



1 What is the law in Vietnam in relation to same sex relationships?

The Law

A number of sources reported that, in 1998, the Vietnamese national assembly passed an amended marriage law banning homosexual marriages after two same-sex couples married publicly (see further detail below).¹ Article 10(5) of 'The Marriage and Family Law' (2000) confirms that 'marriage is forbidden between people of the same sex'.²

However, a number of sources indicate that homosexuality, per se, is not against the law in Vietnam as it is not referred to at all in Vietnamese legislation. There are certain laws in place such as the crime of "undermining public morality" which could be used against homosexuals.³ However, no reports were found of incidents of homosexuals being prosecuted under this offence. A current analysis of the law in relation to homosexuality in Vietnam is provided in Research Response VNM32466 (16 October 2007).⁴

Government Attitude

A number of sources indicate that the Vietnamese government ignores the issue of same-sex relationships and homosexuality in general unless it becomes too public, at which time it has responded negatively, such as the reported banning of homosexual marriages in 1998.

¹ 'Vietnam demands annulment of lesbian marriage' 1998, *Agence France-Presse*, 3 June – Attachment 2; Roberts, J. 2007, 'Vietnamese high school pupils accepting of homosexuality' *Pink News* website, 26 October <http://www.pinknews.co.uk/news/articles/2005-5870.html> - Accessed 27 January 2010 – Attachment 22; McDonald, M. 2002 'Good Morning, Gay Vietnam' *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010 – Attachment 4; Grew, T. 2009, 'Sweden funds project promoting LGBT rights in Vietnam' *Pink News* website, 9 January <http://www.pinknews.co.uk/news/articles/2005-10390.html> – Accessed 27 January 2010 – Attachment 6; 'Gay Guide: Vietnam' (undated), *Gay Times* website <http://www.gaytimes.co.uk/Hotspots/GayGuide-actionCountry-countryid-1016.html> – Accessed 28 January 2010 – Attachment 16.

² 'The Marriage and Family Law', Vietnam, 9 June 2009. http://www.vdclawyer.com/index.php?option=com_content&view=category&layout=blog&id=35&Itemid=76&lang=en - Accessed 16 February 2010 – Attachment 13.

³ Blanc, Marie-Eve 2005, 'Social construction of male homosexualities in Vietnam. Some keys to understanding discrimination and implications for HIV prevention strategy', *International Social Science Journal*, vol.57, Issue.186, December, p.664 – Attachment 25; Pastoetter, Jakob 2004, 'Vietnam: Homoerotic, Homosexual, and Bisexual Behaviors', in *The Continuum Complete International Encyclopaedia of Sexuality*, eds. Robert T. Francoeur & Raymond J. Noonan, The Continuum International Publishing Group & The Kinsey Institute <http://www.kinseyinstitute.org/ccies/vn.php> – Accessed 12 October 2007 – Attachment 5; 'Gay Asia: Gays and The Law' 2004, *Far Eastern Economic Review*, 28 October – Attachment 34.

⁴ RRT Research and Information 2007, *Research Response VNM32466*, 16 October 2007 – Attachment 1.

The Complete International Encyclopaedia of Sexuality states the following:

In present-day Vietnam, homosexuality is still regarded as being a foreign problem, and, as in other socialist countries, there is a lack of official research on homosexual behavior... It may well be that the Communist state is reluctant to recognize its existence. As long as it is not practiced "openly," state officials will not interfere.⁵

Consistent with this statement is the lack of information and local media reporting on homosexuality in Vietnam up and until the late 1990s. However, in 1997, according to a *Reuters* report, two men in Ho Chi Minh City were married in an apparently large ceremony⁶ and again in 1998, media sources reported that two women had publicly married in Vinh Long province. A daily news publication, *Thanh Nien News*, reported that two months after the marriage of these two women, twenty officials from various Communist Party groups met the female couple acting on instructions of the Justice Ministry in Hanoi "to put an end to the marriage". The women reportedly signed a document promising not to live together. A member of the provincial justice department said if they had not chosen to wed publicly they would have been left in peace.⁷

In response to this particular event, in 1998, *Agence-France Press* reported that Vietnam's justice ministry demanded the cancellation of the marriage of the above two women and the national assembly passed an amended marriage law banning homosexual marriages.⁸

