



“IS IT BECAUSE I AM LGBTI?”

Discrimination based on

Sexual orientation, Gender identity & Sex characteristics in Vietnam





*Institute for Studies of
Society, Economy and Environment*
*Viện nghiên cứu
Xã hội, Kinh tế và Môi trường*

We are a Vietnamese civil society organization, by Vietnamese people with the goal to address contemporary Vietnamese issues, with a focus on issues of marginalized communities

Notable achievements:

- Un-ban of same-sex marriage (Law on Marriage & Family 2014)
- Legal gender recognition (Civil Code 2015)
- "Ban" on conversion therapy (Directive 4132/BYT)
- Public campaigns such as 'I DO' or 'Leave with PRIDE'



OVERVIEW:

- ❑ Context of Vietnam in regard to the LGBTI community
- ❑ Discrimination based on sexual orientation, gender identity & sex characteristics in Vietnam
- ❑ Efforts to collect and consolidate data on the LGBTI community

THE VIETNAMESE CONTEXT:

- ❑ **Legal framework:** no criminalization, also lack of meaningful recognition and protection:
 - ❑ Protection from discrimination
 - ❑ Legal gender recognition
 - ❑ Protection of same-sex couples & their families
- ❑ **Religion:** non-religious, Buddhist is largest religious population (14.91%)
- ❑ **Society:** traditional and patriarchal
 - ❑ Binary point of view on gender
 - ❑ Folk religions and practices pre-colonization that is inclusive of LGBTI people

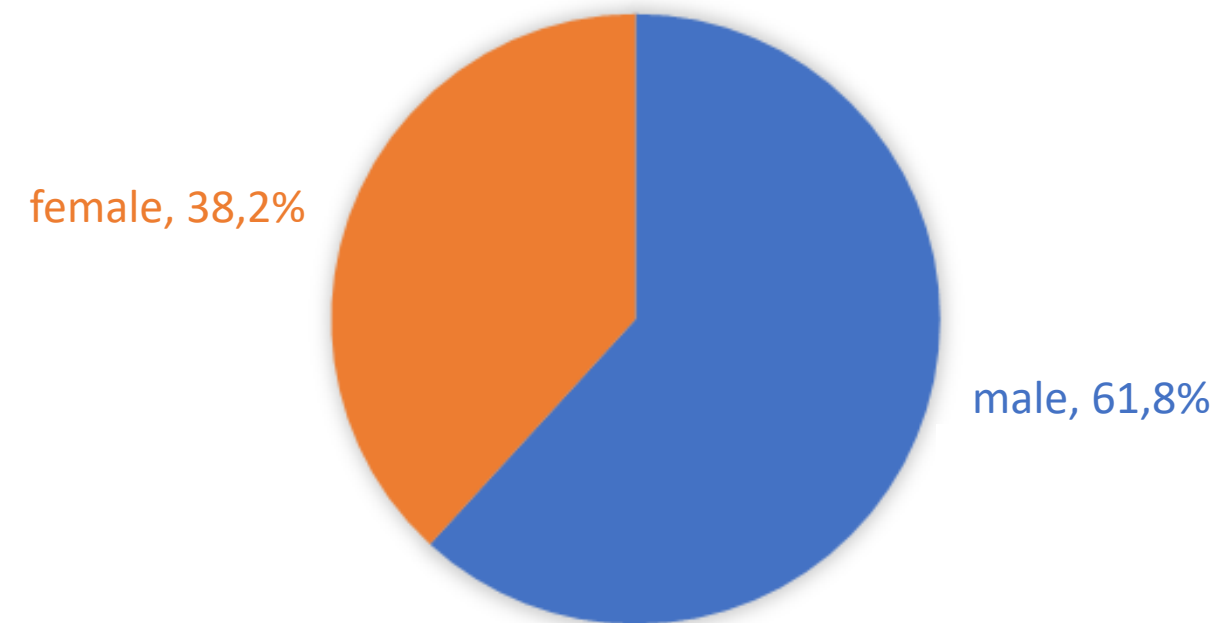
RESEARCH OBJECTIVES:

- ❑ Pointing out the frequency and patterns of discriminatory behaviors in schools, families, workplaces, health facilities, and other settings against LGBTI people;
 - ❑ Demonstrating the differences of discriminatory acts across subgroups in the LGBTI community;
 - ❑ Gathering and thickening evidence and stories about the status of discrimination against the LGBTI community and its subgroups,
 - ❑ Identifying the level of rights awareness among LGBTI people and the need to address discrimination;
- ➔ Providing recommendations on perfecting the legislation of anti-discrimination on the basis of SOGIE

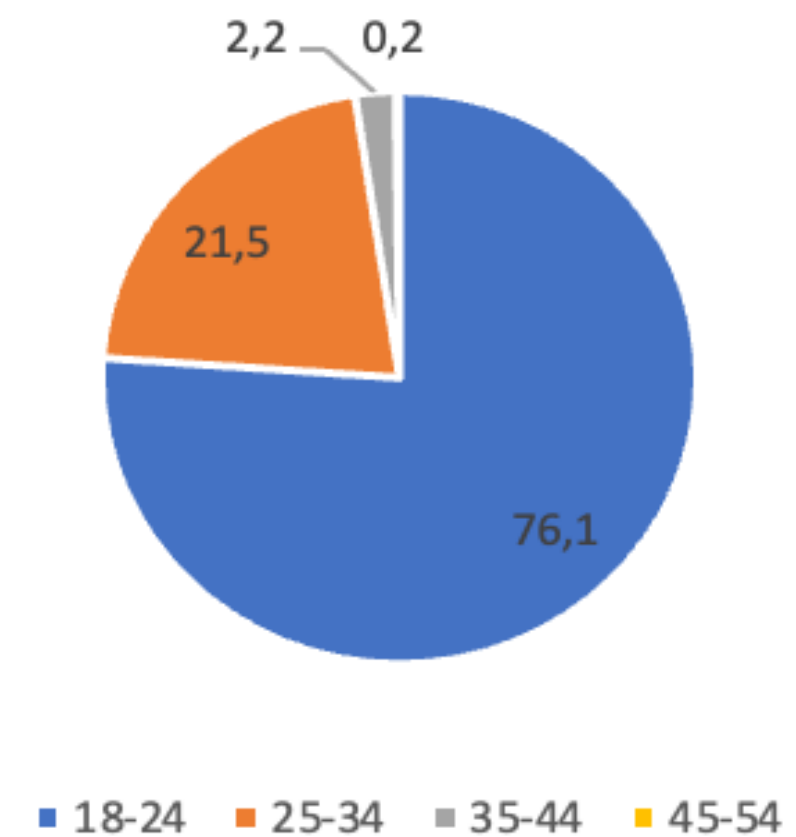


SAMPLES:

