

# VIETNAM CONTEXT ANALYSIS REPORT

ON HUMAN RIGHTS AND HEALTH SITUATION OF  
VIETNAMESE LGBT COMMUNITY AND MSM/TG  
(2017)



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## INTRODUCTION

Data collection and research are essential tools to understand human rights violations, discrimination, different epidemics and identify the needs of key populations. Understanding more about discrimination, human rights violations, risk behaviours and risk situations will help in developing, maintaining and expanding comprehensive intervention programmes in a more effective manner. With more data at hand, partners will also be supported in their national and regional efforts to submit relevant, logical and effective proposals to funders and will be strengthened in their advocacy towards local and national policy makers.

Country Context Analysis is crucial to get a full understanding of the current situation and needs of the under researched, under serviced, stigmatized, marginalized and often ignored populations of Lesbians, Gays, Bisexuals, Transgender and Intersex people (LGBTI).

## HOW WAS IT DONE

This country context analysis (“CCA”) is a cooperation between COC (Netherland) and their local partner in Viet Nam to gather context information. There are also other country context analysis report in countries falling under the scope of COC’s programmes. The Viet Nam Country Context Analysis Report (“the Report”) is compiled using information, documents and reports published/gathered by others as a “desk study.”

The Report was drafted by one lead consultant who experienced in both rights and health areas of LGBT community. The first draft was sent to COC and other local partners for comments and additional information in June 2017. The final version was finalized in September 2017, after revisions and clarifications from the consultation progress.

All information is clearly referenced in the “endnotes” which can be identifiable and online accessibly, if any. All sources are most updated as possible, with consideration that newer data might be inaccessible to the public, especially statistics from the government.

## WHO AND HOW TO USE

All individuals, organisations and partners that want to learn and/or carry out appropriate intervention programmes which is evidence-informed, can use this Report. The content is very wide which can be used to quick refer in working with media, lawmakers, donors or community.

The Report has two major parts: the first half is overview, laws and situation that affect the rights of LGBT community in Viet Nam, the second half is health and well-being of LGBT/MSM-TG in Viet Nam.

The Report is demonstrated in format of questions and answers (Q&A) which the list of questions can be found at the table of content rights after this.

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## GENERAL BACKGROUND

### RELEVANT POLITICAL SITUATION RELATED TO LGBT, AND POLITICAL CONTEXT FACTORS THAT PLAY A ROLE IN THE STATUS QUO / CHANGE IN THIS SITUATION

In 19th century, the French colonialism came to Vietnam putting their legal system. The colonialism did not criminalize homosexuality. The communist party in Vietnam declared independence of the nation in 1945 and won the war against France in 1954. Vietnam was courted by the rival sides in the Cold War and divide to two regimes: North Vietnam (Democratic Republic of Vietnam) with Soviet Union and Chinese backing, and South Vietnam (Republic of Vietnam) with American backing. In 1975, North Vietnam won the civil war and took control all over Vietnam. The communist party is the only ruling political party since then. Decisions throughout the government and party structure are largely made by consensus, across layers of authority ranging from the politburo to the central committee, the party secretariat, the party commission, the National Assembly, regional steering committees and government ministries.

### RELEVANT ECONOMIC SITUATION RELATED TO LGBT, ECONOMIC AND EMPLOYMENT SITUATION OF LGBT, AND ECONOMICAL CONTEXT FACTORS THAT PLAY A ROLE IN THE STATUS QUO / CHANGE IN THIS SITUATION

Starting in 1986, Vietnam gradually shifted from a centrally planned system to a socialist market economy. According to the World Bank, Vietnam is the second largest recipient of remittances in Southeast Asia, with \$11 billion.<sup>1</sup> Vietnam has been one of the two world leaders of rice exporter for a long time. Vietnam's leading export manufactured product since 2013 has been electronics. Foreign technology company have contributed a significant percentage to GDP of Vietnam,<sup>2</sup> Samsung on itself contributing for than 20% total export of Viet Nam.<sup>3</sup> Young people, including LGBT people, tend to move and work in major cities like Ho Chi Minh or Hanoi which created a very high density of population in these cities.

### RELEVANT SOCIAL SITUATION RELATED TO LGBT, AND SOCIAL CONTEXT FACTORS THAT PLAY A ROLE IN THE STATUS QUO / CHANGE IN THIS SITUATION

Vietnam has a young population of which number of people of working age (between 15-64) make up two thirds (69%) of the population.<sup>4</sup> Vietnamese traditional values are strongly influenced by Confucius and Taoist ideologies, although most Vietnamese do not call it by name. The major religion of Vietnam is Buddhism (7.9%), but most of the population are atheist (81.8%)<sup>5</sup> which makes Vietnam one of the most non-religious country in the world.<sup>6</sup> However, the Vietnamese culture has mixed its religious with traditional spirit worship and folk practices. Many scholars also suggest old widespread patterns of cross-gender spirit mediums in Vietnam, such as "*hau dong*" (spirit worshipping) where people with mixed spirit of men and women are considered be able to communicate with the gods.

It is generally understood that pre-colonial Vietnamese societies accorded more equal rights to women. Greater equality between men and women tends to produce less social anxiety over sex and gender diversity.

#### LAWS AND REGULATIONS THAT POSE OBSTACLES FOR LGBT

In old Penal Code, transgender or gay men or anyone who hold male gender in legal documents are not protected in crime of rape<sup>7</sup> because only sex between a man and a woman are recognize as sex.<sup>8</sup> In 2015, a new Penal Code was passed whereas crime of rape has been extended to any forced sex activities between two people. The new Penal Code was postponed implementation in 2016 due to many technical errors.<sup>9</sup> On 26<sup>th</sup> June 2017, the Law on Amended Penal Code was passed with no change regarding crime of rape as in the Penal Code 2015 which means transgender people can be protected. The Penal Code will take effect in first day of 2018.<sup>10</sup>

The new Civil Code 2015 reiterated the regulation in Decree 88/ND-CP/2008 on people who are born with intersex statuses.<sup>11</sup> A young intersex person may have to undergo sex change surgery without their consent,<sup>12</sup> creating risk that the reaffirmed gender might not match with their gender identity.<sup>13</sup>

Same sex marriage is not recognized by the law, leaving same-sex couple living together without any legal protection.<sup>14</sup> Adoption is limited *“for a single parent or a couple of husband and wife.”*<sup>15</sup> The laws also do not recognize same-sex marriages which are conducted in other countries between Vietnamese citizens and foreigners.

Law on association, law on peaceful assembly and demonstration have been in discussion for decades but never come to reality, which pose obstacles for LGBT community in mobilization of resources.

#### LAWS AND POLICIES AT NATIONAL AND SUB-NATIONAL LEVELS ACTING AS BARRIERS TO PROVIDE SERVICES AND INFORMATION TO LGBT

Vietnam has never criminalized homosexuality, yet never enact specific provisions using terms such as sexual orientation, gender identity or sex characteristic. Vietnam’s Constitution of 1992, amended in 2001, provides that *“all citizens are equal before the law.”*<sup>16</sup> In reality, the cases of discrimination are very diverse and varied, from the refusal to provide services<sup>17</sup>, employment rejection<sup>18</sup>, discrimination at work<sup>19</sup>, job dismissal based on one’s sexual orientation or gender identity<sup>20</sup>, working with the administrative authorities...<sup>21</sup>

#### LAWS AND POLICIES AT NATIONAL AND SUB-NATIONAL LEVELS WHICH CAN FURTHER OR PROMOTE LGBT ISSUES IN THE CURRENT CONTEXT

Former Minister of Justice Ha Hung Cuong publicly declared disapproval of prejudice against homosexual people and mentioned the controversial topic of same-sex marriage.<sup>22</sup> In 2014, the Law

on Marriage and Family remove the ban on same-sex marriage, yet not recognize it, and remove all fines related to same-sex weddings or ceremonies as a popular misconduct before.<sup>23</sup>

The Civil Code 2015 legalized rights of people to change their gender, which is banned before. The Civil Code takes effects in 2017 but still need a specific Law on Transgender to regulate conditions, procedures, etc in the future. Discussion on LGBT rights has become a new normal among law makers. Law on Detention and Imprisonment, Law on Military Service, Law on Youth, etc. have discussed about inclusion of LGBT people with positive attitude.<sup>24</sup>

#### INTERNATIONAL TREATIES, LAWS AND REGULATIONS THAT PROTECT LGBT (INCLUDING RATIFICATION, DOMESTICATION AND IMPLEMENTATION OF THOSE TREATIES BY THE COUNTRY)

As a member of the United Nations since 1977, Vietnam became a member of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) in 1982 and the Convention on the Rights of the Child (CRC) in 1990.

In 2016, as a member of the Human Rights Council, Viet Nam voted in favour of the resolution “Protection against violence and discrimination based on sexual orientation and gender identity (SOGI)” which appointed a first ever Independent Expert on protection against violence and discrimination based on SOGI. The resolution was adopted in a defining vote of 23 to 18, with 6 abstentions.<sup>25</sup> Viet Nam delegation also made a statement to show their support before the vote.<sup>26</sup>

#### LEVEL AND TONE OF REPORTING IN MAINSTREAM MEDIA AND OTHER COMMUNICATION OUTLETS ON LGBT PEOPLE.

All media are controlled and owned by government theatrically. Before 2008, most portrayal of LGBT images in newspaper and online news are very negative as crime, social evil and bad choice of lifestyle.<sup>27</sup> Since LGBT organisation began sensitization work with journalist, and more people come out to tell their stories, the mainstream media have been changed enormously in recent years. Many online news outlets have dedicated a whole section for LGBT news, e.g. Kenh 14, Mot The Gioi, Viet Nam Moi, etc. A private company bought licence to produce Vietnamese version of gay magazine Attitude.<sup>28</sup> LGBT people appear very frequently in movies, TV shows, although many treat feminine gay men and transgender individuals as comic figures.