It appears that these two events initiated mostly negative public debate on the topic of homosexuality and same sex relationships for the first time in Vietnam and a new active interest in the homosexual community by the authorities. Local media reports from 1997 to 2002 referred to repeated calls on legislators to address this 'problem' given the absence of existing law on it and to categorise it as a 'social evil' on par with drug abuse and prostitution.⁹

In 2002, there were also reports of a crackdown on brothels and massage parlours catering to homosexual men: On 7 November 2002, *ABC News* reported that Vietnamese authorities had detained thirty men for allegedly engaging in homosexual sex at a massage parlour and sent them to an 'education centre'. A Ho Chi Minh City police officer said: "Even though there were no prostitution activities in the location, such mass homosexual conduct breaches

⁵ Pastoetter, Jakob 2004, 'Vietnam: Homoerotic, Homosexual, and Bisexual Behaviors', in *The Continuum Complete International Encyclopaedia of Sexuality*, eds. Robert T. Francoeur & Raymond J. Noonan, The Continuum International Publishing Group & The Kinsey Institute <http://www.kinseyinstitute.org/ccies/vn.php> – Accessed 12 October 2007 – Attachment 5.

⁶ Pastoetter, Jakob 2004, 'Vietnam: Homoerotic, Homosexual, and Bisexual Behaviors', in *The Continuum Complete International Encyclopaedia of Sexuality*, eds. Robert T. Francoeur & Raymond J. Noonan, The Continuum International Publishing Group & The Kinsey Institute <http://www.kinseyinstitute.org/ccies/vn.php> – Accessed 12 October 2007 – Attachment 5.

⁷ Pastoetter, Jakob 2004, 'Vietnam: Homoerotic, Homosexual, and Bisexual Behaviors', in *The Continuum Complete International Encyclopaedia of Sexuality*, eds. Robert T. Francoeur & Raymond J. Noonan, The Continuum International Publishing Group & The Kinsey Institute <http://www.kinseyinstitute.org/ccies/vn.php> – Accessed 12 October 2007 – Attachment 5; 'Vietnam demands annulment of lesbian marriage' 1998, *Agence France-Presse*, 3 June – Attachment 2.

⁸ 'Vietnam demands annulment of lesbian marriage' 1998, *Agence France-Presse*, 3 June – Attachment 2.

⁹ Nguyen et al. 1999, 'Gay Life is Persecuted and Condemned in Vietnam' Gay Viet website, 7 July <http://www.fortunecity.com/village/xanadu/743/index.html> – Accessed 27 January 2010 – Attachment 7; Ha, V. 2009, "Vietnamese 'Still in Closet'" *Radio Free Asia* website, 18 December <http://www.rfa.org/english/news/vietnam/gayvietnam-12182009112123.html> – Accessed 28 January 2010 – Attachment 3; "Vietnam Media Call Homosexuality 'Social Evil', Vow Crackdown" 2002, *US Centers for Disease Control and Prevention*, source: *Deutsche Presse-Agentur*, 19 April <http://www.thebody.com/content/art22986.html> – Accessed 28 January 2010 – Attachment 8.

administration regulations and is harmful to social order."¹⁰ Often referred to as 're-education centres' and 'rehabilitation centres', Human Rights Watch reported that such centres are routinely used to detain sex workers, trafficking victims, street children, drugs users and street peddlers where they are subject to beatings, sexual abuse, insufficient food, and little, if any, access to healthcare.¹¹ On 17 April 2003, an Asian gay website, *utopia-asia.com*, also reported that two Vietnamese men had been sentenced to prison for operating a gay brothel in Ho Chi Minh City after being arrested in 2002.¹²

The Vietnamese government has not yet heeded to public pressure to officially categorise homosexuality as a 'social evil'. Whilst one theory suggests that this is as a result of fear of public reaction¹³, a senior official with the Vietnam News Agency (the official news agency of the government), in an article in the *Mercury News*, explained: "We don't call homosexuality a social evil because it's not so widespread, but we've been warning people and families about it" and "It's mostly underground, but it can grow if the police aren't vigilant."¹⁴ This may be an indication that the local police authorities have been tasked with maintaining a watchful eye on the homosexual community and it is most likely that the arrests in 2002 were a warning to the community. The fact that the group of homosexual men arrested in 2002 were sent to an 'education centre' is also an indication that whilst not officially categorised as a 'social evil', homosexuals are perceived by the local authorities in the same manner as other 'social evil' elements such as drug addicts and prostitutes.

