra note 6 at Article 37.

(54) Project Law of Gender Transformation, Draft, Rule No. /202.../QH15 of the National Assembly, retrieved from https://thuvienphaplu-at.vn/van-ban/The-thao-Y-te/Luat-Chuyen-doi-gioi-tinh-500252.aspx . [Project Law]

(55) Project Law, ibid note 54 at Article 23(3) which provides that further guiding documents on civil registration for persons who have undergone gender affirming medical interventions will need to be provided by the Ministry of Justice.

(56) UN Viet Nam, "UN Recommendations on Viet Nam's Draft Gender Affirmation Law Draft Law version from January 2018", retrieved from ? https://Viet Nam.un.org/en/26018-uns-recommendations-viet-nams-draft-gender-affirmation-law

(57) Nam Sơn, Thanhnien.vn https://thanhnien.vn/uoc-tinh-co-khoang-480000-nguoi-chuyen-gioi-tai-viet-nam-1851491696.htm

(58) Phạm Quỳnh Phương, Vũ Thành Long Đỗ, Quỳnh Anh, Hoàng Ngọc An. "Báo cáo nghiên cứu - Hiện trạng trải nghiệm y tế và nhu cầu chuyển đổi giới tính của người chuyển giới ở Việt Nam." Institute for Studies of Society, Economy and Environment retrieved from https://thuvien.lgbt/documents/hien-trang-trai-nghiem-y-te-va-nhu-cau-chuyen-doi-gioi-tinh-cua-nguoi-chuyen-gioi-o-viet-nam.

- Without a law to implement article 37 of the Civil Code, transgender people continue to be denied access to gender affirmation therapy, requiring them to go abroad at a significant personal cost.

The outcome is also that official documents continue to not reflect their gender identity, exposing transgender people to significant discrimination, especially in employment.

Bodily autonomy

Intersex people are people who are born with physical or biological sex characteristics that do not fit typical notions of male or female bodies.

- Surgeries and other medical interventions performed on intersex infants and children without their informed consent have been recognized by several UN treaty bodies as a violation of international human rights law, including as a form of cruel, inhuman, or degrading treatment.
- Such medical interventions can lead to medical problems, such as infertility, and can cause severe, lifelong physical and mental suffering.

No information is available with respect to the occurrence of non-consensual surgeries performed on intersex infants in Viet Nam. However, Article 36 of the Civil Code reiterated the regulation in Decree 88/ND-CP/2008 that permits people who are born with intersex status to undergo "**medical intervention to clearly identify the gender**" in cases where:

The gender of Ta person is subject to a congenital defect or has not yet been accurately formed.

A person who has undergone such medical intervention can then obtain a "**change of civil status**", updating their gender on official documents.

Article 36 may provide a legal basis for non-consensual medical interventions on intersex infants and children, in violation of their right to bodily autonomy. If a person is under 9 years

(58) Phạm Quỳnh Phương, Vũ Thành Long Đỗ, Quỳnh Anh, Hoàng Ngọc An. "Báo cáo nghiên cứu - Hiện trạng trải nghiệm y tế và nhu cầu chuyển đổi giới tính của người chuyển giới ở Việt Nam." Institute for Studies of Society, Economy and Environment retrieved from https://thuvien.lgbt/documents/hien-trang-trai-nghiem-y-te-va-nhu-cau-chuyen-doi-gioi-tinh-cua-nguoi-chuyen-gioi-o-viet-nam.

(59) As of June 2018, non-consensual surgeries on intersex children have been characterised as a violation of international human rights law 11 times in concluding observations of the Committee on the Rights of the Child, 7 times by the Committee on the Elimination of All Forms of Discrimination Against Women, 6 times by the Committee Against Torture, 6 times against the Committee on the Rights of Persons with Disabilities and 2 times by the Human Rights Committee. See, "32 UN Reprimands for Intersex Genital Mutilations – and Counting …", STOP Intersex Genital Mutilations, 6 June 2018, retrieved at http://stop.genitalmutilation.org/post/IAD-2016-Soon-20-UN-Reprimands-for-Intersex-Genital-Mutilations.

(60) Civil Code, supra note 6 at Article 36.

of age, the requirement for medical intervention and changes to documents are decided by the parents and guardians without that person's consent. If that person is between the age of 9 and 18, the requirement for medical intervention and changes to official documents will need to have the consent of that person.

> The reference to "congenital defects" is also problematic, as it implies that intersex variations are in need of fixing, rather than as a normal variation of human biology.

Conversion therapy practices

The American Psychiatric Association (APA), which sets global standards for mental health diagnostics in its Diagnostic and Statistical Manual (DSM), removed the diagnosis for homosexuality from the DSM in 1973. The World Health Organization removed homosexuality from its International Classification of Diseases (ICD) in 1990.

In August 2022, the Ministry of Health issued Directive 4132/BYT-PC on "**Rectifying the medical examining and treatment for homosexual, bisexual and transgender patients**", affirming the APA and WHOs stance and concluding that:

> Homosexuality cannot be 'cured' nor needs to be 'cured' and cannot be converted in any way.

The Ministry of Health also instructed medical examination and treatment establishments throughout the country to comply with international standard set in DSM and ICD to stop force treatment upon LGBTIQ patients and enhance information propagation and dissemination so that the medical doctors, staff and patients at the medical examination and treatment establishments have a correct understanding about homosexual, bisexual and transgender persons.

The directive follows a civil society-run petition that garnered more than **76,000** signatures and a letter from the WHO's Viet Nam office confirming that:

(60) Civil Code, supra note 6 at Article 36.