#### LAWS AND REGULATIONS THAT POSE OBSTACLES TO PEOPLE LIVING WITH HIV

In Viet Nam, although compulsory testing is generally prohibited, exceptions exist under the law for certain occupations for which job applicants or employees may be required to undergo tests, e.g., flight crew and special occupations in the security and defense domains.<sup>29</sup>

Anti-retroviral (ARV) treatment for people living with HIV/AIDS has been paid by health insurance from January 2018, instead of international donors in the past. In the past, HIV/AIDS treatment was free so health insurance was not a must to receive treatment. The rate of people living with HIV with health insurance in 2017 was about 50 per cent.<sup>30</sup>

## CRIMINALIZATION OF HIV TRANSMISSION

Article 117, Penal Code 2015, which will take effect in 2018, regulates about spreading HIV to other persons:

*1. Those who know that they are infected with HIV and intentionally spread the disease to other persons, unless the victim knows about status of HIV carrier and agree to have sex with them, shall be sentenced to between one and three years of imprisonment.*

*2. Committing the crime in one of the following circumstances, the offenders shall be sentenced to between three and seven years of imprisonment:*

- a) Against more than one person;*
- b) Against juveniles;*
- c) Against women known to be pregnant;*
- d) Against the doctors or medical workers who directly give medical treatment to them;*
- e) Against persons performing their official duties or for reasons of the victim's official duties.*

## INTERNATIONAL TREATIES, LAWS AND REGULATIONS THAT PROTECT PEOPLE LIVING WITH HIV

Vietnam supports and pledges to do their level best to ensure successful implementation of the 2030 Agenda setting out 17 Sustainable Development Goals (SDGs) of UN<sup>31</sup> to end AIDS by 2030. Vietnam is among first countries joining the UN 90-90-90 goal, which targets 90 percent of all people living with HIV know their HIV status, 90 percent of all people with diagnosed HIV infection will receive sustained antiretroviral therapy, and 90 percent of all people receiving antiretroviral therapy will have viral suppression by 2020.<sup>32</sup>

## INTERNATIONAL AND REGIONAL HUMAN RIGHTS MECHANISMS

LAST TIME COUNTRY WAS INCLUDED IN UPR AND OTHER TREATY BODIES. WERE LGBT INCLUDED IN THE MAIN COUNTRY REPORT PREPARED FOR THE UPR AND OTHER TREATY BODIES?

Last UPR of Vietnam happened in June 2014. LGBT and/or SOGIE rights were not included in the country report of the government of Vietnam.

WAS A SHADOW REPORT CREATED FOR THIS UPR AND OTHER TREATY BODIES (LIKE ICCPR, CEDAW ETC.) THAT INCLUDED REFERENCE TO LGBT? WHAT DID THESE SHADOW REPORT SAY ABOUT LGBT PEOPLE OR SOGIE ISSUES?

There were LGBT-thematic as well as joint independent report prepared by civil society organisations for the UPR of Vietnam in 2014, CEDAW in 2015. These reports focus on the Vietnamese legislation in relation with rights to found a family, rights to gender identity and rights to non-discrimination.

WERE RECOMMENDATIONS FORMULATED DURING THE LAST UPR AND OTHER TREATY BODIES RELATED TO LGBT? WHICH RECOMMENDATIONS BY WHOM. WERE THEY ACCEPTED BY THE STATE UNDER REVIEW? WERE THE RECOMMENDATIONS IMPLEMENTED BY STATE UNDER REVIEW?

Chile gave recommendation to Vietnam to *“enact an anti-discrimination law guaranteeing equality of all citizens, regardless of sexual orientation and gender identity”*<sup>33</sup> on December 2013. In its formal adoption of UPR in June 2014, Vietnam accepted this recommendation. However, in the latest law-making agenda in 2017-2018, Vietnam do not put this law into its programme.<sup>34</sup>

NUMBER OF RECOMMENDATIONS TO STATE ON SOGIE ISSUES

There were one recommendations to state on SOGIE issues in the last UPR of Vietnam by Chile to *“enact an anti-discrimination law guaranteeing equality of all citizens, regardless of sexual orientation and gender identity.”*<sup>35</sup>

NUMBER OF STATEMENTS BY LGBTI ORGANISATIONS IN REGIONAL AND GLOBAL HUMAN RIGHTS FORA

There was one statement by LGBTI organisation (iSEE) in the final adoption of UPR of Vietnam calling *“Viet Nam to continue upholding the principle of non-discrimination embedded in its new Constitution with relevant laws and more concrete implementation strategies”*, including transgender rights, same-sex relationship protection and other sexual minorities rights.<sup>36</sup>

UPCOMING DATES FOR UPR AND OTHER TREATY BODIES FOR THIS COUNTRY. ONGOING PREPARATIONS ON LGBT ISSUES FOR THIS UPR AND OTHER TREATY BODIES FOR THIS COUNTRY.

The upcoming third cycle of UPR of Vietnam is tentatively scheduled in October 2018. The civil society organisation is following-up with the accepted recommendation of Vietnam on anti-discrimination and advocating to insert non-discrimination base on SOGIE in all relevant new laws such as the Labour Code, Law on Youth, Law on Legal Aid, Amended Law on Education.

LAST TIME COUNTRY WAS REVIEWED IN THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS. WERE SOGIE ISSUES ADDRESSED? WAS A SHADOW REPORT CREATED FOR THIS ACHPR REVIEW? WHAT DID THESE SHADOW REPORT SAY ABOUT LGBT PEOPLE?

Vietnam is not a member of African Commission on Human and People's Rights.

UPCOMING DATES FOR ACHPR FOR THIS COUNTRY. ONGOING PREPARATIONS ON LGBT ISSUES FOR THIS ACHPR COUNTRY REPORTING.

Vietnam is not a member of African Commission on Human and People's Rights.

## STATE OF THE COMMUNITY

### AWARENESS / BEHAVIOUR ON HUMAN RIGHTS AMONG LGBT

#### LEVEL OF EMPOWERMENT OF LGBT PEOPLE

The LGBT community in Viet Nam are 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.<sup>37</sup> In 2016, there are 33 provinces in Vietnam to organize Viet Pride event at a same time by their own leadership.<sup>38</sup> The data on situation of LGBT people in smaller cities and rural areas are limited, except many community-based projects working on HIV and sexual health.

#### LEVEL OF AWARENESS AMONGST LGBT ON THEIR RIGHTS (BOTH IN INTERNATIONAL TREATIES AND NATIONAL LEGISLATION)

In a 2015 survey, 3.7% of the respondents said they are aware that there are laws in Vietnam which strictly prohibits discrimination based on sexual orientation, gender identity or expression of a person. Laws which are mentioned include: Constitution, Law on Marriage and Family, Civil Code, Gender Equality Law, Adoption Law... Some mentioned “Anti-Discrimination Law” even though in practice, there exists no such law in Vietnam. The existence of many different, separate, individual legal provisions makes it uneasy for LGBT people to aware and apply when needed.<sup>39</sup>

#### LEVEL OF AWARENESS AMONGST LGBT ON VIOLATION OF THEIR RIGHT

In a 2015 survey, three-fourth of respondents who identify as LGBT have no knowledge about which law in Vietnam could be used to protect LGBT from discrimination.<sup>40</sup>

Only 2% of the respondents who has been discriminated in the last 12 months expressed that they reported the incidents to the police, civil defence force, or local authorities. With 98% of those who decided not to report with the authorities, the main reason as set out is: viewing the incident as minor and frequently occurred (63.7%); the two next popular reasons are that they did not believe the incident would be resolved (46.7%), embarrassment, do not wish to disclose about themselves (26.3%) and fear of reaction from the police (17.7%).<sup>41</sup>

#### LEVEL OF AWARENESS AMONGST LGBT ON WHOM TO CONTACT/ WHERE TO GET HELP IN CASE OF A HR VIOLATION

One in three respondents (37.3%) is aware of places which could provide support for subjects of discrimination based on sexual orientation, gender identity and expression. The answers vary: ICS, iSEE, PFLAG, VietPride, 6+, Hà Nội Queer, CSAGA, CCIHP, CECHEM, Save The Children, some shelters, MSM groups, Facebook groups of different provinces... United Nations and UNDP are among



organisations mentioned as a place whose supports LGBT community could refer to when there is discrimination.<sup>42</sup>

#### NUMBER OF LGBT REPORTING HUMAN RIGHTS VIOLATIONS (E.G. IN THE LAST 6 MONTHS) TO LGBT ORGANISATIONS

iSEE received and support for seven cases of human rights violations in first half of 2017: one on cancelation on same-sex wedding, four domestic violence cased against LGBT, two on discrimination against LGBT students in schools.

#### NUMBER OF HUMAN RIGHTS CASES REPORTED TO POLICE/AUTHORITIES AND/OR MAINSTREAM NGOS/NON- DISCRIMINATION AGENCIES.

There are 5.1% of respondents choosing to report the incidents to LGBT advocacy groups. Only a few respondents decided to work with counsels, press corps, friends, or relatives. Nearly one-tenth (9.4%) of the respondents decided to share about the discrimination incidents on social networking sites as Facebook, Youtube... When the respondents were asked about the most serious incidents in the last 12 months (and not being the most recent incident), the percentage of respondents who decided to report the incident to the police, civil defense force, or local authorities is even lower (0.3%), equivalent to one case.<sup>43</sup>

### AVAILABILITY AND ACCESSIBILITY OF HUMAN RIGHTS AND LEGAL SUPPORT FOR LGBT

#### AVAILABILITY AND ACCESSIBILITY OF HUMAN RIGHTS PROTECTION FOR LGBT

Vietnam is a stable one-party state that is transforming,<sup>44</sup> campaigners may experience difficulties to mobilize and achieve goals in any social movements. Fortunately, LGBT and SOGIE is considered a non-political issue compare to other human rights issues. To some extent, discussion about human rights of LGBT is possible but challenges are immense because of a general lack of basic freedoms for citizens.<sup>45</sup> In Viet Nam, two major registered not-for-profit organizations working for human rights of LGBT are iSEE and ICS, who sponsor and support for more than 30 local LGBT groups across Vietnam. LGBT community use social media (Facebook, instant message, etc.) as main channels to connect and mobilize. The legal advocacy as well as legal support are usually done through these institutions.

#### SENSITIVITY OF CIVIL SERVANTS (INCLUDING POLICE OFFICERS) TO SEXUAL ORIENTATION AND GENDER IDENTITY

In 2012, some weddings of gay and lesbian couples in provinces such as Ca Mau,<sup>46</sup> Kien Giang,<sup>47</sup> Binh Duong<sup>48</sup> have been intervened by the authorities, who ask the couple to do to get education about traditional culture, pay fine, or promise to end the relationship<sup>49</sup>, although these ceremonies have no

any legal binding.<sup>50</sup> These incidents however have prompted the LGBT community and human rights activists to become more outspoken against anti-gay discrimination.<sup>51</sup>

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#### LEVEL OF KNOWLEDGE OF CIVIL SERVANTS (INCLUDING POLICE OFFICERS) ON LGBT RIGHT ISSUES

In August 2015, Prime Minister Nguyen Tan Dung addressed the issue of same-sex marriage and requested it be discussed in the upcoming meeting of the National Assembly, Vietnam's legislative body. He cautiously noted: "*Same-sex marriage is not only a social issue in Vietnam, but is also of global concern, so it should be discussed properly and carefully.*"<sup>52</sup> Some high-ranking officials including Minister of Justice Ha Hung Cuong<sup>53</sup> and Minister of Health Nguyen Thi Kim Tien<sup>54</sup> openly backed the proposal to legalize marriage of same sex couples. The country's U.N. Ambassador Nguyen Trung Thanh called for greater protection of LGBT rights during a session of the Human Rights Council.<sup>55</sup> Ministry of Public Security suggested that transgender prisoners should be kept separately from others.<sup>56</sup> Some members of the National Assembly mistook transgenderism with homosexuality by support same-sex marriage if one of the partner agrees to change their sex, or oppose sex change because it will eventually legalize same-sex marriage.<sup>57</sup>

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#### LEVEL OF SATISFACTION OF LGBT WITH PROFESSIONALISM OF CIVIL SERVANTS

In a 2015 survey, only 14.3% of respondents who has been discriminated in the last 12 months and reported to the police said that the incidents were completely resolved. The failure of incident reporting is attributable to the frequent occurrence of similar incidents or lack of belief that the incident shall be resolved. Self-resolving or assistance from families or LGBT groups is preferred as a solution to assistance from the authorities. The most popular reason why the people did not report to the police is that they think it is not worthwhile, and do not believe the case would be handled properly.<sup>58</sup>

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#### AVAILABILITY AND ACCESSIBILITY OF LEGAL SUPPORT FOR LGBT

Civil society organisations 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.

