

# Vietnam: A Big Step for Equality

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## **A recent government declaration marks a paradigm shift for the LGBT community in Vietnam**

Hoang Quan was riding high after the Vietnamese Ministry of Health announced its explicit support for people like him. In early August of this year, the ministry became the first high-ranking governmental body to publicly condemn treating homosexuality as a disease in an official statement, marking a significant milestone in the LGBT community's quest for equality in the Southeast Asian country.

Quan, a 32-year-old marketing manager in Ho Chi Minh City who has not come out to his family about his sexual orientation, sees it as a long-awaited morale booster.

"Since forever, almost all educational information about LGBT [people] has come from LGBT rights activist organizations, and as far as I remember, there had never been an official document from the government like that", he said, adding that the ministry's statement was a stark contrast to his father's opinion about people like him, as he expressed it years ago at a Lunar New Year, or Tet, gathering with relatives.

"My dad said he saw it [LGBT] as a disease. I was kind of sad, but of course, I couldn't talk back", he recalled.

### **A Powerful New Tool**

The impact of the statement on the LGBT community is more social and personal than institutional, activists say, but will serve as an opportunity to build momentum around other issues important to the community, including the legalization of same-sex marriage and the implementation of a transgender law that has been delayed for seven years.

"Stating that LGBT people are not a disease is not new. Some government agencies have already talked about this, and it just reaffirms a long-accepted international norm", explains Vuong Phong, LGBT Rights Programme Manager at the Hanoi-based Institute for Studies of Society, Economy and Environment (iSEE), which has been [described](#) as the "de facto spokesperson for LGBT issues that is consulted by the government".

"What is valuable is that it explicitly states that 'curing' LGBT [people] is not allowed. This is what is new, something no state agencies in Vietnam had officially declared before."

The statement lists a five-part general guideline for directors of hospitals and medical facilities on how to instruct staff when it comes to treating members of the LGBT community. The guideline prohibits the act of "curing" gay and trans people, and sanctions only the provision of psychological support by professionals who are familiar with the needs of the LGBT community.

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the last 20 years, but has yet to secure equal legal footing for the community as a whole.”

The ministry has also called for more inspections of hospitals, facilities, and medical practitioners to ensure the law is being abided by. The guideline, which the ministry emphasizes should be strictly followed, aims to “address forced medical examination and treatment for homosexual, bisexual, and transgender people” in Vietnam. It does not specify what services fall under the realm of examination and treatment, nor where or for how long this has occurred.

Technically speaking, the document is not a resolution or law, but a typical tool of communication between state agencies and their subordinates, according to lawyer and LGBT rights activist Dinh Hong Hanh, a board member at the Ho Chi Minh City-based LGBT rights group the ICS Center. The document does not possess the legal authority to obligate medical and health actors to follow the guideline, nor does it provide a legal mechanism to punish those who discriminate against or attempt to “cure” LGBT people.

“While [the statement] may not have a strong impact within the [health] sector, it has a big communications impact and also on policy advocates”, Hanh said, adding that this kind of document from a government agency can boost credibility when advocates like her include it as educational material for gender equality and LGBT-related campaigns with partners like schools and businesses.

When activists like Hanh organize training workshops for government officials, referencing an official document from the Ministry of Health also signals familiarity and credibility. Until now, most knowledge about the community has been compiled and distributed by civil society groups like ICS and iSEE, rather than state agencies.

The document can also be invoked by citizens against, for example, LGBT “cure” services advertised by hospitals and other facilities, she said. The statement could serve as a “weapon” for many members of the LGBT community, including those forced to go through these so-called treatments.

Phong of iSEE also emphasized that the statement, although constrained by its lack of legal enforcement mechanisms, skipped over the messy bureaucracy involved in passing an actual law. Moreover, the statement will reach a broad section of the public, including older generations who may prefer government sources over local civil society groups or international organizations when it comes to information about gender- and LGBT-related issues.