(61) Form number 08, TP/HT-2012-TKTĐ,CCHT in the attached appendix of Circular number 05/2012/TT-BTP

(62) Rubenstein, Gidi, "The Decision to Remove Homosexuality from the DSM: Twenty Years Later," American Journal of Psychotherapy, 49:3 (1995), pp 416-427, retrieved from https://psychotherapy.psychiatryonline.org/doi/10.1176/appi.psychotherapy.1995.49.3.416

(63) World Health Organization, "The ICD-10 Classification of Mental and Behavioural Disorders", retrieved from http://www.who.int/classifications/icd/en/bluebook.pdf?ua=1.

(64) Medical Directive, supra note 39.

(65) iSEE, "Leave with Pride" campaign, retrieved from https://www.isee.org.vn/petition/en.

The “WHO firmly holds the view that any effort to convert the sexual orientation of a non-heterosexual person lacks medical justification and is morally unacceptable.

Despite advancements in recognizing and protecting the health of LGBTIQ individuals worldwide, conversion therapy, and to an extent, the misunderstanding that being LGBTIQ is a disease, are not uncommon in Viet Nam. LGBTIQ people are routinely subjected to attempts to “cure” them of their “diseases”. This can include being force appearance changes, being forced to go see doctors or shamans, forced medication, forced marriage, and corrective rape.

1 in every 5 LGBTIQ individuals is forced to go see a doctor after their LGBTIQ identities are disclosed, and over 60% of LGBTIQ people faced psychological pressure to conform to heteronormative norms. The discrimination and violence inflicted upon LGBTIQ people lead to irreparable physical and mental traumas, contributing to the high rate of suicidal ideation amongst LGBTIQ population in Viet Nam.

Table: Discrimination against LGBT people in families (%)

	Lesbian	Gay	Bisexual women	Bisexual men	Trans women	Trans men	Average
Confined or holded at home	16.6	9.4	17.0	3.6	16.7	16.0	13.3
Forced or encouraged to leave home	20.1	9.6	11.1	3.6	21.7	18.6	13.9
Physical assaulted	10.8	11.1	10.1	7.0	20.8	18.9	12.7
Scolded or verbally pressured	66.2	44.9	55.4	50.8	61.5	79.9	60.2
Silent, refused to communicate	52.9	35.7	49.4	36.7	42.3	58.4	46.9
Restricted in relationships	62.4	43.5	55.6	45.2	50.0	62.3	53.8
Forced marriged	25.4	27.9	20.8	25.4	26.9	21.8	24.3
Forced to see doctors	17.5	14.6	11.4	17.5	30.8	29.2	19.1

(66) iSEE, supra note 9.

(67) Phạm Quỳnh Phương.“Tổng Luận Các Nghiên Cứu về Người Đồng Tính, Song Tính và Chuyển Giới ở Việt Nam.” 2013, Institute for Studies of Society, Economy and Environment.

Forced to go through rituals	10.8	6.9	6.9	6.8	20.0	14.1	9.7
Forced to change appearance, gesture	64.0	47.5	57.1	53.0	75.0	86.7	62.9
Forced medication	5.0	5.2	2.2	6.9	7.7	10.9	6.6
Forced to change dietary	17.3	18.6	23.2	17.2	15.4	26.4	20.9
Pressured the lovers or their families	38.9	18.0	27.9	17.5	42.3	34.4	28.0
Lover is physically assaulted	5.6	4.1	3.0	1.9	8.3	8.3	5.2
Financial control	35.5	22.4	30.5	22.8	26.9	37.9	30.2
Indicate or declare disinheritance	12.7	8.0	7.7	3.7	15.4	12.4	97

Spotlight initiatives:

PFLAG

- Founded in 2012, PFLAG has a clear vision: an equal and accepting society for LGBTIQ people with the help of voices from parents and families of the LGBTIQ community in Vietnam. Under the guidance and facilitation of ICS Center, PFLAG went through a five-year extensive capacity building process.

- During that time, PFLAG Vietnam also participated directly in the consultation conferences of the Law on Marriage and Family revision (2014). In 2016, the achieved the member list of 80 supportive parents across Vietnam, including 5 core members, and PFLAG Vietnam became an independent (unregistered) organization then. They managed to reach out to parents of LGBTIQ people in smaller provinces to provide consultation and encourage them to join PFLAG and raise social awareness about the LGBTIQ community. Since most conversion therapy practice is initiated by family members, PFLAG's work on providing consultations and social discussions has paved the way to tackle conversion therapy in Vietnam.

- In the social petition, Mrs. Nguyen Lang Mong, leader of PFLAG Sai Gon, joined as a vivid storyteller, sharing her observations on real-life cases of LGBTIQ children being forced into many forms of conversion therapy and the irreversible impact on their lives, urging for more direct and concrete actions against conversion therapy.

- In their day-to-day operations, PFLAG members receive many cases from parents who were seeking information and consultation. With their timely help, parents are provided with proper knowledge and skills to become a more accepting and supportive force for their children.

Goal 5 Achieve gender equality and empower all women and girls

Goal 10 Reduce inequality within and among countries

Goal 11 Make cities and human settlement inclusive, safe, resilient and sustainable

"**Leaving no one behind**" has been a throughline in Viet Nam's approach to sustainable, Viet Nam's effort to include the perspectives of vulnerable communities in Viet Namese society, such as children, women, people with disabilities, ethnic minorities in the 2023 VNR is also indicative of the government's inclusive sustainable development priorities.

Much progress has been made towards strengthening anti-discrimination protections based on sexual orientation and gender identity in Viet Nam over the past few years. Gaps in the legal framework especially in implementation and monitoring continue to prevent people of diverse SOGIESCs from actively participating or being taken into consideration in policy making and government programming.