Sample rate by biological sex
(N=2497)



Sample rate by age group (N=2497)



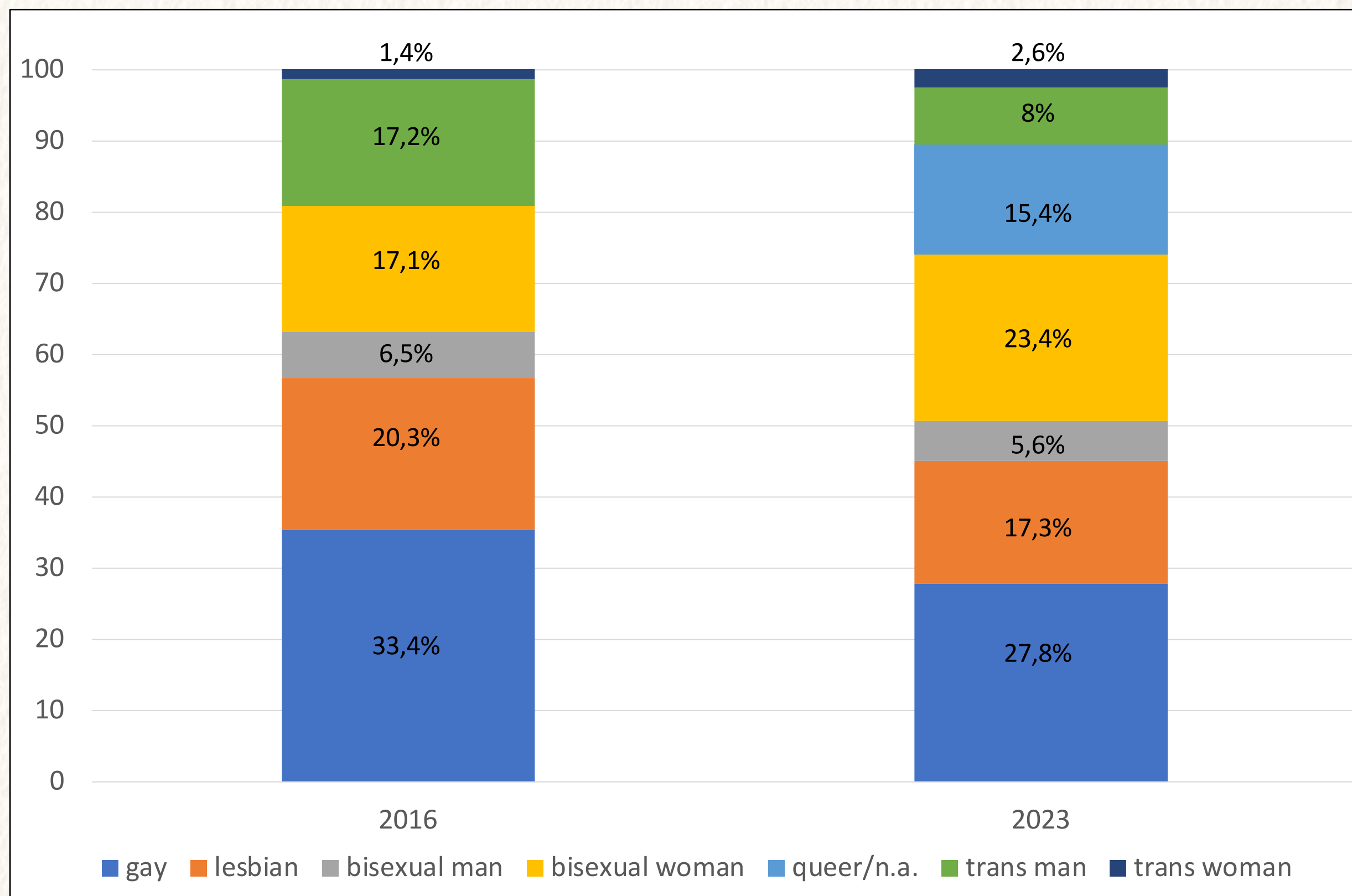
SAMPLES:

| Gay | Lesbian | Bisexual woman | Trans man | Trans woman | Queer | No label |
|-------|---------|----------------|-----------|-------------|-------|----------|
| 27,8% | 17,3% | 23,4 % | 8% | 2,6% | 7,2% | 8,2% |

N=2497



Comparison of SOGI subgroups between the 2016 and 2023 studies



Sample rate by levels of coming-out:

| | Have not come out yet | Came out to a few people | Came out to many people | Came out to everyone | Total |
|-------------------|-----------------------|--------------------------|-------------------------|----------------------|-------|
| Family | 40,2% | 41,2% | 10,7% | 7,9% | 2455 |
| Neighbors | 83,7% | 10% | 3,2% | 3% | 2399 |
| Friends | 5% | 37,2% | 31,2% | 26,6% | 2479 |
| Colleagues | 39,5% | 30,9% | 13,9% | 15,8% | 2000 |

Sample rate by religion:

| Non-religious | Buddhist | Catholic | Others (Cao Đài, Hòa Hảo, Protestant, Muslim,...) |
|---------------|----------|----------|--|
| 62,5% | 23,9% | 5,3% | 1,4% |



Living status of survey respondents:

| Living with partner and family (of either of them) | Living with family (parents, siblings, or other relatives) | Living with lover/partner | Living with friend(s) | Living alone |
|--|--|---------------------------|-----------------------|--------------|
| 1,3% | 61,9% | 6,6% | 15,3% | 14,8% |

Average monthly income of survey respondents:

| <2mil | 2-5mil | 5-10mil | 10-15mil | 15-20mil | 20-25mil | 25-30mil | >30mil |
|-------|--------|---------|----------|----------|----------|----------|--------|
| 31% | 21,5% | 22,6% | 11,7% | 5,1% | 2,5% | 1,6% | 4% |



Education levels of survey respondents:

| Primary or lower | Middle-school | High-school | College/University | Post-graduate (Master's, Doctoral,...) |
|------------------|---------------|-------------|--------------------|--|
| 0,3% | 2,4% | 31,9% | 60,6% | 4,7% |

