

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

Research Response Number: VNM32852
Country: Vietnam
Date: 25 January 2008

Keywords: Vietnam – Homosexuals – Lesbians – Discrimination – Violence – Legislation – State protection

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

Questions

Please provide further information since October 2007 on the following:

- 1. Are there any laws relating to discrimination or violence against homosexuals or lesbians?**
- 2. Do you have any more information about the willingness or otherwise of authorities to protect lesbian or homosexual victims of violence or discrimination?**

RESPONSE

Please provide further information since October 2007 on the following:

- 1. Are there any laws relating to discrimination or violence against homosexuals or lesbians?**

No information could be located that reported the existence of laws relating to discrimination or violence against homosexuals or lesbians in Vietnam. Article 8 of the Civil Code of Vietnam theoretically protects its citizens from discrimination due to nationality, gender, social status, economic situation, religious belief, level of education, or profession, but does not specifically mention sexual preference in this article. There would appear to be no law specifically preventing violence against homosexuals or lesbians, but there are general provisions in Articles 26 and 27 of the Civil Code stating that all citizens must “respect the personal rights of others” and that all have “the right to have his/her life, health, and body protected”. Article 33 states that “the honour, dignity and prestige of an individual shall be respected and shall be protected by law. No one shall offend the honour, dignity, and prestige of others”. Article 34 states that the “right of an individual’s privacy shall be respected and shall be protected by law”:

Article 8: Principle of equality

It civil relations, the parties are equal; they shall not invoke the differences in nationalities, sex, social status, economic situation, belief, religion, levels of education and/or professions as reasons for discriminatory treatment.

...Section 2

PERSONAL RIGHTS

Article 26: Personal rights

Personal rights laid down in this Code are civil rights inherent to every individual which are inalienable to others except as otherwise provided for by law.

No one shall misuse his/her personal rights to infringe upon the interests of the State, public interests, and the legitimate rights and interests of others.

Every person shall have the duty to respect the Personal rights of others.

Article 27: Protection of personal rights

When personal rights of an individual are infringed upon, that individual has the right to:

Request that the violator cease or that the court compel the violator to cease the infringements and/or to make public apologies or rectification

Himself/herself make rectification in the press

Request that the violator indemnify or that the court compel the violator to indemnify his/her for material and/or spiritual damage.

...Article 32: Right to have one's life, health and body protected

An individual has the right to have his/her life, health and body protected.

No one shall infringe upon the life, health and body of other person.

...Article 33: Right of protection of one's honour, dignity, and prestige

The honour, dignity and prestige of an individual shall be respected and shall be protected by law.

No one shall offend the honour, dignity, and prestige of others

Article 34: Right of privacy

Right of an individual's privacy shall be respected and shall be protected by law.

The collection and publishing of information and personal data concerning the private life of a person must be agreed to by that person or by the latter's relatives in case the person has died or is incapable of performing civil actions, except in cases where the collection and publishing of information and/or personal data are carried out by the competent State authorities in accordance with the provisions of law ('Viet Nam, Population and Family Planning Laws, Policies, and Regulations: Civil Code', 1996, United Nations Economic and Social Commission for Asia and the Pacific website

http://www.unescap.org/esid/psis/population/database/poplaws/law_viet/vi_031.htm – Accessed 22 January 2008 – Attachment 1).

2. Do you have any more information about the willingness or otherwise of authorities to protect lesbian or homosexual victims of violence or discrimination?

No specific information was found on this subject. However, two sources indicate that the attitude of authorities toward lesbians and homosexuals in general is negative. In a 1999 article titled ‘Gay Life is Persecuted and Condemned in Vietnam’, the authors claim that “state police” commit “mental persecutions” on “gays and lesbians”. The article also makes claims regarding “increasing attacks of gays and lesbians by state run media”, and states that “Vietnamese family values as dictated by Confucianism and Catholicism make it painfully impossible for gay and lesbians in Vietnam to live normal lives”. The Activetravel Vietnam website provides advice for gay and lesbian tourists travelling to Vietnam, and states that “authorities turn a blind eye to real crimes that target gay men and visitors such as organized rip-offs in Hanoi and Ho Chi Minh City”. (Nguyen, T., Tran, L. & Le, T. 1999, ‘Gay Life is Persecuted and Condemned in Vietnam’, GayViet website, July 7
<http://www.fortunecity.com/village/xanadu/743/> – Accessed 23 January 2008 – Attachment 2; ‘Advice for Gay and Lesbian travellers’ (undated), Activetravel Vietnam website
http://www.activetravelvietnam.com/traveltips/gay_lesbian_travellers.html – Accessed 24 January 2008 – Attachment 3).

List of Sources Consulted

Internet Sources:

Search Engines

Alltheweb <http://www.alltheweb.com/>

Altavista <http://www.altavista.com/>

Ask.com <http://www.ask.com/>

Exalead <http://www.exalead.com/search>

Google <http://www.google.com.au>

Staggernation Google API Proximity Search <http://www.staggernation.com/cgi-bin/gaps.cgi>

Yahoo <http://search.yahoo.com/>

Region Specific Links

Utopia Asia website <http://www.utopia-asia.com/>

Topic Specific Links

International Gay and Lesbian Human Rights Commission website

<http://www.iglhrc.org/site/iglhrc/>

The South and Southeast Asia Resource Centre on Sexuality website

http://www.asiasrc.org/onln_resources/edbase.asp

Queer Resources Directory Queer Legal Index website <http://www.qrd.org/qrd/www/legal/>

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)
ISYS (RRT Research & Information Services database, including Amnesty International,
Human Rights Watch, US Department of State Reports)
RRT Library Catalogue

List of Attachments

1. 'Viet Nam: Population and Family Planning Laws, Policies, and Regulations: Civil Code', 1996, United Nations Economic and Social Commission for Asia and the Pacific website
http://www.unescap.org/esid/psis/population/database/poplaws/law_viet/vi_031.htm –
Accessed 22 January 2008.
2. Nguyen, T., Tran, L. & Le, T. 1999, 'Gay Life is Persecuted and Condemned in Vietnam', GayViet website, July 7 <http://www.fortunecity.com/village/xanadu/743/> –
Accessed 23 January 2008.
3. 'Advice for Gay and Lesbian travellers' (undated), Activetravel Vietnam website
http://www.activetravelvietnam.com/traveltips/gay_lesbian_travellers.html –
Accessed 24 January 2008.