Protection against discrimination on the basis of sexual orientation, gender identity, gender expression and sex characteristics

- According to the Constitution of Viet Nam, everyone is equal before the law, and no one is subject to discriminatory treatment in political, civil, economic, cultural or social life.
- At the international level, Viet Nam has committed to preventing discrimination, including gender and sexual orientation and has supported recommendations from the third cycle of UPR.
- However, instead of explicitly mentioning sexual orientation and gender identity as grounds for protection against discrimination, they are understood to be part of "gender", resulting in the inconsistent interpretation of these anti-discrimination clauses.

(68) Constitution, supra note 5 at Article 16(1).

(69) Constitution, supra note 5 at Article 16(2).

(70) See ICCPR, Art 1; ASEAN Human Rights Declaration, Art 2; CEDAW, Art 1; and the UNDHR, Art 2.

(71) United Nations Human Rights Council, "Universal Periodic Review - Vietnam", Matrix of Recommendations at Recommendation 38.109, 38.97, 38.105. Retrieved from https://www.ohchr.org/en/hr-bodies/upr/vn-index .

In addition to the previously mentioned progress on implementation of SDG 1, 3, 4 and 8 on protection against SOGIESC-based discrimination, Viet Nam has also made progress in other laws and policies.

In 2015, the revised Penal Code extended protection to gay and bisexual men and transgender women by recognizing that men and male-to-female transgender persons can be victims of rape. The revision expanded the scope of rape to include 'other sexual activities' in addition to 'sexual intercourse'.

Hate speech has been prohibited for online gender-based discrimination in the Cybersecurity Law. However, discrimination based on sexual orientation and gender identity has not been explicitly addressed by the law. Importantly, the law doesn't offer a concrete definition of "**gender-based discrimination**" leaving the interpretation of these clauses unclear.

It also doesn't include a broad clause prohibiting acts of harassment that fall outside the scope of "**gender-based discrimination**" but that may still constitute discrimination resulting in incomplete online protections. Further, under CEDAW, Viet Nam agrees to pursue by all appropriate means and without delay a policy, principles of equality in their national constitutions, legislation... or other measures including sanctions that advance the goal of eliminating discrimination on the basis of sex.

Regarding the rights of children, the Children's Law contains no explicit provision that upholds the rights of LGBTIQ children but does contain general clauses on the rights of children. That being said, the Convention on the Rights of the Child states that:

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

(72) Penal Code (2015), No. 100/2015/QH13 by the National Assembly, dated 27 November 2015, Article 141(1), retrieved from https://www.wipo.int/edocs/lexdocs/laws/en/vn/vn086en.pdf; See also, Penal Code, No. 15/1999/QH10 , dated 1999, Article 111(2), retrieved from https://icj2.wpenginepowered.com/wp-content/uploads/1999/12/Viet Nam-Penal-Code-1999-eng.pdf.

(73) Cybersecurity law, No. 24/2018/QH14 by the National Assembly, dated 12 June 2018, Article 8(1), retrieved from https://thuvienphaplu-at.vn/van-ban/EN/Cong-nghe-thong-tin/Law-24-2018-QH14-Cybersecurity/388829/tieng-anh.aspx . Now enforceable via Decree Elaborating a Number of Article of the Law on Cybersecurity of Vietnam, No. 53/2022/ND-CP by the National Assembly, dated 15 August 2022, retrieved from https://thuvienphapluat.vn/van-ban/EN/Cong-nghe-thong-tin/Decree-53-2022-ND-CP-elaborating-the-Law-on-cybersecurity-of-Viet Nam/527750/tieng-anh.aspx . [Cybersecurity Law]

(74) Convention on the Elimination of All Forms of Discrimination against Women, Adopted and opened for signature, ratification and accession by General Assembly resolution 34/180 of 18 December 1979, entry into force 3 September 1981, ratified by Vietnam on 17 February 1982, Article 1-2, retrieved from https://www.ohchr.org/sites/default/files/Documents/ProfessionalInterest/cedaw.pdf. [CEDAW]

(75) Children Law, No.: 102/2016/QH13 by the National Assembly, dated 5 April 2016, retrieved from https://www.ilo.org/dyn/natlex/docs/ELECTRON-IC/103522/125796/F-1725767197/VNM103522%20Eng.pdf .

(76) Convention on the Rights of Children, adopted on 20 November 1989 by General Assembly resolution 44/25, ratified on 29 February 1990, Article 2, retrieved from https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child. [CRC]

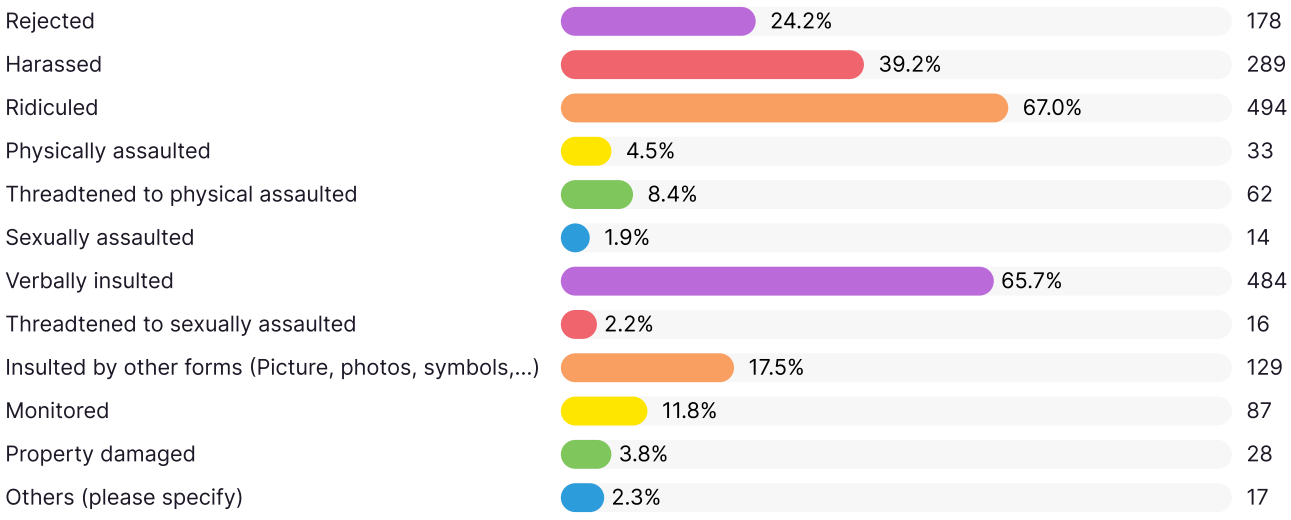
Regarding protection against domestic violence, collaborations between governmental agencies and civil society organizations have resulted in safe spaces and emergency response services for victims of domestic violence, including people of diverse SOGIESC such as “Ngoi nha Binh Yen”, “Ngoi nha Anh Duong” and 1800 1769 hotline.