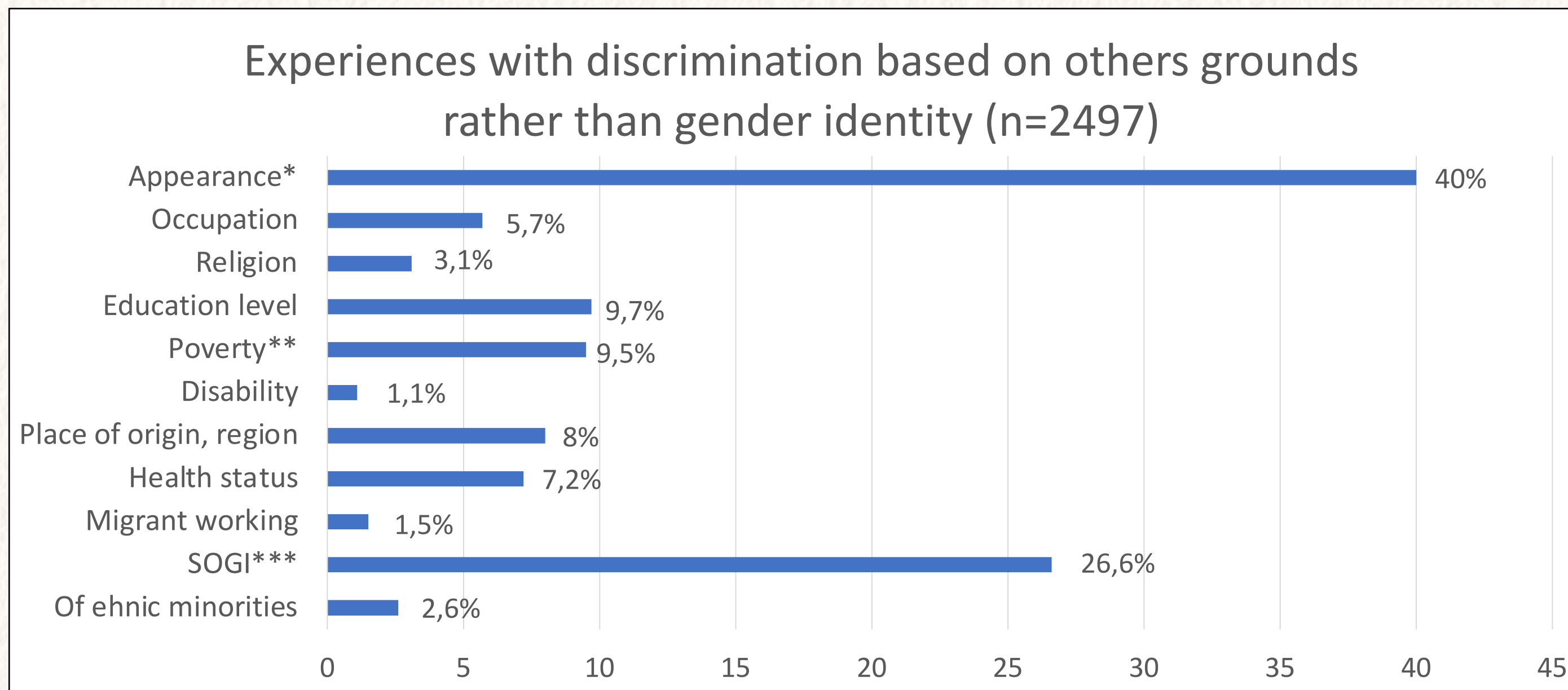
Definition of discrimination used in the study:

Discrimination is defined as **treating certain people or groups of people differently**, often in a *more negative way*, than others, based on personal factors (race, gender, sexuality, ...) or social factors (origin, region, ...) that **prevent such people from getting equitable access to social, economic, and political resources.**

To identify an act of **direct discrimination**, **three factors** need to be seen:

- i) **having real damage** (lower salary for the same position, no promotion, ...);
- ii) **such damage is the result of unfair treatment** towards those who are **not of the same subgroup** (race, gender, sexual orientation, etc.) but have **the same background characteristics** (competence, ability to meet the job...);
- iii) **the connection between such treatment and the affected people's gender, sexual orientation, race, disability, etc.**

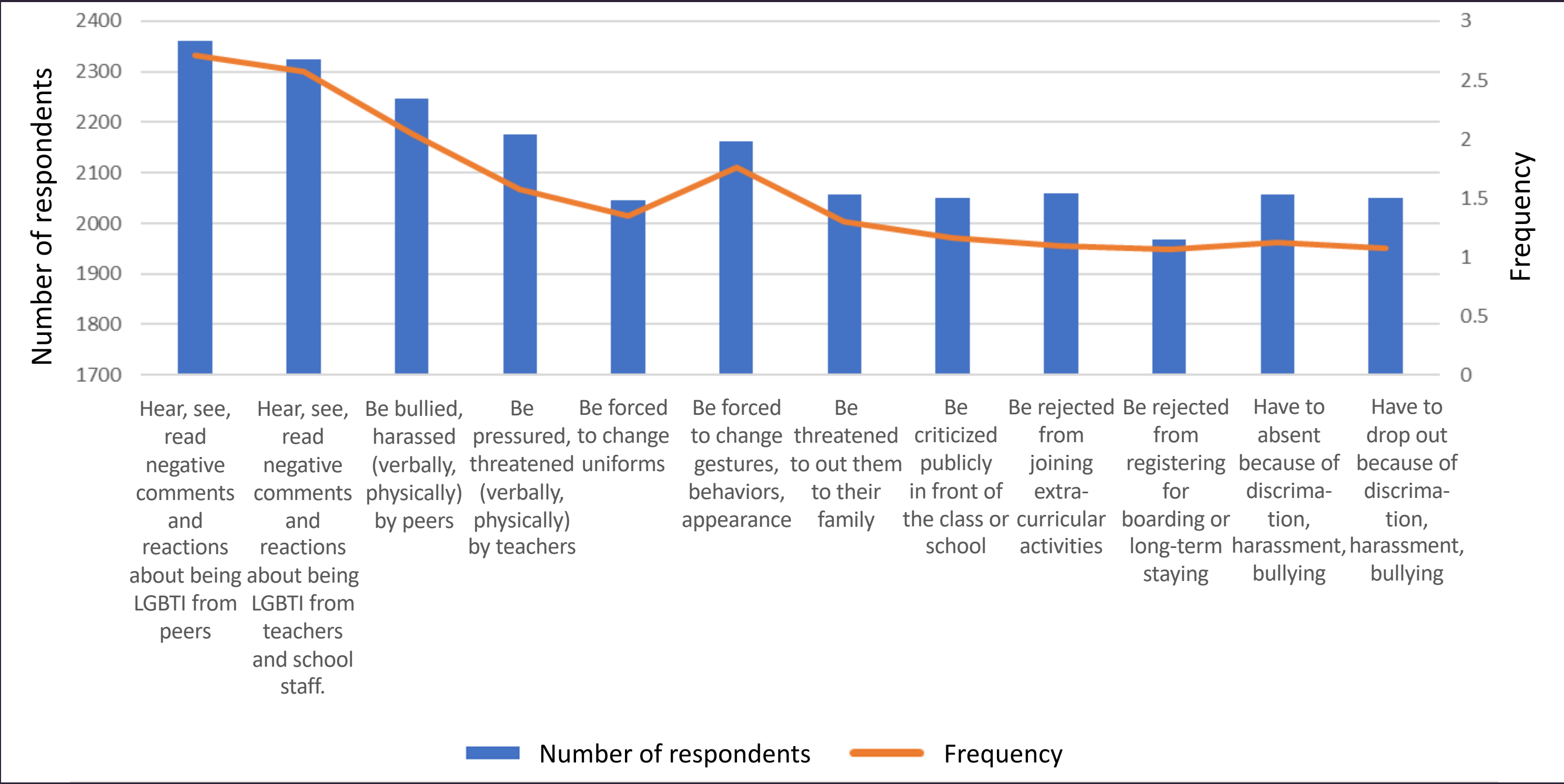
Multidimensional Discrimination:



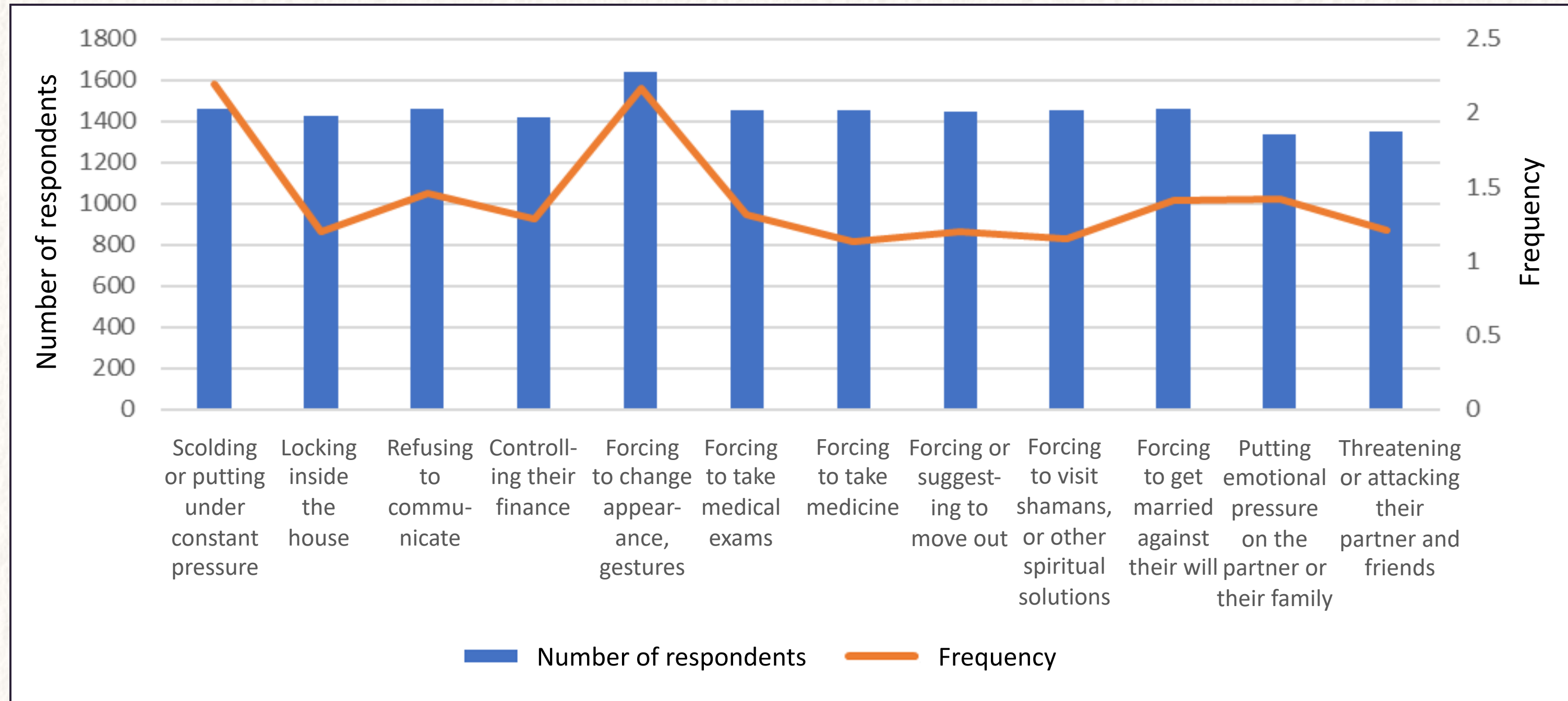
Discrimination in different environments:

| | |
|--------------------------|---|
| Schools | become the place where LGBTI people have the most experience of being stigmatized and discriminated against , by peers, teachers, and school staff. |
| Family | <ul style="list-style-type: none">• try to change their family members' gender expression and sexual orientation to "fit" with gender stereotypes;• try to isolate the LGBTI children from their own friendships, romantic relationships, or social connections;• prevent information about family members being LGBTI from being revealed to outsiders; |
| Health facilities | <ul style="list-style-type: none">• The experience of being unfairly treated in accessing and using health services has decreased significantly compared to 2015.• However, trans women and gay men are still reported being more stigmatized than other subgroups. |
| Workplaces | <ul style="list-style-type: none">• 23.5% of LGBTI people occasionally hear, see, or read negative comments from colleagues;• 17,9% receive such things from their managers/seniors;• 16,3% receive them from customers, business partners; |

Frequency of experiencing forms of discrimination at school before age 18.