The momentous statement was released at a time when the ministry itself has been dealing with the fallout of internal challenges caused by an [exodus of outgoing health workers](#) and scandals related to [corruption allegations](#). Activists I spoke with said they were not aware of the timing of the statement or how specific it would be, perhaps offering a lesson for LGBT advocates going forward in terms of the need to plan public communications and collaborate with government officials, especially when it comes to important official statements.

## **Policy and Progress**

The Ministry of Health’s statement is a reminder of the ambiguous and complicated picture of the LGBT community’s progress in Vietnam, which has achieved higher levels of public acceptance over the last 20 years, but has yet to secure equal legal footing for the community as a whole. It also marks a welcome change in official discourse, which in the past has often portrayed gay and trans people as suffering from a disease.

One recent example of this attitude was an [article](#) published last April in *Sức khỏe Đời sống*, the Ministry of Health’s mouthpiece, entitled “Finding the Cause of Homosexuality”. Under the section

“Is homosexuality a disease?”, the author writes that there are two periods during which humans can “catch the disease”: infancy and post-birth. That said, the article concludes with an acknowledgement that homosexuality is no longer categorized as a disease in many countries, and that homosexuality is a sexual orientation that “should not be regarded as perversion or moral decadence”.

This kind of rhetoric targeting the LGBT community dates back at least several decades. Scholars [Paul Horton and Helle Rydstrom](#) highlight another example, a 1987 report published by the Ho Chi Minh City Police Department entitled “Pede Love” (*Tình Pêđê*), which warned readers that the disease of same-sex sexuality was spreading throughout the country.

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Scholar Pham Quynh Phuong’s [chronicle of official stances](#) on LGBT-related issues proves informative. Amid the rise of the HIV/AIDS epidemic in the 1990s, gay people were placed in the category of “social evils” (*tệ nạn xã hội*) along with sex workers and drug addicts, all of whom were associated with the disease and referred to as antithetical to traditional Vietnamese culture.

According to Phuong, “The Party-state’s first codified discrimination against homosexuals” was the amended Marriage and Family Law in 2000, which forbade same-sex marriage. She also adds that the implementation of the law was made possible with Decree No. 87 dated 21 November 2001, which imposed fines of up to 500,000 Vietnamese dong for people involved in same-sex marriage.

The turn of the millennium heralded a new phase in LGBT rights activism in Vietnam. The spread of internet access in the late 1990s facilitated the emergence of online forums where the community could gather. The emergence of iSEE in 2007, which launched a number of projects such as a [2012 report on the status of transgender people](#) with support from the Rosa Luxemburg Foundation, formed critical catalysts in the mobilization and organization of the community.

Since the first VietPride was held in 2012, rainbow flags, peaceful marches, and celebrations of LGBT representation and allies’ support have been annual events in cities like Hanoi, Ho Chi Minh City, and elsewhere.

## **A Hopeful Sign from Havana**

Policy advocacy has become one of the LGBT community’s central focuses in Vietnam. Currently, activists concentrate most of their attention on moving forward with the transgender law and legalizing same-sex marriage. The ban on same-sex marriage was dropped in 2014, partly thanks to the participation of LGBT leaders whose input was requested by the Vietnamese Ministry of Justice, according to scholar Pham Quynh Phuong. However, same-sex marriage has yet to be legally recognized.

Cuba’s historic popular referendum legalizing same-sex marriage, making it the first socialist country to do so, is rekindling hopes for equality and real change among Vietnam’s LGBT community. Reflecting that enthusiasm, the Facebook page of the LGBT community in Vinh Long province hailed the decision as a “great joy for the Cuban LGBTI+ community and a new hope for the Vietnamese LGBTI+ community” in a post made on 29 September. Cuba’s new Family Code will also allow surrogate pregnancies and adoption by gay couples, neither of which is legally accessible to same-sex couples in Vietnam.

The news came amidst the return of the “I Do” (Tôi Đồng Ý) campaign for social and legal

acceptance of same-sex marriage, spearheaded by ICS and iSEE. Organizers attribute the removal of the same-sex marriage ban to the first “I Do” campaign back in 2013, and hope that its revival will generate positive momentum towards legalizing same-sex marriage when the revised Law on Marriage and Family undergoes a ten-year review in 2024.