Currently, the only guidance for handling cases of sexual violence is issued by the Ministry of Health, and specific guidance for handling sexual violence cases for vulnerable groups such as migrant women or LGBTIQ individual are still lacking.

Despite some progress in protection within the legal framework, according to a 2015 survey, one in three respondents stated that they feel they had been subject to discrimination because of their sexual orientation and/or gender identity within the last 12 months.

In general, throughout the study, transgender people, both trans men and trans women, experience the highest degree of discrimination. Families, schools, and workplaces are the environments where discrimination most occurs against LGBTIQ people. Amongst those who had been discriminated against within the last 12 months, 4.5% reported that they were physically assaulted, 8.4% were threatened with physical assault, 1.9% were sexually assaulted, and 2.2% were threatened with sexual assault.

Chart: The most recent discrimination experience of the respondents



Total: 737

(77) QUYẾT ĐỊNH VỀ VIỆC BAN HÀNH TÀI LIỆU “HƯỚNG DẪN CHĂM SÓC VÀ HỖ TRỢ Y TẾ CHO NGƯỜI BỊ X M HẠI TÌNH DỤC”, No. 3133/QD-BYT by the Ministry of Health, 17 July 2020, retrieved from https://thuvienphaplu-at.vn/van-ban/The-thao-Y-te/Quyet-dinh-3133-QD-BYT-2020-tai-lieu-Huong-dan-cham-soc-ho-tro-y-te-nguoi-bi-xam-hai-tinh-duc-447670.aspx .

(78) iSEE, supra note 9 at pp 14.

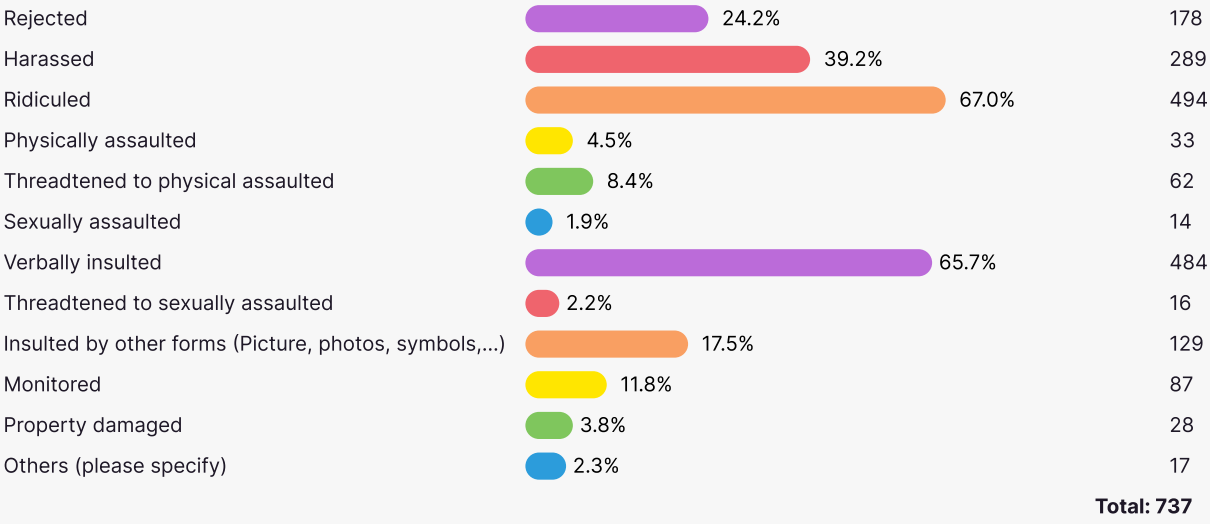
(79) iSEE, supra note 9 at pp 75-79.

A significant challenge to accessing SOGIES-related protections is a lack of knowledge and/or reporting of discrimination. Three-fourth of respondents who identify as LGBTIQ persons have no knowledge about which law in Viet Nam could be used to protect them from discrimination. Only **2%** of the respondents who had been discriminated against in the last 12 months expressed that they reported the incidents to the police, civil defense force, or local authorities.

- Amongst **98%** of those who decided not to report with the authorities, the main reason given is viewing the incident as minor and frequently occurring (63.7%). The next popular reason was that they did not believe the incident would be resolved (46.7%), embarrassment and not wishing to disclose information about themselves (26.3%) and fear of reaction from the police (17.7%).

- There were **5.1%** of respondents choosing to report the incidents to LGBTIQ advocacy groups. Only a few respondents decided to work with legal counsel, press corps, friends, or relatives. Nearly one-tenth (9.4%) of the respondents decided to share about their discrimination incidents on social media sites as Facebook and YouTube.

Chart: The reasons that respondents did not report discrimination incidents with the authorities



Recognition of same-sex relations and adoptions by same-sex couples

The Constitution protects the right to equal treatment, the right to be free from discrimination, and affirms that "**men and women have the right to marry and divorce**". In the revised Law

(80) iSEE, supra note 9 at pp 83.