Forms of discrimination at home



Experiences with discrimination at health facilities:



- ☐ **Hear, see, read** negative comments and reactions about being LGBTI **from healthcare workers**;
- ☐ **Be verbally attacked** during their visit;
- ☐ **Be non-consensually disclosed of their personal information** to unrelated third parties;

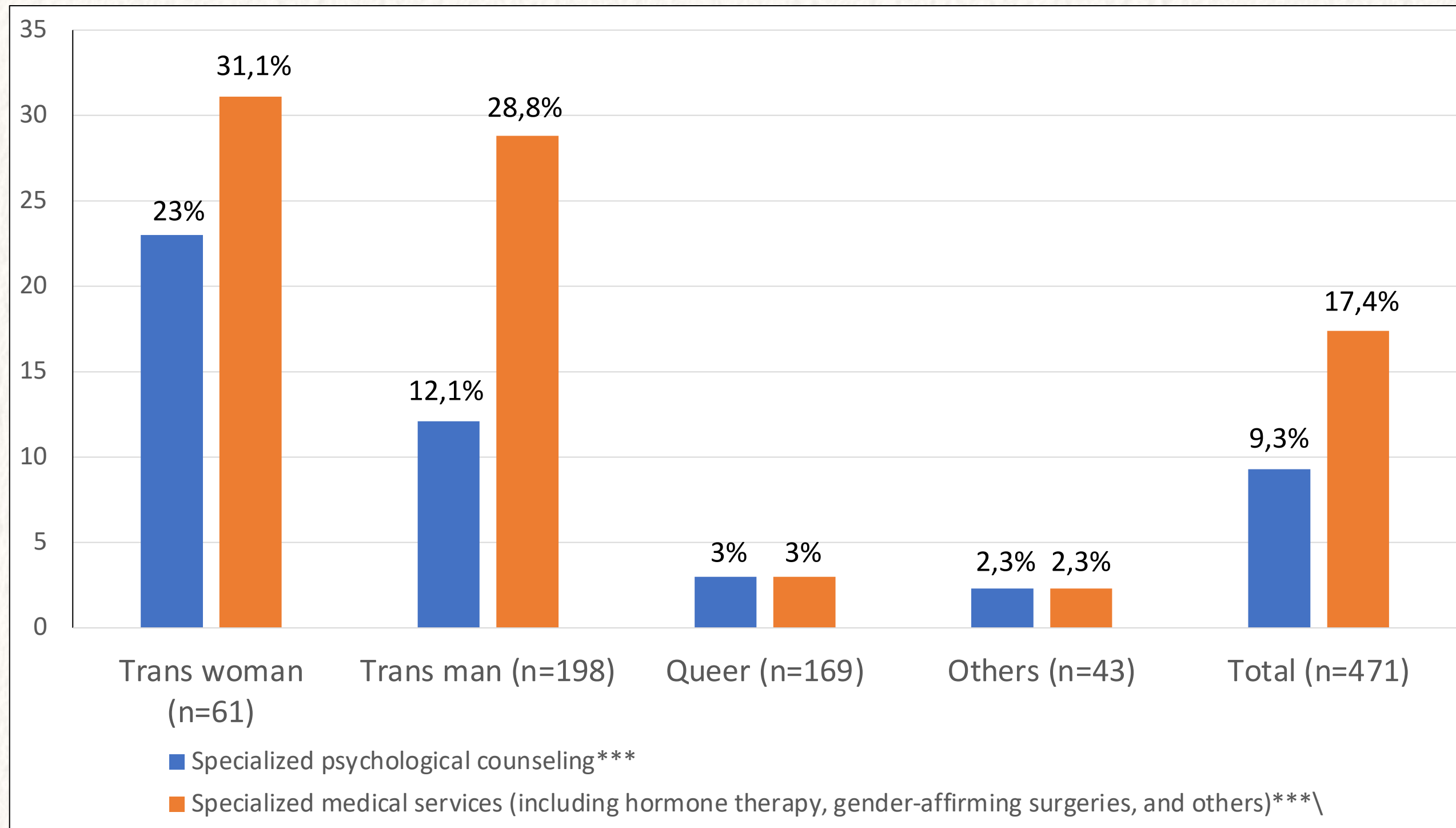


- ☐ **Received unwanted and unrelated advice** during their visit;
- ☐ **Be suggested or forced to take psychological tests**;



- ☐ **Be rejected, troubled** while using usual treatments (by hospital staff, nurses, doctors, etc.);
- ☐ **Be ignored** when requesting specialized services (e.g.: for trans people, gay);

Percentage of trans people, queer people, and people of other gender identities who have used specialized health services



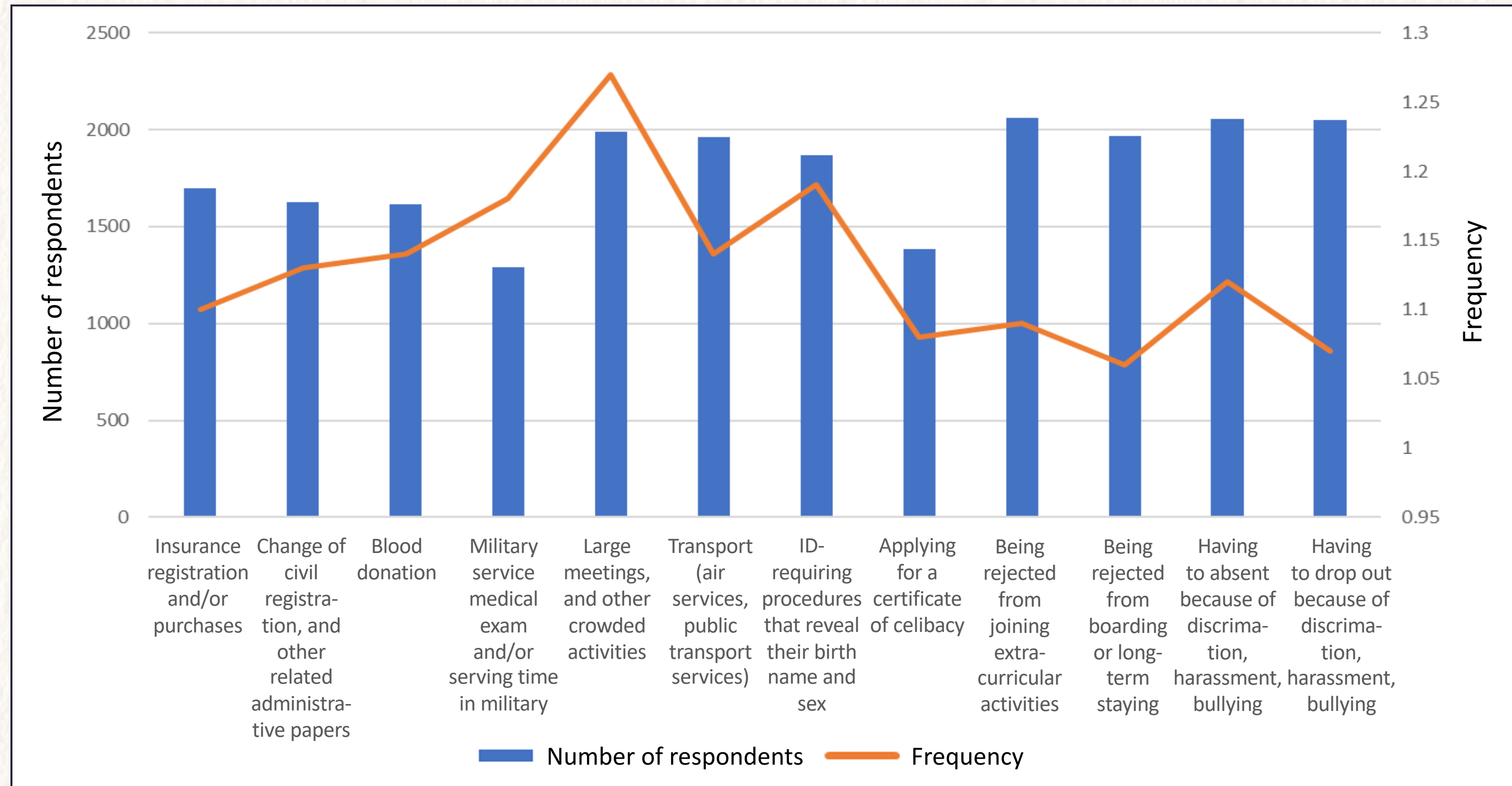
Experiences with discrimination at the workplace:

- ❑ **23,5%** of LGBTI people occasionally hear **negative and discriminatory comments from colleagues.**
- ❑ **33,5 % of trans women** và **19,5% of trans men** often encounter such behaviors, at a **higher frequency than other subgroups.**
- ❑ **Queer people or people with non-conforming gender expression** often hear and read the most negative comments from colleagues and managers/seniors.
 - ➔ It shows **the commonness and prioritization of the "working styles" that conform to gender stereotypes and biases in the workplace.**

Experiences with discrimination at the workplace:

- ❑ Other occasionally-occurring **direct discriminatory practices** against LGBTI people:
 - 3% are paid less** than others of the same position and ability
(that percentage is even higher for **trans people: 13,2%/7%**);
 - 3,7% are restricted from getting promoted**;
 - 1,9% are requested to move to another position** (5,0%/3,6% for trans people);
 - 3% are denied employee benefits** (trans men: **11,9%**).

Discrimination in accessing public administration services



Some personal stories:

*“My friend invited me to eat out with a group of friends. When we arrived, we sat with them in a private room. One person from the group started to **shove their phone at my face, film me**, and said ‘You look exactly like the guy in my neighborhood, I have to send it to him.’ The room is filled with approximately 10 men. And **I was also afraid that I would be beaten if I acted up**. So I just kept quiet. And then my friend came to sit next to me and stopped that person. **That night, I felt broken and hurt.**” - T, trans woman, 35-44, HCMC*

*“When I was doing my military service, there was a person who kept discriminating against me by **name-calling me, cursing me, and even throwing worms at me**. Before that, there was a continuous period in which I was **harassed and scrutinized for “acting girly”** with the way I held a knife when cooking. [...] Then while standing guard at the guardhouse, that person **threw worms and snakes inside and then locked the door**. [...] **I talked to my supervisors, but such incidents happened at 1-2 at night, and there were no witnesses, so they couldn't do anything.**” - V, intersex, asexual, 25-34, HCMC.*

Cyberbullying and online hate speech:

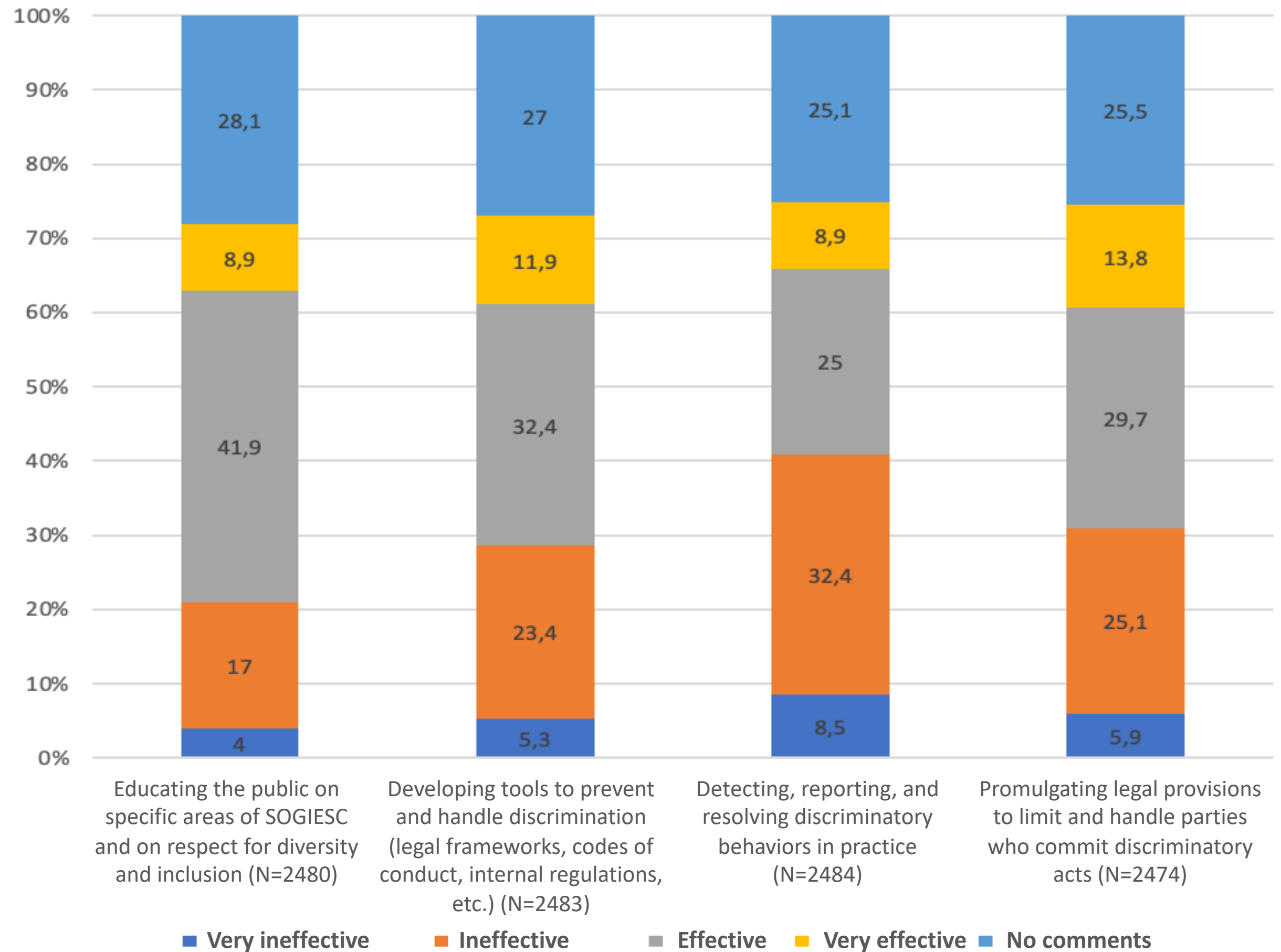
- ❑ *Cyberbullying and online hate speech* are the type of **emotional attacks** that has increased in the **last 05 years (2017 - 2022) among LGBTI people**.
- ❑ **15,6%** of survey respondents report experiencing such incidents, most of which are *visual abuses, non-consensual disclosure of information, threats of violent attacks, etc.*
- ❑ **12,7%** of the attackers of such incidents are **online hate groups with a tendency to discriminate against LGBTI people on social networks**.



