

LGBTI RIGHTS IN VIET NAM

UPR Info Pre-sessions

Protection from SOGIE-based discrimination

- No comprehensive anti-discrimination law has been enacted or included in the latest law-making agenda of the National Assembly.
- Sexual orientation and gender identity are not explicitly provided as a forbidden ground of discrimination in any of Vietnamese laws or policies.
- LGBTI people in Vietnam face discrimination in many aspects of life. One of three reported facing discrimination in the last 12 month. Only 2% reported these incidents to polices or local authorities.

Recommendations

- Implement the recommendation made by Chile, within 2 years, to pass a comprehensive anti-discrimination law that prohibits discrimination on the basis of sexual orientation and gender identity in all areas of public life, including employment, education and healthcare.
- Explicitly provide “sexual orientation” and “gender identity” as a forbidden ground of discrimination in the Revised Labour Code and other laws.
- Include sexual and gender minorities in the compulsory curriculum of comprehensive sexuality education.

Right to legal gender recognition and gender affirmation treatment

- In 2015, Vietnam passed the Civil Code which recognized the right to legal gender recognition of transgender people. It required an additional Law on Transgender to further regulate article 37. However, the Law on Transgender is not officially scheduled in the law-making agenda of the National Assembly as of 2019
- This gap in implementation leaves transgender people vulnerable for discrimination in many aspects.
- There are also concerns about the requirements of transgender people to undergo medical interventions in order to legally change their documentations.

Recommendations

- Enact a legal instruction, as required by the Civil Code, within 2 years, to ensure that transgender and non-binary people can access gender affirmation treatment and legal gender recognition on the basis of self-determination.

Right to marriage

- In 2014, the ban on same-sex marriage was removed from the Law on Marriage and Family, along with all fines related to same-sex weddings. However, same-sex marriages, including those conducted in other countries, are not formally recognized.
- The lack of recognition of same-sex marriage or any other form of relationship denies same-sex couples of all legal protections, including inheritance rights and adoption.
- It is also a contributing factor to the stigma and discriminations against LGBTI community.

Recommendations

- Legalize same-sex marriage to ensure same-sex couples have the equal rights of founding a family and other civil protection before the law.

Right to bodily integrity

- Despite being characterized as a human rights violation by several UN treaty bodies (CAT, CRC, CEDAW), medical interventions are still performed on intersex infants and children without their informed consent. Such medical interventions are allowed by the law, specifically Article 36 of the Civil Code.
- This is a direct violation of intersex people's right to bodily integrity and may create medical problems or severe, lifelong physical and mental suffering

Recommendations

- Immediately outlaw non-consensual and non-medically necessary medical interventions performed on intersex infants and children in the Civil Code and in other laws, and guarantee intersex people their rights to bodily integrity and self-determination.

Thank you



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