(81) iSEE, supra note 9 at pp 80-91.

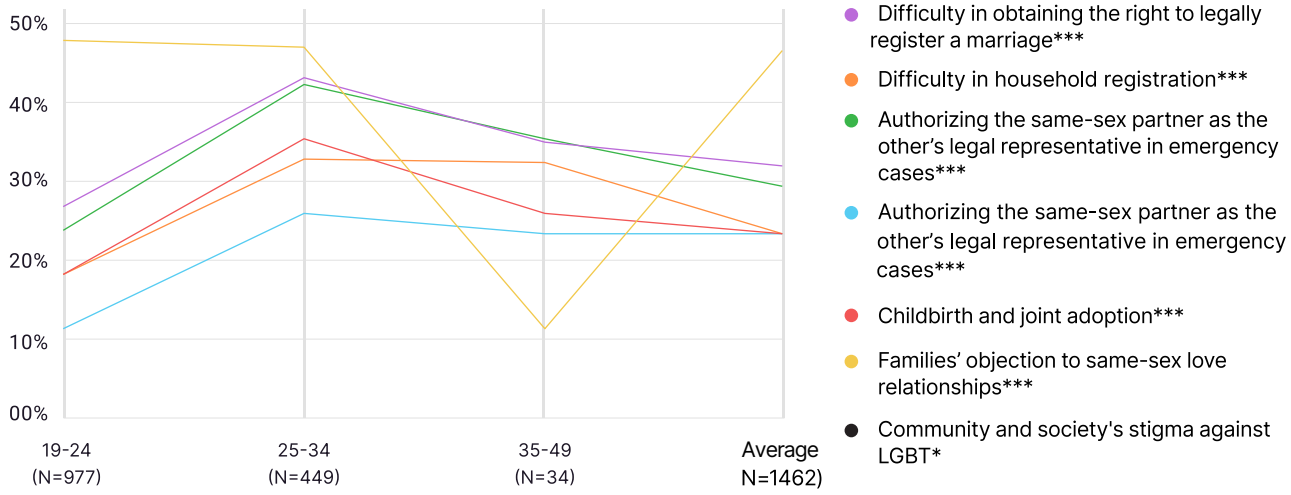
(82) iSEE, supra note 9 at pp 81.

(83) Constitution, supra note 5 at Chapter II, Article 36(1), Article 16(1), Article 16(2), and Article 1.

on Marriage and Family, the Government and National Assembly of Viet Nam replaced the prohibition on same-sex marriage

prohibition on same-sex marriage with lack of formal recognition. This removes a monetary sanction in the amount ranging from 100,000 VND to 500,000 VND following an administrative violation for same-sex marriage. Since the amendment does not provide same-sex couples with legal recognition of marriage, access to certain legal regimes are restricted. According to a 2019 survey of 5999 LGBTIQ individuals about their experience of marriage and cohabitation, common challenges rising from a lack of legal recognition are lack of access to spousal benefit, shared assets, power of attorney, adoptions and children-related issues.

Chart: Difficulties in same-sex cohabitation by age group



The Civil Code provides that "**Each individual has the right to... adopt children**" which has a broad scope on who can adopt children. However, the Law on Adoption only recognizes adoption by two person being husband and wife, or by a single person preventing same-sex parents from legally adopting children together. One parent may be able to adopt the child. However, this limits formal recognition of the practical living and care situation. In an online survey of LGBT, 73.1% and 55.2% of respondents found that the regulations on Law on Family and Marriage, and Law on Adoption respectively were seen as restricting child rearing on the basis of differences in sexual orientation and gender identity.

(84) Law on Marriage and Family, No. 52/2014/QH13 by the National Assembly, dated 19 June 2014, effective since 01 January 2015, Chapter II, Article 8(2), retrieved from http://vbpl.vn/TW/Pages/vbpqen-toanvan.aspx?ItemID=11018.

(85) In the previous provision of Clause 5, Article 10 of the Law on Marriage and Family of Viet Nam 2000, same-sex marriage was in one of 5 classes of prohibited marriage.

(86) iSEE, "Same-sex cohabitation - Need and experience of same-sex couples in Viet Nam", 2019, retrieved from https://thuvien.lgbt/documents/song-chung-cung-gioi-tinh-yeu-va-quan-he-chung-song-cua-nguoi-dong-tinh-song-tinh-va-chuyen-gioi. [Same-sex cohabitation]

(87) Civil Code, supra note 6 at Article 39(1).

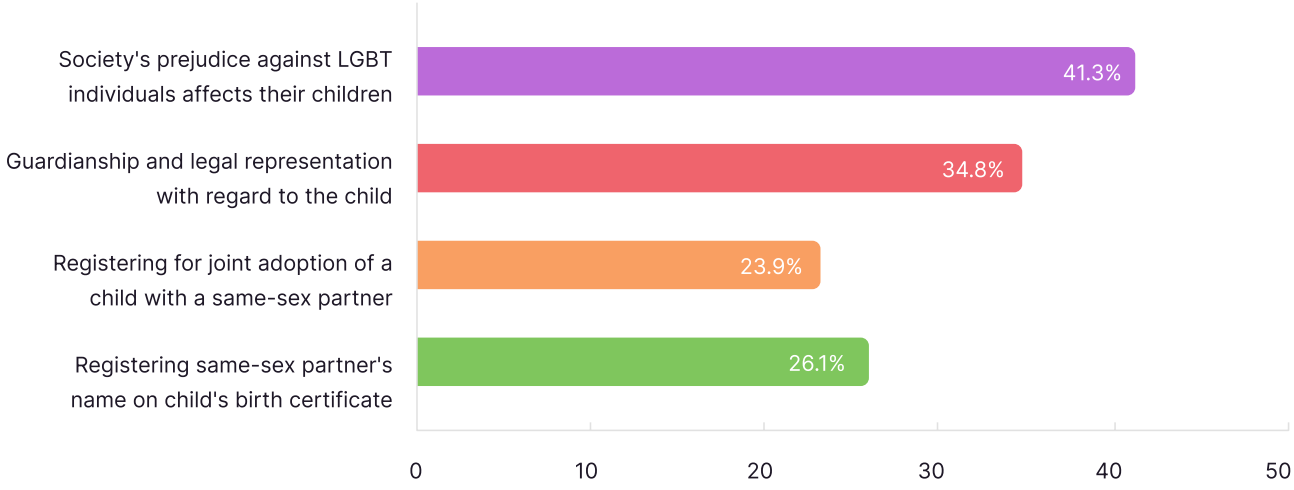
(88) Law on Adoption, No. 52/2010/QH12 by the National Assembly, dated 17 June 2010, Article 8(3), retrieved from https://moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=10483.