The government has a legal aid system for disadvantage groups like the poor, children and women of domestic violence, etc. but do not include LGBT.<sup>59</sup> Most people seek legal support from their own network or civil society organisations working for LGBT rights like iSEE or ICS. There is a website providing all frequently asked questions on LGBT issues, as well as directly contact with these organisations.<sup>60</sup>

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#### LEGAL SUPPORT REGARDING CHANGING GENDER MARKERS IN OFFICIAL DOCUMENTS FOR TRANSGENDER AND/OR GENDER NON-CONFORMING PEOPLE.

Before 2015, the law prohibited sex change and people cannot change their gender markers in official documents. When the Civil Code 2015 was passed, it legalized sex reassignment surgery and gender marker change.<sup>61</sup> Since new regulations reads "The sex change is performed as regulated by law", which means there must be a specific law on sex change in the future to realize this rights in reality.<sup>62</sup> Although the Civil took effect in 2017, it will need a Law on Trasngender to implement these regulations, which is not official scheduled in the law-making agenda of the National Assembly in 2017-2018.

**DEMOGRAPHICS AND CHARACTERISTICS OF THE LGBT POPULATION**

POPULATION ESTIMATE OF LGBT PEOPLE (DISTINGUISH WHERE POSSIBLE BETWEEN GB MEN, LB WOMEN AND TRANS\* PEOPLE / MSM, WSW AND TRANSGENDER PEOPLE (DEPENDING ON AVAILABLE DATA) (IF NOT FROM LOCAL STUDIES, REFER TO INTERNATIONAL RESEARCH ON PREVALENCE OF HOMOSEXUALITY AND AVERAGE PERCENTAGES OF PEOPLE WHO IDENTIFY AS TRANSGENDER OR GENDER NON-CONFORMING).

Vietnamese media and civil society organisation usually use the prevalence of LGBT from international research (CDC and William Institute) which is 3-5% to estimate the population of LGBT people in Vietnam. They usually use the number of 1.6 million LGBT people in Vietnam of age 15-59.<sup>63</sup>

% OF LGBT WORKING AS SEX WORKERS (DISTINGUISH WHERE POSSIBLE BETWEEN GB MEN, LB WOMEN AND TRANS\* PEOPLE / MSM, WSW AND TRANSGENDER PEOPLE (DEPENDING ON AVAILABLE DATA)

No information available.

% OF LGBT ENGAGING IN TRANSACTIONAL SEX (DISTINGUISH WHERE POSSIBLE BETWEEN GB MEN, LB WOMEN AND TRANS\* PEOPLE / MSM, WSW AND TRANSGENDER PEOPLE (DEPENDING ON AVAILABLE DATA)

No information available.

% OF LGBT INJECTING DRUGS (DISTINGUISH WHERE POSSIBLE BETWEEN GB MEN, LB WOMEN AND TRANS\* PEOPLE / MSM, WSW AND TRANSGENDER PEOPLE (DEPENDING ON AVAILABLE DATA)

No information available.

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% OF LGBT USING DRUGS (EXCLUDING ALCOHOL) DISTINGUISH WHERE POSSIBLE BETWEEN GB MEN, LB WOMEN AND TRANS\* PEOPLE / MSM, WSW AND TRANSGENDER PEOPLE (DEPENDING ON AVAILABLE DATA)

No information available.

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VIOLENCE TOWARDS LGBT PEOPLE (DISTINGUISH WHERE POSSIBLE BETWEEN GB MEN, LB WOMEN AND TRANS\* PEOPLE / MSM, WSW AND TRANSGENDER PEOPLE (DEPENDING ON AVAILABLE DATA)

In a 2015 survey, for those who have been discriminated for the last 12 months, 4.5% reported that they were physically assaulted, 8.4% were threatened to physical assault, 1.9 were sexually assaulted, and 2.2% were threatened to sexual assault. In particular, for cases of physical offense, there are 19 cases where LGBT people were attacked by someone at schools, 14 cases where family members assaulted LGBT people, 11 cases where the perpetrators were at the workplaces, 1 case where perpetrator is a police officer, and 15 cases where perpetrators were strangers.

Gay men, trans guys are subject to most violence acts (45.5% and 18.2% respectively). In-depth interviews also revealed a number of incidents where trans girls were subject to fairly serious physical offense, but it is probable that since sample to be surveyed is small in number, this information is not highlighted. It is probable since violence is attributable to masculinity (from both perpetrators and the victims), violence acts rarely occurs among groups with higher femininity.<sup>64</sup>

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LEVELS OF STIGMA AND DISCRIMINATION TOWARDS LGBT

In a 2015 survey, one-third (31.6%) of the respondents told us that they felt discriminated for being LGBT for the last 12 months prior to the survey. Transgender people have the most discrimination experience (49.4% for trans guys and 48.5% for trans girls). However, there were less respondents who are trans guys comparing to other sub-groups, therefore the absolute number of this sub-group may differ.

On the frequency of the discrimination, half (49.9%) of the respondents who have felt discriminated said that they have been discriminated from once to five times in the last 12 months. Notably, more than one-fourth (27.6%) of the respondents told that they have been discriminated for more than 10 times in the last 12 months. Specifically, in the group of LGBT people who have been discriminated for more than 10 times in the last 12 months, trans girls had most discrimination experience (41.7%), one-half greater the overall rate.<sup>65</sup>

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LEVELS OF STIGMA AND DISCRIMINATION TOWARDS SEX WORKERS

Stigma toward sex workers is rooted in traditional norms which view sex work as a social evil, in people's perceptions of gender and sexuality, and in a lack of knowledge about sex workers. People judge sex workers, saying they have broken social norms and are destroying families. Sex

workers are also marginalized in other ways - for instance if they are women, MSM, or transgender, or if they are using drugs or are living with HIV.<sup>66</sup>

#### LEVELS OF STIGMA AND DISCRIMINATION TOWARDS (INJECTING) DRUG USERS

Since 2000 the Vietnamese government and civil society have increased their efforts to address stigma and discrimination toward IDUs, as well as the vulnerability of IDUs to HIV. However, in reality, the stigma against IDUs persists and is still widely prevalent in many places, creating barrier for HIV / AIDS prevention program. The National AIDS Authority has recognized that the law criminalizing drug use undermines HIV prevention efforts, and it is trying to find ways to create a more empowering environment that respects the human rights of IDUs and removes stigma and discrimination so that IDUs can access prevention and care services.<sup>67</sup> Among high risk groups, injection drug users lead the list with more than 45 percent of them saying their HIV status was publicized without their consent.<sup>68</sup>

#### LEVELS OF STIGMA AND DISCRIMINATION TOWARDS PEOPLE LIVING WITH HIV

Discrimination against people living with HIV remains a serious problem in Vietnam. Despite many laws guaranteeing equal rights for people living with HIV, many of them say their rights are routinely violated. The People Living with HIV Stigma Index released in 2014 showed that despite much improvement since 2011, the stigma and discrimination faced by people living with HIV in Vietnam remain unacceptably high. The Index was created by the Vietnam National Network of People living with HIV (VNP+) after polling about 1,600 people living with HIV in Dien Bien Province and the cities of Hanoi, Ho Chi Minh City, Can Tho, and Hai Phong. It found gossip as the most commonly reported form of stigma and discrimination, and was experienced by nearly a quarter of respondents within the last 12 months.<sup>69</sup>

#### LEVELS OF DOUBLE STIGMA WITHIN LGBT COMMUNITIES TOWARDS MEMBERS OF THE LGBT COMMUNITY ALSO BELONGING TO ONE OR MORE OF THE ABOVE MENTIONED GROUPS

A study conducted only in Ho Chi Minh City in 2004 reported an HIV prevalence of 8% in a sample of MSM recruited in MSM-specific venues.<sup>70</sup> Amphetamine type stimulants (ATS) are commonly used drugs by MSM, and their use has been found to be associated with condomless anal intercourse and HIV infection.<sup>71</sup> Homosexuality-related stigma, discrimination, and depression have been found to be associated with engaging in HIV-related risky behaviors such as condomless anal intercourse, drug use, having sex while on drugs. Most MSM in Vietnam try to keep their sexual identities and behaviors a secret.<sup>72 73</sup>

#### CAPACITY LEVELS IN LGBT COMMUNITIES

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## LEVEL OF CAPACITY OF FRONTLINERS TO DEAL WITH MEDIA ATTENTION

The perception of the media on the LGBT community has also improved over the last few years. LGBT and LGBT-supportive groups are using community media channels and media sensitivity training since 2008<sup>74</sup> 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. 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.<sup>75</sup>

The most well-know online social media campaign is “*Toi Dong Y*” (I Do) in 2013-2014 which attracted more than 53,000 individuals to post a photo of themselves online to pledge their support for same-sex marriage and family, 2,000 of whom attended the ‘*I Do*’ festival in Hanoi in October 2013.<sup>76</sup>

Many recent initiatives from community-based organizations have got much attention from media, such as: Rainbow School, Vietnamese Queer History, Hanoi International Queer Film Festival and especially Viet Pride.