“Every picture with the ‘I Do’ logo, every video clip explaining ‘why I Do’, every sharing of ‘why I Do’ is a vote for marriage equality”, the campaign’s Facebook page explains. The page has been sharing scores of pictures of ordinary people, celebrities, journalists, and activists from across Vietnam, grinning as they hold up a heart-shaped rainbow bearing the slogan “I Do”.

## **Moving Forward**

The last few months have been marked by several ups and downs for Vietnam’s LGBT community. The Ministry of Health’s celebrated statement and the rollout of the “I Do” campaign in August coincided with the news that the bill to implement the transgender law had been tabled, marking the seventh year in a row that the law has gone neglected by the state.

The Vietnamese government first recognized the rights of transgender citizens in 2015, sparking much excitement and enthusiasm among Vietnam’s LGBT and human rights activist communities. According to the 2015 law, individuals who have changed their gender [have the right to apply](#) for a change of civil status to protect their “personal rights in accordance with their changed gender”. However, the Law on Gender Affirmation bill, which would be necessary for the law to be enforced, has still not been passed by the National Assembly, the country’s legislative body.

There are about [half-a-million trans people](#) in Vietnam, according to the Ministry of Health. Until the 2015 law is brought into force, they enjoy no protection from discrimination and prejudice in a country where long-held gender stereotypes remain rife. Members of the community still face difficulties changing their civil status to match their gender, banking, traveling by plane, or even receiving medical check-ups.

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Luong The Huy, director of iSEE and an advocate for LGBT rights since 2011, detailed why the bill was not approved in an [essay](#) penned last month for *VnExpress*, Vietnam’s most-read newspaper. “The two biggest obstacles that blocked the bill are [what factors] determine ‘who is transgender’ and whether [lawmakers] should prioritize legislation for a small group [of people]”, he said.

While the Ministry of Health’s draft proposal states that gender reassignment surgery should be optional, Huy claims some officials disagree with the suggestion. “Many people believe that setting up very difficult barriers [to changing one’s gender] is a must”, either to prevent harm to people who are unsure about their gender identity, or to stop those who would seek to exploit the system and change their gender to evade certain obligations or gain certain benefits, he writes.

Huy argues that gender reassignment surgery does not change a person’s genetic makeup or sex chromosomes, and the requirement for transgender people to surgically transform their physical features to be recognized can result in discrimination, as “we don’t ask each other information about DNA or chromosomes in daily communication, so it is unnecessary for us to know a person’s genitals to treat them in accordance with the gender they identify with”.

Not all trans people would want to undergo the surgery, which takes a tremendous toll on their physical, emotional, and financial health, but that does not rule out the need for their self-identified

gender to be legally recognized, he added.

The divergence over whether surgery should be compulsory is an important reminder of the tension between progressive visions and conservative traditions when it comes to gender equality issues in Vietnam. Nevertheless, the outcome of the bill provides important lessons for LGBT advocates as they continue to fight for concrete recognition.

Phong of iSEE said that the bill will not necessarily be rewritten because it has undergone many thorough revisions over the years. "What is important next for advocate groups is to identify the best places to focus our advocacy, who we need to persuade, and who can exert pressure or impact decision-makers at the Ministry of Justice and Ministry of Health to pass this law."

As activists and campaigners continue to build momentum towards more substantive transformation, so will members of the LGBT community. Hoang Quan, the marketing manager in Ho Chi Minh City, plans to come out to his parents soon, drawing on the hope generated by recent developments, especially the Ministry of Health's historic statement.

"Although my parents love me, I think I have not completely been myself in front of them. Of course, I'm not going to print out the document and slap it on the table, but with this information from the state I feel much more at ease about talking to my parents."

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**Sen Nguyen** is an independent journalist, podcast host, and producer based in Ho Chi Minh City, Vietnam. She writes features and analyses that unpack nuances and provide context behind policies and developments of public interest, with a particular focus on marginalized populations from Vietnam and Southeast Asia.

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<https://www.rosalux.de/en/news/id/49486/a-big-step-for-equality>