(89) UNDP and USAID, "THE RIGHT TO ADOPTION OF LESBIAN, GAY, BISEXUAL AND TRANSGENDER PEOPLE IN VIET NAM Reality and Recommendations", September 2015, pp 32, retrieved from https://vietnam.un.org/sites/default/files/2019-07/UNDP-USAID-LGBT_RIGHT_TO_ADOPTION-FINAL-30_SEP_2015-EN.pdf .

According to a 2019 survey of 5999 LGBTIQ individuals about their experience of marriage and cohabitation, common challenges rising from a lack of legal recognition are lack of access to spousal benefit, shared assets, power of attorney, adoptions and children-related issues.

- Within the age group of 35-49, 55% of respondents have high value shared assets and 50% have shared business ventures.
- 62.9% of respondents want or already have children, and challenges in having and raising children are among the most common challenges same-sex couples face.
- 34.8% reported having issues regarding legal representation for their children, 26.1% had issues in getting recognition for both spouses in their children's legal documents, 23.9% had issues in the adoption process.
- An overwhelming 96.1% of respondents think there should be legal recognition and protection of same-sex couples living together.

Chart: Problem in having and raising children



The 2014 un-ban of same-sex marriage within the Law on Marriage and Family have positive impact on the public discussion surrounding same-sex couples, however, as more and more LGBTIQ people start to build their families and have children, legal and social issues rising from the lack of recognition and protection in the legal framework prevented LGBTIQ families from living openly and with equal protection to other Viet Namese families.

(90) Same-sex cohabitation, supra note 86 at pp 47.

(91) Same-sex cohabitation, supra note 86 at pp 37.

(92) Same-sex cohabitation, supra note 86 at pp 37.

Goal 16 **Promote peaceful and inclusive societies for sustainable development and provide access to justice for all and build effective, accountable and inclusive institutions at all levels.**

Goal 16 has been deemed as the foundation to sustainable development as it is seen as truly transformative, formally linking, for the first time at the United Nations, development, peace, justice, and good governance. Some of the targets include significantly reducing all forms of violence, ending abuse and violence against children, promoting the rule of law in developing accountable and transparent institutions.

National Human Rights Institution

National Human Rights Institution (NHRI) are mandated State bodies established under a constitutional and/or legislative act to protect and promote human rights domestically, and operate independently from the Government. Following the third UPR cycle, Viet Nam accepted recommendations to establish an NHRI. Following the release of Decision No. 1975/QD-TT in December 2019 which created a national strategy to implement the accepted recommendations, the Vietnamese government tasked Ministers with studying the possibility of building a national human rights agency in Viet Nam . However, as of November 2022, Viet Nam has not established an NHRI, falling short of their international commitments.

Regulations of civic space

Right to association

The right to association is protected in Viet Nam by the Constitution and international and regional treaties that it is a State Party. In the third cycle of UPR, Viet Nam accepted a number of recommendations calling for further protection and promotion of the right to freedom of association. In 2022, a draft decree, "**Regulations on the organization, operation, and management of associations**" was released for public consultation. The draft decree is still under review.

(93) UPR info Database, Vietnam Third Cycle, Recommendations 38.85, 38.82, 38.79, 38.75, 38.66. Retrieved from https://upr-info-database.uwazi.io/en/. [UPR info Database]

(94) Decision about the Approval of the General Plan for Implementation of the Recommendations Vietnam Agrees under the Universal Periodic Reviewing Mechanism of Human Rights Cycle III, No: 1975 /QD-TTg by the Prime Minister, dated 31 December 2019, Section 2 Article 1, retrieved from https://thuvienphapluat.vn/van-ban/Quyen-dan-su/Quyet-dinh-1975-QD-TTg-2019-Co-che-ra-soat-dinh-ky-pho-quat-ve-quyen-con-nguoi-chu-ky-III-432887.aspx.

(95) Global Alliance of National Human Rights Institutions, "Members", retrieved from https://ganhri.org/membership/ .

(96) Constitution, supra note 5 at Article 25.

(97) See ICCPR, Art. 22, ; Convention on the Elimination of Racial Discrimination (CERD), Art. 5; CEDAW, Art. 7; CRC, Art. 15; Convention on the Rights of Persons with Disabilities (CRPD), Art. 21; ASEAN Human Rights Declaration, Art. 24.

(98) UPR info Database, supra note 93 at Recommendations 38.207, 38.203, 28.197, 38.179.

Associations are automatically granted legal personality as soon as the authorities are notified by the founders that an association has been created.

Right to peaceful assembly

The right to peaceful assembly and public meeting is assured under article 21 of the ICCPR and the Constitution. Viet Nam should continue to support the fulfillment of this right particularly in cases of public gatherings for social causes. In 2011, the drafting for the Law on Demonstrations which would lay out who is allowed to demonstrate, under what conditions the demonstration can be organized and who can authorize a demonstration, began. Following postponements by Ministers, the law has still not been released.