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## LEVEL OF CAPACITY OF INFORMAL LGBT GROUPS TO IMPLEMENT SAFE MEETING FOR LGBT PEOPLE

The start of the LGBT movement can be dated to 2007 as this was the year for the first face-to-face meeting with the administrators of the then Internet-based LGBT communities. From this meeting, the LGBT community in Vietnam began to develop into what it can be seen as today.<sup>77</sup>

There are many informal chat groups where LGBT young people meet to expand their social circle, organize social events featuring queer cinema, stand-up comedy, and karaoke. These fun activities draw sizable crowds where attendees are entertained and informed on their rights and upcoming opportunities to engage in the struggle for full equality.<sup>78</sup>

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## LEVEL OF CAPACITY OF INFORMAL LGBT GROUPS TO IMPLEMENT SUPPORT FOR LGBT PEOPLE

Most of civil society working for LGBT rights in Vietnam are informal LGBT groups in national or grassroots levels. The biggest event of the year, Viet Pride, was celebrated in 36 provinces at a same period of time.<sup>79</sup> The Viet Pride Hanoi Committee in 2016, comprised of many organisations and individuals working for LGBT rights in Hanoi, including 6+, Hanoi Queer, NextGEN which are all informal working groups.<sup>80</sup>

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## LEVEL OF PUBLIC VISIBILITY

Some same-sex couples have been more visible about celebrating their relationships, organizing ceremonies to mark civil unions even if they were not legally recognized. Advocates have also stepped up efforts to change mindsets and foster more discussion of LGBT issues, with exhibition on same-sex marriage, a contemporary play on same-sex relationships, talk shows on television, research and workshops on LGBT issues, etc.<sup>81</sup>

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## LEVEL OF MOBILIZATION

The LGBT community is mobilizing in Vietnam to raise their profile and reach out to the wider public, encouraging as many people as possible to come out and be comfortable with who they are.<sup>82</sup> In Ha Noi and Ho Chi Minh City, LGBT communities have started to form networks among themselves through organisations such as ICS, NYNA, Transcore, Rainbow School, NextGEN, Ha Noi Queer, etc. They 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.<sup>83</sup>

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## LEVEL OF SUPPORT FOR PIONEERS IN SERVICE (ALLIES)

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.<sup>84</sup> Many parents have joined individual PFLAG chapters and advocated for their children’s rights, provided counselling and support to their members to come out to their family.<sup>85</sup>

## STATE OF THE MOVEMENT

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### ORGANISATIONS, COMMUNITY NETWORKS ETC /OF LGBT (FORMAL AND INFORMAL)

Formal:

- Institute for Studies of Society, Economy and Environment (ISEE)
- ICS Center
- Center for Studies and Applied Sciences in Gender, Family, Women, and Adolescents (CSAGA)
- Center of Creative Initiatives in Health and Population (CCIHP)

- Institute of Social Development Studies (ISDS)
- Lighthouse, Social Enterprises

#### Informal

- NextGEN Viet Nam (combining of 14 cities and provinces)
- Viet Pride National Working Group
- Ha Noi Queer
- 6+
- Transcore
- UP Pride
- Nu Yeu Nu Association (NYNO)
- Rainbow School Network
- Vilead, Transcore, WeTrans

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#### IS THERE A NATIONAL LGBT UMBRELLA ORGANISATION

NextGEN is an umbrella network combined 14 (and growing) cities and provinces of LGBT groups in Vietnam which share a same brand.

Since 2011, iSEE and ICS annually organize National LGBT Conference which invited individuals and organizations working for LGBT rights across Viet Nam.

ICS have coordinated a working group on Viet Pride, including more than 30 cities and provinces since 2015. In Hanoi, there is a working group on Hanoi Pride (formerly Viet Pride Hanoi) since 2016.

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#### LEVEL OF COALITION BUILDING BETWEEN LGBT ORGANISATIONS

Most organisations work together in major programmes or in advocacy activities. However, there are less collaboration between LGBT rights organisations and HIV/sexual health organisations, in term of activities, networks and target groups. In recent years, LGBT rights organisations started to implement some project on HIV/sexual health, and vice versa, also some joint project between two.

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#### LEVEL OF ALIGNMENT WITH OTHER NATIONAL ORGANISATIONS

No information available.

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#### LEVEL OF SUPPORTING PARTNERSHIPS (EXTERNAL TO THE COUNTRY: EMBASSIES, UN AGENCIES, DEVELOPMENTAL PARTNERS)

Embassies, UN agencies and international development are main sponsors and donors of LGBT civil society in Viet Nam with an established management system, they have strong technical and financial resources to support LGBT groups and organisations in the country. Many of them are allies



of the LGBT community and have a strong reputation and support from the LGBT community. They also have strong connection with lawmakers and other governmental organisations and State agencies.<sup>86</sup> In many public event of Vietnamese LGBT communities, these partners have become the champions to advocate and explicitly support for LGBT community in Viet Nam.<sup>87</sup>

#### LEVEL OF REGIONAL COALITION AND ALIGNMENT WITH OTHER (LGBT) ORGANISATIONS

iSEE and ICS are two of the founders of regional coalition like the ASEAN SOGIE Caucus (ASC) when they together with other LGBT organisation in ASEAN came together to attend a meeting organized during the 2011 ASEAN Civil Society Conference of the ASEAN People's Forum (ACSC/APF) in Jakarta, Indonesia. ASC is still now the first and only organisation working in regional-level on human rights and advocacy for LGBT in ASEAN. iSEE, ICS, NextGEN are member of ILGA Asia since 2014, 2015, 2016 respectively. Community-based organization and individuals working for HIV/sexual health (Lighthouse) also join regional initiatives such as Youth Voices Count.

#### TO WHICH EXTENT ARE GENERAL HUMAN RIGHT ORGANISATIONS WORKING LGBT INCLUSIVE?

Human rights organisations usually cooperate with LGBT organisation in activities related to international human rights mechanisms such as UPR, CEDAW, CRC.<sup>88</sup>

#### TO WHICH EXTENT ARE OTHER CIVIL SOCIETY ORGANISATIONS, LIKE ORGANISATIONS OF PLHIV, SRHR AND WOMEN'S ORGANISATIONS WORKING LGBT INCLUSIVE?

A working group of 17 organisations working for PLHIV, PWD, women, youth, ethnic minority, immigrant and LGBT have worked together since 2013 when they submitted a joint petition on revision of the Constitution.<sup>89</sup> Later, they established the Zero Discrimination Action Group (ZDAG) to work on discrimination against vulnerable group and raise awareness about equality for everyone.<sup>90</sup> CSAGA have run a hotline for WLW consultation since 2009 and started a WLW program since 2016. CCIHP, CSAGA also joined the working group of Hanoi Pride (formerly Viet Pride Hanoi).

#### LEVEL OF SUPPORT FROM MAINSTREAM ORGANISATIONS TO LGBT COMMUNITIES

There is no definition of "mainstream organisation" in Vietnam, but "mass organisation" by government such as Women Union, Youth Union. Basically, these mass organisations rarely work directly with civil society organisations. The most vigorous opposition has come from the Vietnamese Women's Union, which perceives same-sex marriage as a threat to traditional family ideals.<sup>91</sup>

#### AVAILABILITY AND ACCESSIBILITY OF SAFE SPACES FOR LGBT, MEETING PLACES

Many partners like embassies, corporation and art houses have provided safe spaces for LGBT and meeting places for many years, especially during IDAHOT Day,<sup>92</sup> Pride Month,<sup>93</sup> etc. Hanoi Queer

initiated the “Queer Zone”, where businesses display a rainbow sticker to show that they are a “friendly space”. Gay and bisexual men also use dating application like Jack’D, Grindr, Hornet or Blued. In an email communication between Grindr and iSEE in 2016, Grindr’s representative said that there was more than 278,000 users from Viet Nam who were using their application.

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#### LGBT (FRIENDLY) VENUES

Ho Chi Minh City: Thi Cafe & Lounge, Le Pub, Eden Bar, Republic Lounge, Papa Café, Ca 3 Street Food, Piu Piu Rooftop Parties (weekly), Indika Saigon, Broma Saigon, Park at Alexandre de Rhodes, Ky Dong swimming pool, Nguyen Tri Phuong swimming pool, Nguyen Hue walking street, etc.

Hanoi: GC Pub, G Bar, 1900 Bar, Savage, Hanoi Social Club, Puke Café, The Toilet Hanoi (weekly), Gay Hanoi Tours, Hoan Kiem Lake, Thien Quang Lake, etc.

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#### THE LEVEL OF COOPERATION AND CONTACT BETWEEN LGBTI ORGANISATIONS AND LOCAL/NATIONAL GOVERNMENT

Until not very long time ago there has been little dialogue between the LGBT community and lawmakers. The existence of LGBT persons and their rights were not taken into consideration in policy making. Vietnamese LGBT civil society 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. 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.<sup>94</sup>

In 2012-2016, iSEE, ICS, 6+, TransCore, ViLead and NextGEN have been worked with Ministry of Justice on Law on Marriage and Family and Civil Code and from 2016 to now they have worked with Ministry of Health on Law on Transgender. In other progress like Law on Detention and Imprisonment, Labour Law, Law on Youth, ICS also have worked with Ministry of Public Security, Ministry of Labour - Invalids and Social Affairs and Ministry of Home Affairs. In additions, they also worked with Office of Government, departments in National Assembly, Ministry of Foreign Affairs in legal advocacy and international cooperation.

In HIV/AIDS policy making, ISDS, Lighthouse, CARMA, etc. have worked with Ministry of Health, VAAC, VUSTA and National Assembly.

### PREVALENCE AND INCIDENCE OF HIV INFECTIONS

- Adult aged 15 to 49 estimated prevalence rate

0.5% (2015)<sup>95</sup>

260,000 (2015)<sup>96</sup>

- Number of adults aged 15 and up living with HIV

250,000 (2015)<sup>97</sup>

- Regional (in-country) differences in epidemic (taking into account the possible role of migration)

In 2013, the 8 high burden provinces and 22 middle burden provinces account for 50% and 29% of estimated ART needs (in total 30 provinces account for 80% of estimated ART needs). The two largest cities of Ha Noi and Ho Chi Minh City have the largest HIV epidemics in the country, and HIV cases are also concentrated in the northern, northwest mountainous provinces (e.g. Dien Bien, Son La), the mountainous districts of Nghe An and Thanh Hoa, southwest (Mekong Delta), and southeast provinces.<sup>98</sup>

- Prevalence rate of HIV infected MSM (UNGASS Indicator 23) (if available include prevalence figures on sub-groups like youth, etc..)

In recent years, there has been greater recognition of an HIV epidemic among MSM. The number of studies and surveillance conducted about MSM behaviour is increasing. HSS data from MSM in 2013 (n=8 provinces), found an average HIV prevalence of 3.7%.<sup>99</sup> HIV prevalence among MSM appears to be high in major cities. Available data indicate a growing epidemic in Hanoi and HCMC, with HIV prevalence estimated to be up to 16% in these urban centers. The estimated MSM population ranges from 191,000 to 573,000.<sup>100</sup> IBBS II data measured HIV prevalence among MSM in 4 cities. Prevalence ranged from 4.9% among non MSM sex workers to 19.8% among MSM sex workers.<sup>101</sup>

- Prevalence rate of HIV infected WSW (if available include prevalence figures on sub-groups like youth, etc..)

No information available.

- Prevalence rate of HIV infected transgender people (if available include prevalence figures on sub-groups like youth, etc..)

At this moment, there is very limited data available of the transgender population. Some of them are likely included in the sample of MSM, but the data are usually not disaggregated.