RIGHTS AWARENESS AND DEALING WITH DISCRIMINATORY ACTS AGAINST LGBTI PEOPLE



The effectiveness of anti-discrimination measures



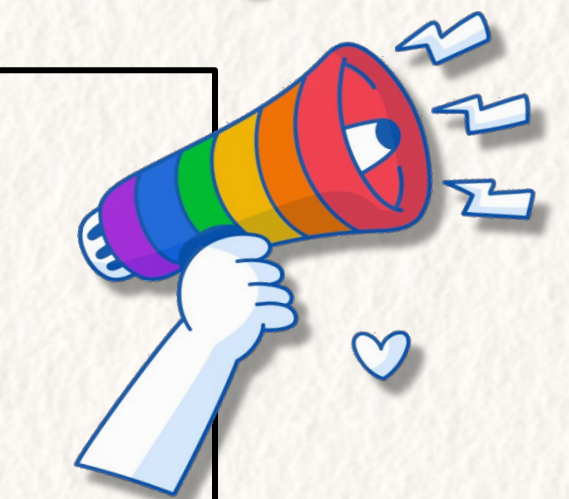
RECOMMENDATIONS FROM THE STUDY:

GUIDELINES

Promoting more LGBTI anti-discrimination practice guidelines in different fields
→ encouraging good practices from the Health Ministry's official dispatches.

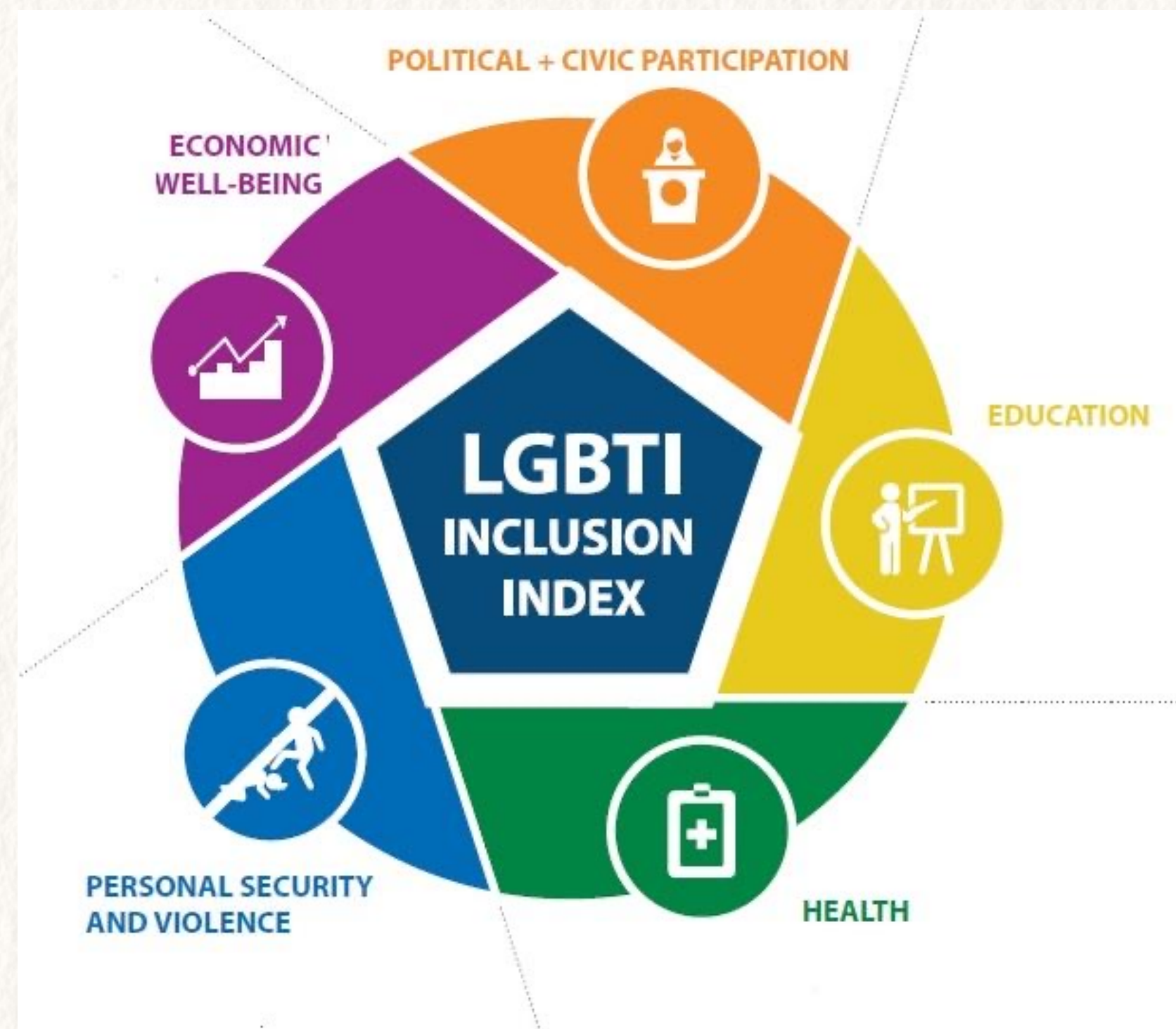
It is necessary to develop a separate and comprehensive Anti-discrimination Law to deal with such matters since the provisions and regulations in the current specialized laws seem to be ineffective.