Right to free speech and expression

The Cybersecurity Law recognizes that in establishing a cyberspace, the government should not jeopardize the lawful rights and interests of any organization or individual under the Constitution. At the same time, the Cybersecurity Law strictly prohibits using the cyberspace to damage Viet Nam's good traditions, social ethics or public health and prevents cyberinformation that can "**cause riots, disturb the peace, humiliate or slander, or violate economic management laws**". Likewise, the 2016 Press Law prohibits posting and releasing information advocating the bad practices, superstition; provide information about the mysteries causing puzzle in society, adversely affecting the order and social safety and health of the community".

The vague language in the Cybersecurity and Press Laws result in lack of clarity regarding the extent to which community organizations can use cyber mediums to communicate with the broader LGBTIQ community. In some cases, this has resulted in self-censorship on behalf of community organizations in an attempt to prevent penalties associated with a violation of the law.

(99) United Nations Vietnam, "Joint UN Recommendations on the Law on Associations", 21 October 2016, pp 3, retrieved from https://Viet Nam.un.org/en/14680-joint-un-recommendations-law-associations .

(100) Constitution, supra note 5 at Article 25.

(101) Viet Tuan, "Ministry given more time to work on public demonstration law", VN Express International, 12 May 2020, https://e.vnexpress.net/news/news/ministry-given-more-time-to-work-on-public-demonstration-law-4098280.html

(102) Cybersecurity Law, supra note 73 at Article 3(2), 4, and 6.

(103) Cybersecurity Law, supra note 73 at Article 8(1)(dd).

(104) Cybersecurity Law, supra note 73 at Article 16.

(105) Press Law, No 103/2016/QH13 by the National Assembly, dated 5 April 2016, Article 16, retrieved from https://thuvienphaplu-at.vn/van-ban/EN/Van-hoa-Xa-hoi/Law-103-2016-QH13-Press/311422/tieng-anh.aspx

Goal 17 Partnerships for the Goal

Data and research on LGBTIQ people

In April 2019, Viet Nam carried out a national population and housing census to collect fundamental information for the research and evaluation of the results of its Population and Socio-economic development plans from 2011 to 2020, as well as to prepare the development strategy for the period of 2021-2030. The census didn't report any official data on the rate of LGBTIQ population in Viet Nam, or characteristics of sexual orientation and gender identity in different areas (urban vs rural areas, migration of LGBTIQ community, areas with high LGBTIQ population,...), causing the policies to overlook key issues impacting LGBTIQ population, or fail to take LGBTIQ perspectives into consideration on broader issues such as gender equality or reproductive health education. This contradicts the principle of "**Leave no one behind**" that the Vietnamese government has repeatedly committed to apply to their sustainable development efforts.

LGBTIQ populations are systematically neglected from collection activities. For example, there haven't been any official reference sources from state bodies relating to LGBTIQ population statistics, there are no official studies on LGBTIQ population conducted by government authorities, and limited program data published by the General Statistics Office of Viet Nam. This is because data collection material collects information on gender based on biological sex only. It neglects to capture the lived reality of individuals whose gender does not match their biological sex and family arrangements of same-sex couples. As a result, Viet Nam's laws, policies and decrees do not explicitly discriminate against LGBTIQ individuals but their rights are not legally protected.

The data collected by government agencies mainly focus on minorities group listed as "**disadvantaged groups**", according to the Law on Legal Aid 2017. This includes people with disabilities, women, children, the elderly, the poor, and people with HIV. Little relevant data can be found on people of diverse SOGIESC, mainly on MSM - TG groups regarding their HIV status (for example, website of MOH usually updates data about people with HIV population, included MSM groups). Members of the LGBTIQ community are marginalized but are not recognized as such, preventing them from both accessing protections under legally

(106) General Statistics Office of Viet Nam, "PRESS RELEASE RESULTS OF THE 2019 POPULATION AND HOUSING CENSUS", retrieved from https://www.gso.gov.vn/su-kien/2019/12/thong-cao-bao-chi-ket-qua-tong-dieu-tra-dan-so-va-nha-o-nam-2019/.

(107) Law on Legal Aid, No: 11/2017/QH1420 by the National Assembly, dated June 2017, effective from 1 January 2018, retrieved from http://vb-pl.vn/TW/Pages/vbpqen-toanvan.aspx?ItemID=11098.

(108) Ministry of Health, "Xuất bản thông tin" https://moh.gov.vn/hoat-dong-cua-lanh-dao-bo/-/asset_publish-er/TW6LTp1ZtwaN/content/thu-truong-bo-y-te-o-xuan-tuyen-tham-va-lam-viecvoi-lanh-ao-can-bo-cuc-phong-chong-hiv-aids?inheritRedirect=false#:~:text=Trung%20b%C3%ACnh%20m%E1%BB%97i%20n%C4%83m%20.

sanctioned grounds of prohibited discrimination, and/or services that would generally be accessible to their heterosexual and cisgender counterparts. For example, women are eligible for micro-credit programmes, but transgender women are not.

Spotlight initiatives:

LGBTI INCLUSION INDEX

- To increase the awareness of the available data on the lived realities of LGBTIQ people in Vietnam, from May to August 2022, UNDP Vietnam, iSEE, and Lighthouse Social Enterprise have implemented the pilot phase of the LGBTIQ Inclusion Index. The initiative is done with contributions from the US Centers for Disease Control and Prevention (CDC) and the Index working group, consisting of 8 LGBTIQ Civil Society Organizations.

- The Index aims to measure the inclusion LGBTIQ people across five strategic areas of health, education, personal safety and violence, civic and political participation, and economic empowerment. For the pilot phase of the Index, this is done through reviewing 22 indicators on LGBTIQ inclusion in current policies and 2 indicators on discrimination and violence in education and employment.