In 2015 CARMA Vietnam conducted a biological and behavioral survey of 205 transgender women in Ho Chi Minh City, Vietnam. Overall prevalence was 18.0 % for HIV.<sup>102</sup>

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#### PREVALENCE OF OTHER STI 'S

- Prevalence of other STI's in total population (breakdown of STI's if available)

Researchers estimated that there were 119,188 reported cases of sexually transmitted diseases (STDs) in 1998, of which 3088 were syphilis, 6859 were gonorrhea, and 108,152 were other STDs.<sup>103</sup> In 2003, researchers also reported in a survey on people who visited clinics 5 provinces/cities that 4.5% had contracted syphilis, 10% gonorrhea, 0.5% chlamydia; women who are pregnant that 0.5% had contracted syphilis, 0.3%-1.8% gonorrhea, 1.5-5.8% chlamydia, new soldier man that 0.5% had contracted syphilis, 9% chlamydia.<sup>104</sup>

- Prevalence of other STI's in MSM, WSW and transgender people (breakdown of STI's if available)

In 2015 CARMA Vietnam conducted a biological and behavioral survey of 205 transgender women in Ho Chi Minh City, Vietnam. Overall prevalence was 17.6 % for syphilis.<sup>105</sup>

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#### PREVALENCE OF TB

- Prevalence of TB in total population

The national prevalence rate of smear-positive tuberculosis in the total population (all age groups) would be 145 per 100 000 (95% CI: 110–180).

The prevalence rate of smear-positive tuberculosis was higher in men than in women (351.1 versus 69.3 per 100 000;  $P < 0.001$ ) and increased significantly with age, from 42.2 per 100 000 in the group aged 15–24 years to 429.3 per 100 000 in the group aged  $\geq 65$ . The prevalence of smear-positive tuberculosis was significantly lower in remote areas (134.3 per 100 000) as compared with urban (203.2 per 100 000) and rural areas (219.4 per 100 000). It was also higher in southern than in central and northern Viet Nam; this difference approached statistical significance.<sup>106</sup>

- Prevalence of TB as co-infection among PLHIV

TB/HIV co-infection is relatively uncommon (5% of TB cases) in Vietnam and HIV infection is not a major driver of rising MDR-TB rates. The rate of HIV co-infection in MDR and non-MDR TB cases is 51/1,532; 3.3% vs 3,774/100,555; 3.8%; OR 0.77, 95% CI 0.7–1.2.<sup>107</sup>

- Prevalence of TB as co-infection among in MSM, WSW and transgender people living with HIV

No information available.

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## EFFECTS OF HIV INFECTIONS

- Annual number of aids deaths in total population

8900 (2015)<sup>108</sup>

- Annual number of aids deaths in MSM, WSW and transgender people

No information available.

## PREVENTION

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### PRIMARY PREVENTION

- Availability and accessibility of barrier methods (in general and to MSM, WSW and transgender people), like condoms, lubricants, dental dams, female condoms

In 2013, 57 of 63 provinces carried out community outreach activities for PWID, MSM and FSW, 60 implemented some level of NSP and all provinces distributed condoms free of charge. 100% Condom Use Program (CUP) and HIV prevention for MSM programs took place during the reporting period.<sup>109</sup>

According to VAAC, by the end of 2013, there were 2,654 PWID peer educators, 1,643 FSW peer educators, 368 MSM peer educators and 9,484 district collaborators (mostly health-service staff) participating in the HIV prevention programs.

However, condom use among MSM and PWID remained relatively low. According to the HSS+ and IBBS 2013, only 66.4% of men reporting the use of a condom the last time they had anal sex with a male partner.<sup>110</sup>

- Availability and accessibility of post-exposure prophylaxis (PEP) in the country (in general and to MSM, WSW and transgender people)

Free post-exposure prophylaxis is only available to some professionals (such as military and health staff) in occupational situations through Infectious Diseases Department at local Provincial Hospital.<sup>111</sup> If the incident is not a post-occupational HIV exposure or one of the regulated non-occupational post-exposure situations, the person may access PEP at some private clinics if they can afford.<sup>112</sup>

No information available about PEP to MSM, WSW and transgender in specific.

- % of MSM reached by prevention programmes/health education /promotion
  - 2012: 48.9%
  - 2013: 42.3%<sup>113</sup>
- % of WSW reached by prevention programmes/health education /promotion

No information available.

- % of transgender people reached by prevention programs/health education /promotion

No information available.

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## SECONDARY PREVENTION

- % of women and men aged 15–49 who received an HIV test in the last 12 months and who know their results. (UNGASS Indicator 7)

According to the 2013 HSS+ and IBBS survey, the percentage of key populations at higher risk who received a HIV test in the last 12 months and knew the results was 35.1% among FSW and 23.6% among male PWID.<sup>114</sup>

- % of MSM who received an HIV test in the last 12 months and who know their results (UNGASS Indicator 8)
  - 2012: 39.4%
  - 2013: 28.8%<sup>115</sup>
- % of MSM who received an STI test in the last 12 months and who know their results

No information available.

- % of WSW who received an HIV test in the last 12 months and who know their result

No information available.

- % of WSW who received an STI test in the last 12 months and who know their results

No information available.

- % of transgender people who received an HIV test in the last 12 months and who know their results

No information available.

- % of transgender people who received an STI test in the last 12 months and who know their results

No information available.

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## TERTIARY PREVENTION

- Estimated number of people receiving anti-retroviral treatment (ART)

112.000<sup>116</sup>

- % of adults and children with advanced HIV infection receiving antiretrovirals (UNGASS Indicator 4)

2012: Coverage among eligible people

- Adults: 58.9%
- Children: 86.3%
- All: 59.9%

2013: Coverage among eligible people

- Adults: 67.1%
- Children: 79.2%
- All: 67.6%

2013: Coverage among all PLHIV

- Adults: 2013: 31.8%
- Children: 2013: 57.9%
- All: 2013: 32.5%<sup>117</sup>
- % of MSM, WSW and transgender people with advanced HIV infection receiving antiretrovirals

No information available.

- % Adherence to ARV treatment by PLHIV

A cross-sectional survey was conducted with 1,016 HIV/AIDS patients at seven hospitals and health centers providing antiretroviral treatment services in three provinces, including Hanoi, Hai Phong, and Ho Chi Minh City.

The mean adherence 30-day visual analog scale-score was 94.5 out of 100 (SD=8.2), ranging from 40 to 100%. Using a score of 95% to determine optimal adherence, 74.1% patients reported optimal adherence in the month prior to the survey. With regard to missed doses, 8.5% of patients reported forgetting pills in the last 7 days, and 16.7% reported taking pills late.<sup>118</sup>

- % Adherence to ARV treatment by MSM, WSW and transgender people living with HIV

No information available.

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#### AWARENESS / BEHAVIOUR ON HIV PREVENTION IN LGBT

- % of men reporting the use of a condom the last time they had anal sex with a male partner (UNGASS Indicator 19)
  - 2012: 66.6%
  - 2013: 66.4%<sup>119</sup>
- % of MSM who correctly identify ways of preventing the sexual transmission of HIV and who reject major misconceptions about HIV transmission (UNGASS Indicator 14)

A cross-sectional survey of 219 MSM using a standardized questionnaire showed most correctly identified high-risk sexual behavior and body fluids that could transmit HIV; however, only about half knew that someone who appeared healthy could transmit HIV or that there was no cure for AIDS.<sup>120</sup>

Many MSM think that they are not at risk or that male-male sex is safer. A qualitative study of MSM conducted in 2005 in HCMC supported this observation.<sup>121</sup>

- % of WSW who correctly identify ways of preventing the sexual transmission of HIV and who reject major misconceptions about HIV transmission

No information available.

- % of transgender people who correctly identify ways of preventing the sexual transmission of HIV and who reject major misconceptions about HIV transmission

No information available.

- Level of reported multiple sexual partnerships amongst MSM, WSW and transgender people.



A total of 1178/1695 MSM (69.5%) reported being on multiple sexual partnerships in the last 6 months; 10.9% (184/1688) had sex with both male and female partners in the last 6 months.

A total of 131/257 (51%) MSM reported being on concurrent sexual partnerships (multiple sexual partnerships in the last 4 weeks as UNAIDS-defined proxy for sexual concurrency), with 51.0% reporting penetrative sex with concurrent partners in the last 6 months. Respondents were more likely to engage in multiple sexual partnerships if they were no longer a student, consumed alcohol before and/or during sex, used the Internet to meet casual sex partners and had never participated in a behavioural HIV intervention.<sup>122</sup>

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#### AVAILABILITY AND ACCESSIBILITY OF HEALTH CARE FOR LGBT

- Sensitivity of medical health care professionals to sexual orientation and gender identity

In a study, many health care workers think that homosexuality has become a “fashion” and being GBT is a way to be popular. Some believe that GBT people are very sensitive so they need to be very cautious and treat them in special ways.<sup>123</sup>

- Level of knowledge of health care professionals on LGBT health issues

In a study, to some health care workers, GBT people are men who have effeminate appearance so they can be easily recognized through observation. For other, GBT people are not simply men with femininity, but probably male prostitutes. When being interviewed, GBT people think that health care workers are not fully aware about sexual orientation and gender identity.<sup>124</sup>

- Level of satisfaction of LGBT with service of health care providers

In a study, most GBT people care about not only skill but also LGBT-friendliness of the health care workers. They share to others about friendly doctors or clinics who are not curious about their sexual orientation and gender identity. Many complained about the misconduct or discrimination they faced from the health care workers, more from public sector than private sector, when accessing services.<sup>125</sup>

- Level of health seeking behaviour / delay in seeking health care

Fear of discrimination discourages MSM from seeking information and services in HIV prevention and treatment at healthcare services when they have health problem. Due to stigma and discrimination, a large number of MSM reluctant to get counselling and healthcare service.<sup>126</sup> A total of 76.5% of men who have sex with men who were surveyed reported never having been voluntarily tested for HIV. Predictors of never being tested included having a monthly income less than VND 5 Million,

being a student, using the Internet less than 15 hour per week, and not participating in a behavioral HIV intervention.<sup>127</sup>

- Availability and accessibility of mental health care and psychosocial support for LGBT

There are some organisations that LGBT can seek support for mental health care such as ICS Center,<sup>128</sup> CSAGA,<sup>129</sup> or iSEE.<sup>130</sup> 6+ also runs mental health consultation with experts and has a live radio program weekly to consult health care, family acceptance from audience. TransCore and FTM Vietnam Organization have many articles about mental health care of transgender people.

- Availability and accessibility of health care for LGBT (in the mainstream)

No information available.

- Availability and accessibility of specific health care for LGBT (parallel)

No information available.

- Availability and accessibility of hormones and possible sex exchange operations for transgender people

On 24th of November, 2015, the National Assembly of Viet Nam has passed the new Civil Code, which allows sex change and gender marker change. Since new regulations reads "The sex change is performed as regulated by law", which means there must be a specific law on sex reassignment surgery as well as hormone replacement therapy.<sup>131</sup> The Civil Code takes effects in 2017 but still need a specific Law on Transgender to regulate conditions, procedures, etc in the future.

- % of LGBT that know where to access health services that are tailor-made to their needs

No information available.