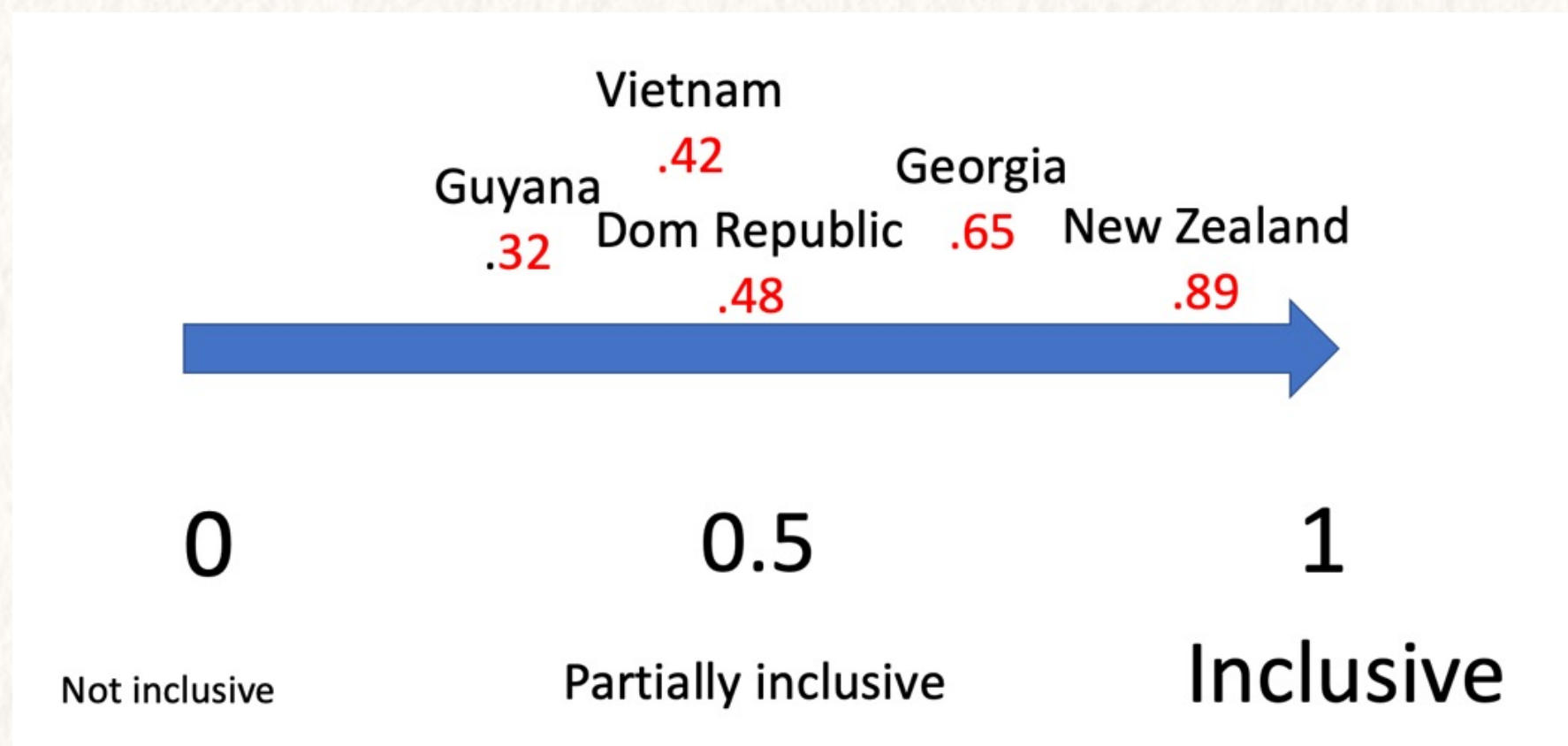
Sharing necessary measures to raise social consciousness, focusing on disseminating the correct knowledge to professionals, especially school officials, teachers, state officials, police officers, and medical staff; increasing social activities & professionalizing organizations working with/for the LGBTI community.



LGBTI Inclusion Index:

- 51 indicators of whether a country is inclusive of LGBTI people. There are approximately ten indicators in each of the five dimensions of the index: education, health, economic well-being, political & civic participation, and personal safety & violence
- Initiatives by UNDP, piloted in 6 countries with 26/51 indicators: Dominican Republic, Georgia, Guyana, New Zealand, Pakistan, and Vietnam.





| Aspect of inclusion | Name of indicator | Indicator |
|----------------------------|---|---|
| 1. EDUCATION | | |
| Safe learning environments | 1.1 Rate of bullying | Percentage of LGBTI students who have experienced physical, psychological, or sexual violence or bullying during the past 12 months. |
| | 1.2 Anti-bullying policy | Presence of a law, constitutional provision, policy, or regulation preventing and addressing bullying and harassment against students in the educational system that includes students based on actual or perceived SOGIESC. |
| | 1.3 Implementation of anti-violence policy | Percentage of schools that have comprehensive school policies to prevent and address violence and bullying related to SOGIESC. |
| Access to education | 1.4 Non-discrimination policy, students | Presence of a law, constitutional provision, policy, or regulation that prohibits discrimination against student in educational settings based on SOGIESC |
| | 1.5 Implementation of non-discrimination policy, students | Existence of concrete mechanisms (national or local) for reporting cases of SOGIESC-related discrimination, violence, and bullying toward students, including incidents perpetrated by representatives of the education sector such as teachers and other school staff. |
| | 1.6.a Educational attainment: secondary completion | Percentage of LGBTI people who have completed upper secondary education compared to percentage of total population that have completed upper secondary education |
| | 1.6.b Educational attainment: primary completion | Percentage of LGBTI people who have completed primary education compared to percentage of total population that have completed primary education |
| Knowledge | 1.7 Diversity-inclusive curricula | Existence of school curricula that include information on sexual orientation, gender identity, gender <u>expresion</u> , and sex characteristics. |



APPLICATIONS

GUIDELINES

Input for the programming of iSEE and other organizations working on LGBTI issues

Input for policymaking and policy advocacy, covering many issues that the LGBTI community faces

Inform and provide materials for public education efforts



THANK YOU!

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