- The Index, as well as its strategic areas and indicators are developed with considerations for "leave no one behind" in accordance with Agenda 2030. The Index identifies different levels of progress in LGBTIQ inclusion in civic and political participation. Progress has been monitored in freedom of expression, identifying that there are no laws restricting the freedom of expression in relation to SOGIESC issues, and LGBTIQ NGOs are legally permissible. On the other hand, multiple gaps have also been identified such as the lack of legal protection against SOGIESC-based discrimination and the lack of agency responsible for handling these charges.

- Regarding data availability, the sources of data are limited and in most cases are from LGBTIQ CSOs or UN agencies. There are big gaps in data from governmental agencies which are crucial to measure progress on indicators such as "**Education Attainment**", "**Relative Unemployment Rate**", "**Relative Poverty Rate**" or "**Relative Individual earnings**". The Index indicates that health was the area with the most updated data (data on HIV prevalence in MSM-TG generated within 2 years of the Pilot phase). Meanwhile, data on SOGIESC-based discrimination is

is either outdated (bullying in education) or not collected (discrimination in employment).

- These results have greatly informed LGBTIQ organizations and development agencies on their programmes. They also call for immediate and close collaboration in data collection and management to respond to the current dearth of data, especially partnership with national statistics offices and government agencies to conduct large-scale data collection projects.
- The full report of the pilot phase for the LGBTQI Inclusion Index in Vietnam can be found here:
  https://www.undp.org/vi/vietnam/publications/-bo-chi-so-hoa-nhap-LGBTI-tom-tat-giai-doan-thi-diem

Civil Society participation in SDG Implementation / Follow-up

The National Council on Sustainable Development was established in 2005 and is responsible for providing the Vietnamese government and Prime Minister with advice on implementing SDGs in Viet Nam. The Ministry of Planning and Investment (MPI) is the lead agency to implement the 2030 Agenda. The UN SDG Technical Working Group was formed to cooperate with the government in implementing the 2030 Agenda. In addition, the network of local and international NGOs, socio-political and socio-professional organizations as well as and Association of Persons with Disabilities have conducted activities to implement SDGs and make direct contributions to the VNR.

To coordinate the participation of civil society organizations, Leave No One Behind Partnership Viet Nam (LNOB Viet Nam) was established in 2017 in order to encourage experience sharing regarding the SDGs, and ensure marginalized groups are involved in the implementation and monitoring of SDGs in Viet Nam. In March and April 2023, LNOB Viet Nam facilitated a series of consultation meetings and online surveys for civil society organizations to give comments and feedback to the 2023 VNR report of the Vietnamese government. Throughout the surveys and consultations, comments of LGBTIQ individuals and organizations were recorded and reflected in the shared consultation report of LNOB Viet Nam. Many comments echoed the comments in this report regarding the inconsistent application of "**Leave no one behind**", especially with the lack of government data on marginalized populations, under-utilization of data and research from civil society organizations, and lack of concrete mechanisms to encourage and/or facilitate the participation of civil society organizations.

(109) VNR 2018, supra note 33.

Recommendations

We call upon the Government of Vietnam to ensure the effective implementation of the SDGs and their targets by taking these recommendations into consideration:

- Revise the National Action Plan for Implementation of the 2030 Agenda for Sustainable Development and subsequent budget distribution to ensure participation of central governmental agencies, local government, development partners, local and international non-governmental organizations and community organizations across Vietnam in the process of planning, implementation, monitoring and evaluation of the SDGs.

- Recognize social organizations (such as local and international non-governmental organizations, or community organizations representing the interests of marginalized communities) as official partners in the implementation of Agenda 2030. Ensure favorable legal framework regarding establishment, operation, fundraising and taxation, along with equitable procurement and bidding processes to encourage the participation and contribution of social organizations to the Agenda 2030. In this regard, encourage multi-sector dialogues and collaborations between the government, the private sector, social and community organizations.

- Expand upon the “Leave no one behind” principle to ensure adherence to the principle throughout the planning, implementation, monitoring and evaluation of the National Action Plan for Implementation of the 2030 Agenda for Sustainable Development.

- Ensure a favorable legal framework to recognize and utilize data from NGOs and community-led researches and surveys as valuable input to monitor the SDGs. Encourage collaboration between social organizations and governmental agencies in collecting, analyzing and managing data from communities, including capacity building and funding opportunities for social organizations.

- Build a database of community-generated data and integrate them into existing databases for monitoring and evaluation of SDG implementation.

- Continue to revise the legal framework to ensure recognition and protection of people of diverse SOGIESC in line with Vietnam’s commitment to international conventions and the principle of “leaving no one behind":

    - Enact the Gender Affirmation Law, which is required by the Civil Code (Article 37), to ensure that transgender and non-binary people can have their gender marker changed on the basis of self-determination.

- Review the Law on Marriage and Family to allow same-sex couples to enter into legal marriage, and ensure that they have equal rights to found a family and have equal protection of marriage as opposite-sex couples.
- Immediately outlaw non-consensual and non-medically necessary medical interventions carried out on intersex children in the Civil Code (Article 36) and Decree 88/ND-CP/2008, and guarantee intersex people their rights to bodily integrity and self-determination.
- Expand upon Directive 4132/BYT-PC from the Ministry of Health to give guidance to medical service providers on technical issues regarding conversion therapy practice and enforcement mechanisms.
- Continue to expand anti-discrimination protection to include “sexual orientation” and “gender identity”, and integrate concrete language to ensure interpretations of “discrimination based on gender” includes people of diverse SOGIESC.

➤ Continue to collaborate with social organizations to conduct strategies about LGBTI for the entire society, especially all civil servants, including law enforcement officers.


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