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#### NATIONAL HIV/AIDS POLICIES AND BUDGET

- Reference in earlier and current National AIDS Plan of the country to MSM, WSW and/or transgender people

In the National Strategic Plan on HIV/AIDS Prevention (Vision 2020, 2030), men who have sex with men is listed in the prioritized groups for intervention.<sup>132</sup>

- Ascertain whether this plan mentions strategies that respond to the current epidemiological situation amongst MSM, WSW and transgender people

The Harm Reduction Program in the National Strategic Plan on HIV/AIDS Prevention mentions about interventions on MSM: Increase percentage MSM at high risk who is able to access HIV prevention programs to 60% in 2015 and 70% in 2020; increase percentage MSM who use condom in the latest time with their male partner to 80% in 2015 and 90% in 2020; increase percentage MSM who receive HIV test and know the result in the last 12 months to 50% in 2015 and 80% in 2020; decrease the prevalence rate of HIV infected MSM under 10% in 2015 and restrain this rate until 2020.<sup>133</sup>

- Determine whether national programmes acknowledge the need to prioritize specific HIV interventions and strategies for MSM, WSW and transgender people, and apart from inclusion in NSP's whether these are in fact acted upon.

The Background Analysis in the National Strategic Plan on HIV/AIDS Prevention mentions about the current prevalence rate of HIV infected MSM in Vietnam among the highest groups because of the knowledge, attitude and discrimination against these vulnerable groups.

The government and health care system do prioritize MSM and transgender people in their interventions and work with civil society to implement the NSP.<sup>134</sup>

- Current understanding and willingness of National AIDS Programme/Commission to work towards inclusion and special reference to MSM, WSW and transgender people in the national policy

While limited data exist on MSM, new efforts are underway to better understand this aspect of the epidemic. Vietnam AIDS Response Report and other national policy all define three populations with high levels of HIV-transmission risk behaviours: people who inject drugs (PWID), men who have sex with men (MSM) and female sex workers (FSW). IBBS II data measured HIV prevalence among MSM in 4 cities of Vietnam. The number of studies and surveillance conducted about MSM behaviour is increasing.<sup>135</sup>

- Are LGBT organisations represented or participating in national level coordination and policy making forums such as National Aids Councils (NAC), Technical Working Groups (on Key Populations and other TWGs), Country Coordinating Mechanisms (CCM), national writing groups for Global Fund proposals, UN working groups et cetera.

A LGBT organisation (ICS Center) was invited to join the Technical Working Groups (on Key Populations and other TWGs). LGBT organisations are usually invited to consult on workshops or to cooperate in public events. Lighthouse is community representative at CCM since 2015.

- Are MSM, WSW and/or transgender specific interventions included in the former and current Global Fund in country programmes? In what way? Who are former and current PRs and SRs on this topic?

Yes. The VUSTA Component Project on HIV/AIDS has been funded by The Global Fund to reduce the HIV transmission rate among key population groups such as PWDI, FSW and MSM-TG in 15 provinces/cities in Vietnam. Lighthouse is involved in the Global Fund reference group. Other

projects under Global Funds in Viet Nam: (1) PRs: VUSTA and VAAC, (2) SRs: ISDS, SCDI and Life Center.

- Are MSM, WSW and/or transgender specific interventions included in former and current PEPFAR (CDC/USAID) in-country programmes? In what way? Who are former and current PRs and SRs on this topic?

Yes. PEPFAR undertook a systematic review of the programmatic and geographic scope of their portfolio, which had activities in 32 provinces. Multiple USG agencies' implementing partners undertake a full range of PEPFAR activities in 9 of these provinces, while the other 23 provinces are supported through the CDC cooperative agreement with VAAC, the chief mechanism for funding support to the MOH. At the provincial level, PEPFAR works directly with select PACs to design, manage and monitor HIV provincial programs.<sup>136</sup> Other projects under PEPFAR: Community Link, Healthy Market, Shift programs, VAAC/CDC project.

- Domestic and international AIDS spending by categories and financing sources (UNGASS Indicator 1)
  - 2011: US\$ 99.8 million (not including US\$ 31.1 million that is unidentified financing agents and service providers)
  - 2012: US\$ 95.4 million (not including US\$ 40.6 million that is unidentified financing agents and service providers)<sup>137</sup>
- % of national funding of the health care budget spent on specific services for LGBT

No information available.

-END-

-FOOTNOTE ON NEXT PAGE-

## FOOTNOTES

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<sup>1</sup> Jennifer Lo, *Two sides of the migrant coin*, China Daily Asia Weekly, May 1-7, 2015, 6.

<sup>2</sup> Ralph Jennings, *Vietnam growing more attractive to foreign investment, including tech*, Los Angeles Times, October 8 2015, <http://www.latimes.com/business/la-fi-vietnam-tpp-economy-20151008-story.html>, accessed 30 May 2017.

With Samsung's export turnover making up nearly 20 percent of Vietnam's export turnover in 2015, Japan's Nikkei Asia Review commented that Vietnam's economy has been increasingly relying on Samsung.

<sup>3</sup> VNS, *Samsung contributes 22.7% to Vietnam's exports*, Viet Nam Net, 12 January 2017, <http://english.vietnamnet.vn/fms/business/171080/samsung-contributes-22-7--to-vietnam-s-exports.html>, accessed 30 May 2017.

<sup>4</sup> TN News, *Vietnam's rapid aging population a new challenge*, Thanh Nien News, 9 January 2014, <http://www.thanhniennews.com/society/vietnams-rapid-aging-population-a-new-challenge-118.html>, accessed 30 May 2017.

According to the UN, Vietnam is currently experiencing the rare phenomenon of a "demographic bonus" with two or more persons of working age for every person of dependent age (under 15 or 60 and over), meaning it has a large population of young people. TN News, *Vietnam's rapid aging population a new challenge*.

<sup>5</sup> Population and Housing Department, *Official Report of General Population and Housing Survey 1/4/2009*, 2010, <http://www.gopfp.gov.vn/documents/18/86/BCKQC TTDT.pdf>, accessed 30 May 2017.

<sup>6</sup> Rick Noack, Map: *These are the world's least religious countries*, The Washington Post, April 14 2015, <https://www.washingtonpost.com/news/worldviews/wp/2015/04/14/map-these-are-the-worlds-least-religious-countries>, accessed 30 May 2017.

<sup>7</sup> *The Penal Code 1999*. Article 111. [http://www.boluathinhso.com/penal-code/penal-code-1999/crimes/chapter-xii-crimes-of-infringing-upon-human-life-health-dignity-and-honor\\_t12-c010001-a148-m23.html](http://www.boluathinhso.com/penal-code/penal-code-1999/crimes/chapter-xii-crimes-of-infringing-upon-human-life-health-dignity-and-honor_t12-c010001-a148-m23.html), accessed 30 May 2017.

Even though this article does not specify that the victim of the rape crime has to be a female, but by interpreting that the "sexual intercourse" has to be between a man and a woman, and because the law does not recognize the gender identity and physical status of transgender people, so the case of rape between a man and a male-to-female transgender is not recognized as a rape crime.

<sup>8</sup> Hoang Yen, *Raping a Transgender person, guilty or not guilty?*, Phap Luat TP.HCM, 2010, <http://phapluattp.vn/20100824122757371p1063c1016/hiep-dam-nguoi-chuyen-doi-gioi-tinh-co-bi-toi.htm>, accessed 30 May 2017.

<sup>9</sup> VNS, *NA approves delay to Penal Code 2015*, Viet Nam News, 1 July 2016, <http://vietnamnews.vn/politics-laws/298919/na-approves-delay-to-penal-code-2015.html>, accessed 30 May 2017.

<sup>10</sup> VNS, *NA adopts changes to 2015 Penal Code*, Viet Nam News, 22 June 2017, <http://vietnamnews.vn/politics-laws/378677/na-adopts-changes-to-2015-penal-code.html>, last accessed 20 July 2017.

<sup>11</sup> *Civil Code 2015*. Article 36. <http://hethongphapluatvietnam.net/law-no-91-2015-qh13-dated-november-24-2015-the-civil-code.html>, accessed 30 May 2017.

<sup>12</sup> If a person is under 9 years 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 documents will need to have the consent of that person. Refer to *Form number 08, TP/HT-2012-TKTĐ, CCHT* in the attached appendix of *Circular number 05/2012/TT-BTP*.

<sup>13</sup> A case in direct contact with the Institute for the Studies of Society, Economy and Environment shares that as a child, this person was operated to define gender as male. However, when that he grows up, he has the sense that his gender identity is female.

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<sup>14</sup> *Law on Marriage on Family 2014*. Article 8. <http://vietnamlawenglish.blogspot.com/2014/06/vietnam-marriage-and-family-law-2014.html>, accessed 30 May 2017.

<sup>15</sup> *Adoption Law*. Paragraph 3 of Article 8.

[http://moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view\\_detail.aspx?itemid=10483](http://moj.gov.vn/vbpq/en/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=10483), accessed 30 May 2017.

<sup>16</sup> *The Constitution of 1992*, amended in 2001. Article 52.

[https://en.wikisource.org/wiki/Constitution\\_of\\_Vietnam\\_\(2001\)](https://en.wikisource.org/wiki/Constitution_of_Vietnam_(2001)), accessed 30 May 2017.

<sup>17</sup> One case of a lesbian in direct contact with the Institute for Studies of Society, Economy and Environment shares that a life insurance company refused to sell her the insurance package for reason that in her health record, a doctor had recorded “homosexual.”

<sup>18</sup> L.Lieu - Tieu Long, “*The suffering of homosexuals’ employment*,” *Nguoi Dua Tin Magazine*, 2012, <http://www.nguoiduatien.vn/loi-thong-kho-viec-lam-cua-nguoi-dong-tinh-a55855.html>, accessed 30 May 2017.

<sup>19</sup> Thuc Anh, *Half laughing, half crying with homosexuals’ stories at work*, *Thebox.vn*, 2012, <http://www.baomoi.com/Do-khoc-do-cuoi-chuyen-dong-tinh-noi-cong-so/139/8712120.epi>, accessed 30 May 2017.

<sup>20</sup> Hoang Yen, *Restaurant sued for firing a homosexual*, *Phap Luat TP.HCM newspaper*, 2012, <http://phapluattp.vn/20120528104119876p1063c1016/nha-hang-bi-kien-vi-sa-thai-nguoi-dong-tinh.htm>, accessed 30 May 2017.

<sup>21</sup> A case of a lesbian in direct contact with the Institute for Studies of Society, Economy and Environment shares that the police once came by to check the rental place that she and her partner stayed at, then fined them for not registering their temporary residence. When they went to the police department for temporary registration, the police asked them to move to another area, as they would not register for such couple of homosexuals.

<sup>22</sup> “We must not create social prejudice against the homosexual community and individual” and “should develop a legal mechanism to protect the legitimate interests of them.” (Ha Hung Cuong). Le Kien, *Should not hold prejudice against the homosexuals*, *Tuoi Tre*, 2012, <http://tuoitre.vn/C-hinh-tri-Xa-hoi/503408/khong-nen-dinh-kien-voi-nguoi-dong-tinh.html>

<sup>23</sup> *Supra* note 14.

<sup>24</sup> *Law on Detention and Imprisonment 2015*, <https://thuvienphapluat.vn/van-ban/Thu-tuc-To-tung/Luat-thi-hanh-tam-giu-tam-giam-2015-298373.aspx>, accessed 30 May 2017, *Law on Military Service 2015*, [http://moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view\\_detail.aspx?itemid=30514](http://moj.gov.vn/vbpq/lists/vn%20bn%20php%20lut/view_detail.aspx?itemid=30514), accessed 30 May 2017.

<sup>25</sup> Human Rights Council, *Resolution adopted by the Human Rights Council on 30 June 2016*, A/HRC/RES/32/2, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/HRC/RES/32/2](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/RES/32/2), accessed 30 May 2017.

<sup>26</sup> ARC International, *The Asian yes vote*, <http://arc-international.net/global-advocacy/human-rights-council/32nd-session-of-the-human-rights-council/appointing-an-independent-expert-on-sexual-orientation-and-gender-identity-an-analysis-of-process-results-and-implications/iv-understanding-the-political-why-did-states-vote-the-way-they-did/the-asian-yes-vote/>, accessed 30 May 2017.

<sup>27</sup> iSEE, *Portrayal of homosexuality in press and online media*, 2011, [http://thuvien.lgbt/s/iSEE\\_Nghien-cuu\\_Thong-diep-truyen-thong-ve-dong-tinh-luyen-ai.pdf](http://thuvien.lgbt/s/iSEE_Nghien-cuu_Thong-diep-truyen-thong-ve-dong-tinh-luyen-ai.pdf), accessed 30 May 2017.

<sup>28</sup> Attitude Facebook, <https://www.facebook.com/attitudevn/>, accessed 30 May 2017.

<sup>29</sup> *Decree No. 108/2007/ND-CP* of June 26, 2007, Detailing the Implementation of a Number of Articles of the Law On HIV/AIDS Prevention And Control, article 20.

<sup>30</sup> VNS, *How VN will control AIDS absent foreign funds*, *Viet Nam News*, 13 March 2017, <http://vietnamnews.vn/society/health/372704/how-vn-will-control-aids-absent-foreign-funds.html>, accessed 30 May 2017.

<sup>31</sup> *Tuoi Tre News*, *Vietnam and the new global goals: Leave no one behind*, 10 April 2015, <http://tuoitrenews.vn/international/30785/vietnam-and-the-new-global-goals-leave-no-one-behind>, accessed 30 May 2017.

<sup>32</sup> UNAIDS, *Viet Nam is the first country in Asia to commit to new HIV treatment targets*, 27 October 2014,

<http://www.unaids.org/en/resources/presscentre/featurestories/2014/october/20141027vietnamtargets>, accessed 30 May 2017.

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<sup>33</sup> *Report of the Working Group on the Universal Periodic Review on Viet Nam*, A/HRC/26/6, paragraph 143.88, [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A\\_HRC\\_26\\_6\\_ENG.DOC](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session26/Documents/A_HRC_26_6_ENG.DOC), accessed 30 May 2017.

<sup>34</sup> The gioi & Viet Nam, NA passes law and ordinance making program for 2018, 9 May 2017, <http://tgvn.com.vn/na-passes-law-and-ordinance-making-program-for-2018-50911.html>, accessed 30 May 2017.

<sup>35</sup> *Id.*

<sup>36</sup> iSEE, *Statement of iSEE at Human Rights Council on Vietnam UPR Report adoption*, 20<sup>th</sup> June 2014, <http://isee.org.vn/en/Blog/Article/statement-of-isee-at-human-rights-council-on-vietnam-upr-report-adoption>, accessed 30 May 2017.

<sup>37</sup> UNDP, USAID, *Being LGBT in Asia: Viet Nam Country Report*, 2014, Bangkok, page 43, [http://www.vn.undp.org/content/vietnam/en/home/library/democratic\\_governance/viet\\_nam\\_lgbt\\_report.html](http://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/viet_nam_lgbt_report.html), accessed 30 May 2017.

<sup>38</sup> Minh Vuong, Uyen Phuong, *Viet Pride to take place in 36 cities, provinces*, SGGP Online, 13 August 2016, [http://sggpnews.org.vn/culture\\_art/viet-pride-to-take-place-in-36-cities-provinces-20104.html](http://sggpnews.org.vn/culture_art/viet-pride-to-take-place-in-36-cities-provinces-20104.html), accessed 30 May 2017.

<sup>39</sup> Luong The Huy and Pham Quynh Phuong (iSEE), *“Is it because I am LGBT?”: Discriminations on Sexual Orientation and Gender Identity in Vietnam*, The Institute for Studies of Society, Economy and Environment, 2015, page 82, [http://thuvien.lgbt/s/iSEE\\_SOGI-Discrimination-in-Viet-Nam.pdf](http://thuvien.lgbt/s/iSEE_SOGI-Discrimination-in-Viet-Nam.pdf), accessed 30 May 2017. (Sample size: 5,498)

<sup>40</sup> *Id.*, 82. (Sample size: 5,498)

<sup>41</sup> *Id.*, 80. (Sample size: 5,498)

<sup>42</sup> *Id.*, 84. (Sample size: 5,498)

<sup>43</sup> *Id.*, 80. (Sample size: 5,498)

<sup>44</sup> London, J., 2009a. *Viet Nam and the making of market-Leninism*. *Pac. Rev.* 22, 375–399.

<sup>45</sup> HRW, *World Report 2015: Vietnam*, 2014, <https://www.hrw.org/world-report/2015/country-chapters/vietnam>, accessed 30 May 2017.

<sup>46</sup> In February 2012 at the town of Dam Doi, Ca Mau province, the two girls N. and Nh. got married. After the local authority called them up to reeducate, they broke up and moved to another area to live. Minh Anh, *Scandalous lesbian marriage in Ca Mau*, Vietnamnet, 2012, <http://vietnamnet.vn/vn/xa-hoi/60843/xon-xao-dam-cuoi-dong-tinh-nu-o-ca-mau.html>, accessed 30 May 2017.

<sup>47</sup> In May 2012 at the town of Ha Tien, Kien Giang province, the two guys H. and Q. got married. After that the local authority called them up to reeducate and made them pay the fine of 500.000vnd, gave them warning to get kicked out of the province if they repeat their action.

PV (TH), *Gay wedding were forced to pay fine, the couple fled*, Vietnamnet, 2012, <http://vietnamnet.vn/vn/doi-song/74113/dam-cuoi-dong-tinh-bi-phat--doi-uyen-uong-bo-tron.html>, accessed 30 May 2017.

<sup>48</sup> In July 2012 at the city of Thu Dau Mot, Binh Duong province, the two girls P. and Ph. got married. The wedding venue was criticized, while the two girls ran away when they knew the government was looking for them to reeducate.

Truong Khai, *After a gay marriage, “the love birds” disappeared*, Vietnamnet, 2012, <http://vietnamnet.vn/vn/xa-hoi/82982/sau-dam-cuoi-dong-tinh---doi-uyen-uong--bien-mat.html>, accessed 30 May 2017.

<sup>49</sup> Explained that the local authorities misunderstand between “marriage” and “wedding”, after the public’s protest, the Ministry of Justice is planning to eliminate the regulation of financial penalty for same-sex marriage.

<sup>50</sup> *Id.* Paragraph 1 of Article 11.

<sup>51</sup> TN News, *Same-sex wedding sparks support for gay marriage*, Thanh Nien News, 8 June 2012, <http://www.thanhniennews.com/society/samesex-wedding-sparks-support-for-gay-marriage-6862.html>, accessed 30 May 2017.

<sup>52</sup> Tuoi Tre New, *VN to neither ban nor recognize same-sex marriage: proposal*, Tuoi Tre News, 15 August 2013, <http://tuoitrenews.vn/society/12213/vn-to-neither-ban-nor-recognize-samesex-marriage-proposal>, accessed 30 May 2017.

<sup>53</sup> SGGP, MT, *Ministry suggests recognition of same sex marriage*, SGGP Online, 7 Jul 2012, <http://sggpnews.org.vn/law/ministry-suggests-recognition-of-same-sex-marriage-60885.html>, accessed 30 May 2017.

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<sup>54</sup> Tuoi Tre News, *Vietnam ministry supports same-sex marriages*, Tuoi Tre News, 16 April 2013, <http://tuoitrenews.vn/society/8808/vietnam-ministry-agrees-to-allow-samesex-marriages>, accessed 30 May 2017.

<sup>55</sup> David Mann, *Vietnam Prolongs LGBT Discrimination*, The Diplomat, 3 June 2014, <http://thediplomat.com/2014/06/vietnam-prolongs-lgbt-discrimination>, accessed 30 May 2017.

<sup>56</sup> Quoc Thang, *Ministry of Public Security suggest separate space for 'third gender' in prison*, VNE xpress, <http://vnexpress.net/tin-tuc/phap-luat/bo-cong-an-de-xuat-giam-rieng-gioi-tinh-thu-ba-3077402.html>, accessed 30 May 2017.

<sup>57</sup> *Supra* note 36, page 37.

<sup>57</sup> Xa Hoi, *Gay have to change sex to marry?*, Baomoi, 10 June 2013, <http://www.baomoi.com/nguoi-dong-tinh-muon-ket-hon-phai-xac-dinh-lai-gioi-tinh/c/11254770.epi>, accessed 30 May 2017.

<sup>58</sup> *Supra* note 36, page 80-81.

<sup>59</sup> Vietnam Legal Aid, *Who We Are*, <http://legalaid.gov.vn/who-are-we>, accessed 30 May 2017.

<sup>60</sup> iSEE, *Online Legal Questions for LGBT*, <http://thuvien.lgbt/phaplumat>, accessed 30 May 2017.

<sup>61</sup> The 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 new gender as stipulated by this Code and other relevant laws." The 2005 Civil Code and Decree No. 88/2008/ND-CP is currently prohibits sex reassignment surgery (SRS) and not allow those who undergone SRS to change their legal status. This causes a lot of difficulties, discrimination in daily lives of transgender people. <http://isee.org.vn/en/Blog/Article/vietnam-allows-sex-change-and-gender-marker-change>

<sup>62</sup> iSEE, *10 things you need to know about the recognition of transgender rights in Viet Nam*, 24 November 2015, <http://isee.org.vn/en/Blog/Article/10-things-you-need-to-know-about-the-recognition-of-transgender-rights-in-viet-nam>, accessed 30 May 2017.

The Minister of Justice said to the media: "In the meeting in July 2016, the new XIV National Assembly will discuss on the legislation agenda. Surely that if the specialize minister [Minster of Health, iSEE] do not propose for the law, we the Minister of Justice will propose the Bill on Gender Recognition. If we do not soon build the law, the rights to change gender which stated in the Civil Code will be nothing but a "paper" rights.

<sup>63</sup> Tuoi Tre News, *Vietnam has 1.6 mln LGBT people*, 5 November 2013, <http://tuoitrenews.vn/society/9511/vietnam-has-16-mln-lgbt-people>, accessed 30 May 2017.

<sup>64</sup> *Supra* note 36 page 75-79. (Sample size: 5,498)

<sup>65</sup> *Id.*, 40-41. (Sample size: 5,498)

<sup>66</sup> US AID, ISDS, IC RW, *Understanding and Challenging Understanding and Challenging Stigma Toward Sex Workers and HIV In Vietnam, Toolkit for Action*, 2011, <https://www.icrw.org/wp-content/uploads/toolkit-for-action.pdf>, accessed 30 May 2017.

<sup>67</sup> *Id.*

<sup>68</sup> VNP+, *Nghiên cứu về chỉ số đánh giá mức độ kỳ thị với người sống với HIV ở Việt Nam*, Hà Nội, Việt Nam, 2014, <http://unaids.org.vn/wp-content/uploads/2015/09/Stigma-Index-Layout-VN.pdf>, accessed 30 May 2017. (Sample size: 1625)

<sup>69</sup> *Id.*

<sup>70</sup> Nguyen TA, Nguyen HT, Le GT, Detels R., Prevalence and risk factors associated with HIV infection among men having sex with men in Ho Chi Minh City, Vietnam, *AIDS Behav* (2008) 12(3):476–82.10.1007/s10461-007-9267-y

<sup>71</sup> Colfax G, Santos GM, Chu P, Vittinghoff E, Pluddemann A, Kumar S, et al. *Amphetamine-group substances and HIV*. *Lancet* (2010) 376(9739):458–74.10.1016/S0140-6736(10)60753-2

<sup>72</sup> Institute for Social Development Studies (ISDS), *Understanding and Reducing Stigma Related to Men Who Have Sex With Men and HIV*, Women Publishing House, Ho Chi Minh City, Vietnam, 2010.

<sup>73</sup> L. M. Giang, V. D. Viet, and B. R. M. Hao, *Sexual health and men who have sex with men in Vietnam: an integrated approach to preventive health care*, *Advances in Preventive Medicine*, vol. 2012, Article ID 796192, 2012.

<sup>74</sup> Kristen Han, *A happy surprise for Vietnam's LGBT community*, *Waging Non-Violence*, 13 August 2012, <https://wagingnonviolence.org/feature/a-happy-surprise-for-vietnams-lgbt-community>, accessed 30 May 2017.

<sup>75</sup> *Supra* note 36, page 7, 17.

<sup>76</sup> iSEE, *"I DO" Festival - Agree with Equal Love*, 27 October 2013, <http://isee.org.vn/en/Blog/Article/i-do-festival-agree-with-equal-love>, accessed 30 May 2017.



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<sup>77</sup> Vera Mörner, *LGBT rights in Vietnam – A 'private' issue in the public sphere?*, Stockholm University, 2015, <http://thuvien.lgbt/s/LGBT-rights-in-Vietnam-VM-2015.pdf>, accessed 30 May 2017.

<sup>78</sup> Aturi, "No One Should Feel Alone" - Eric Pham, Vietnam, [http://www.alturi.org/eric\\_pham\\_vietnam](http://www.alturi.org/eric_pham_vietnam), accessed 30 May 2017.

<sup>79</sup> Kevil Truong, *Vietnam's LGBTQ Movement Is in Full Bloom*, NBC News, 23 August 2016, <http://www.nbcnews.com/feature/nbc-out/vietnam-s-lgbtq-movement-full-bloom-n636396>, accessed 30 May 2017.

<sup>80</sup> TN News, *LGBT festival Viet Pride Hanoi 2016 kicks off next week*, Tuoi Tre News, 11 August 2016, <http://tuoitrenews.vn/lifestyle/36443/lgbt-festival-viet-pride-hanoi-2016-kicks-off-next-week>, accessed 30 May 2017.

<sup>81</sup> Supra note 72.

<sup>82</sup> Id.

<sup>83</sup> Supra note 36, page 7, 39.

<sup>84</sup> Id, 17.

<sup>85</sup> Id, 30.

<sup>86</sup> Id, 44-45.

<sup>87</sup> ISEE, *BUBU Town – Land of Freedom, Tolerance and Equality*, 15 May 2016, <http://isee.org.vn/en/Blog/Article/bubu-town-land-offreedom-tolerance-and-equality>, accessed 30 May 2017.

<sup>88</sup> OHCHR, *Universal Periodic Review Second Cycle - Viet Nam - Reference Documents*, [http://www.ohchr.org/E N/HR/Bodies/UPR/Pages/UPRVNStakeholdersInfoS18.aspx](http://www.ohchr.org/E N/HR/Bodies/UPR/Pages/UPRVNS%20takeholdersInfoS18.aspx), accessed 30 May 2017.

<sup>89</sup> ISEE, *1992 Constitution amendments: Results from consultation with seven socially vulnerable groups*, 9 March 2013, <http://isee.org.vn/en/Blog/Article/1992-constitution-amendments-results-fromconsultation-with-seven-socially-vulnerable-groups>, accessed 30 May 2017.

<sup>90</sup> ZDAG Facebook Page, <https://www.facebook.com/pg/khongphanbietdoixu>, accessed 30 May 2017.

<sup>91</sup> David Mann, *Leading the Way: Vietnam's Push for Gay Rights*, The Diplomat, 18 April 2014, <http://thediplomat.com/2014/04/leading-the-way-vietnams-push-for-gay-rights>, accessed 30 May 2017.

<sup>92</sup> Supra note 86.

<sup>93</sup> ISEE, *Hanoi celebrate Viet Pride*, 21 August 2016, <http://www.isee.org.vn/vi/Blog/Article/cong-dong-lgbt-ha-noi-tung-bung-xuong-duong-don-viet-pride-2016>, accessed 30 May 2017.

<sup>94</sup> Supra note 36, page 7, 36.

<sup>95</sup> UNAIDS, *HIV and AIDS estimates (2015)*, <http://www.unaids.org/en/regionscountries/countries/vietnam>, accessed 30 May 2017.

<sup>96</sup> Id.

<sup>97</sup> Id.

<sup>98</sup> The Global Fund, *TB and HIV Concept Note*, page 4, [http://www.unaids.org/sites/default/files/country/documents/VNM\\_narrative\\_report\\_2015.pdf](http://www.unaids.org/sites/default/files/country/documents/VNM_narrative_report_2015.pdf), accessed 30 May 2017.

<sup>99</sup> Thanh DC et al. *Brief behavioral surveys in routine HIV sentinel surveillance: a new tool for monitoring the HIV epidemic in Viet Nam*. *Western Pacific Surveillance and Response Journal*, 2015, 6(1):52–54. doi:10.5365/wpsar.2014.5.1.008 <http://ojs.wpro.who.int/ojs/index.php/wpsar/article/view/242/451>

<sup>100</sup> Id, 4.

<sup>101</sup> Supra note 97.

<sup>102</sup> Colby, D., Nguyen, N.A., Le, B. et al. *AIDS Behav* (2016) 20(Suppl 3): 379. doi:10.1007/s10461-016-1485-8

<sup>103</sup> AIDS Wkly, *Researchers report HIV and STD statistics from Vietnam*, <https://www.ncbi.nlm.nih.gov/pubmed/12295954>, accessed 30 May 2017.

<sup>104</sup> National Hospital of Dermatology and Venereology, *Overview about STIs and HIV/AIDS in Vietnam*, 2015, <http://www.dalieu.vn/chuyenmon/chiasachuyenmoncongdongnghiep/tabid/466831/articleType/ArticleView/articleId/23751/TongquanvenhiemtrungLTQDTDvaHIVAIDStaiVietNam.aspx>, accessed 30 May 2017.

<sup>105</sup> Colby, D., Nguyen, N.A., Le, B. et al. *AIDS Behav* (2016) 20(Suppl 3): 379. doi:10.1007/s10461-016-1485-8

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<sup>107</sup> Q.M. Trinh, H.L. Nguyen, T.N. Do, V.N. Nguyen, B.H. Nguyen, T.V.A. Nguyen, V. Sintchenko, B.J. Marais, *Tuberculosis and HIV co-infection in Vietnam*, *International Journal of Infectious Diseases*, May 2006, [http://www.ijidonline.com/article/S1201-9712\(16\)31008-6/pdf](http://www.ijidonline.com/article/S1201-9712(16)31008-6/pdf), accessed 30 May 2017.

<sup>108</sup> *Supra* note 94.

<sup>109</sup> The implementation of the National Comprehensive Condom Program for 2011–2020 particularly targets people at high risk of HIV infection and establishes a framework for more effective coordination, expanded market-based approaches and stronger linkages with HIV and sexual and reproductive health programs. This program is critical because of the decline in donor resources for condoms in Viet Nam. In 2012, the program was expanded from 57 to all 63 provinces, the program was also expanded at commune and district levels and at the end of 2013 there were 439 districts with a condom promotion program. As of 2013, almost 14 million condoms had been distributed, mostly through peer educator channels. In addition to that, the condom social marketing program has showed its success. As of the 2012 report, 32 million condoms had been sold through the program. The Ministry of Culture, Sport and Tourism developed an action plan for the period 2010 - 2012 to implement the Condom Program for HIV and STI Prevention in tourism establishments and hotels. The Ministry collaborated with related organisations to develop the Circular 29/2013/TTLT-BYT-BVHTTDLBCA-BLĐTĐBXH dated 30/9/2013 on condom provision in entertainment establishments and hotels.

<sup>110</sup> VAAC, *Vietnam AIDS Response Progress Report 2014*, Hanoi, December 2013, [http://www.unaids.org/sites/default/files/country/documents/VNM\\_narrative\\_report\\_2014.pdf](http://www.unaids.org/sites/default/files/country/documents/VNM_narrative_report_2014.pdf), accessed 30 May 2017.

<sup>111</sup> *Id.*, 113.

<sup>112</sup> UNAIDS, *Frequently Asked Questions*, <http://unaids.org.vn/en/frequently-asked-questions>, accessed 30 May 2017.

<sup>113</sup> HSS+ & IBBS 2013, *Supra* note 109, *Supra* note 97, page 3.

<sup>114</sup> *Supra* note 97, 23.

<sup>115</sup> *Id.*, 3.

<sup>116</sup> Bao Van, *Challenges in ART*, People's Committee, 18 September 2016, <http://daibieunhandan.vn/default.aspx?tabid=159&NewsId=378438>, accessed 30 May 2017.

<sup>117</sup> VAAC D28 Routine report, VAAC. *Vietnam AIDS Response Progress Report 2014*. Hanoi December 2013. *Supra* note 97, page 3-4.

<sup>118</sup> Tran, B. X., Nguyen, L. T., Nguyen, N. H., Hoang, Q. V., & Hwang, J. (2013). Determinants of antiretroviral treatment adherence among HIV/AIDS patients: a multisite study. *Global Health Action*, 6, 10.3402/gha.v6i0.19570. <http://doi.org/10.3402/gha.v6i0.19570>

<sup>119</sup> HSS+ & IBBS 2013, VAAC. *Vietnam AIDS Response Progress Report 2014*. Hanoi December, page 3  
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<sup>124</sup> Id, 11-13

<sup>125</sup> Id, 13-14.

<sup>126</sup> Id, 5.

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Gõ văn bản của bạn