Of note, however, is the fact that no other reports of arrests of homosexuals or public condemnation of homosexuality or same-sex relationships could be found since 2002. This may be an indication that the homosexual community have been too afraid to reassert themselves publicly again since the two publicised weddings in 1997 and 1998 for fear of further retribution from the government. A 2002 article by *Mercury News* supports this theory: "There's the concern that if gay men do become more open and visible, there could be a backlash," said Donn Colby, a physician working on HIV and AIDS prevention in Ho Chi Minh's gay community. "If they stand up and say, 'Here I am,' it brings on a threat and the government will start closing places down."¹⁵ As a result, it appears the Vietnamese government has once again retreated to its original approach of public denial. This was evident when, in 2005, the Canadian Press wire service reported that, during a visit to Canada by the Vietnamese Prime Minister, he was asked how his government handles the equality rights of gays and lesbians. He reportedly laughed and said: "This is not a serious problem in Vietnam at the moment. Only a few people, I think. The issue has not been rising or debated in Vietnam."¹⁶

¹⁰ 'Vietnam rounds up gays for education' 2002, *ABC News* website, 7 November <http://www.abc.net.au/news/newsitems/200211/s721499.htm> – Accessed 28 January 2010 – Attachment 9.

¹¹ Human Rights Watch 2010, *World Report - Vietnam*, January – Attachment 35.

¹² 'News: Vietnam' 2003, *Utopia-Asia.com* website, 17 April http://www.utopia-asia.com/unews/article_2003_04_17_225235.htm – Accessed 4 February 2010 – Attachment 10.

¹³ 'Gays disapproved of in Vietnam' 1999, *Vietnam News Brief Service*, 21 October – Attachment 12.

¹⁴ McDonald, M. 2002, 'Good Morning, Gay Vietnam' *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010 – Attachment 4.

¹⁵ McDonald, M. 2002, 'Good Morning, Gay Vietnam' *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010 – Attachment 4.

¹⁶ Wocker, R. 2005, 'Vietnamese P.M: We have few gays' *San Francisco Bay Times* website, source: *Canadian Press Wire Service*, 14 July http://www.sfbaytimes.com/index.php?article_id=3862&sec=article – Accessed 1 February 2010 – Attachment 14.

2 What is society's attitude towards lesbian relationships?

Lesbian relationships and homosexuality generally are not accepted by mainstream Vietnamese society and is considered a social stigma. As a result, the majority of lesbians do not 'come out' for fear of being stigmatised and discriminated in the workplace and by society at large.

Most academic information and media reports regarding homosexuality in Vietnam refer to the situation of male homosexuals. Very little information was found regarding lesbian relationships. Despite reports of a burgeoning male gay 'scene' in Ho Chi Minh City¹⁷, and a noticeable increase in reporting by major local newspapers on cultural events and activities relating to the gay community¹⁸, information reveals that due to social stigma, most homosexuals still remain in the 'closet' and conform outwardly to conservative family and social expectations, even to the extent of marrying a partner of the opposite sex.¹⁹ According to a 2009 article by *Look At Vietnam*, the Institute for Studies of Society, Economy and Environment reported an online survey conducted from October 29, 2008 to January 31, 2009 on the economic and social characteristics of male homosexual lives. Nearly a third of the participants said they kept their sexual orientation strictly within the homosexual community as they feared discrimination if they came out.²⁰

The fact that little information was found on lesbians reveals that lesbians in Vietnam are even more likely to remain in the 'closet' and succumb to family pressure to marry someone of the opposite sex. In a 2009 article by the local newspaper, *VietNamNet*, the moderator of a local lesbian on-line forum, "thegioikhac", noted Vietnamese lesbians tended to hide their sexuality even more than gay men.²¹ This indicates that societal pressure may be greater on women in Vietnam than men.

¹⁷ 'Gay Guide: Vietnam' (undated), *Gay Times* website

<http://www.gaytimes.co.uk/Hotspots/GayGuide-actionCountry-countryid-1016.html> – Accessed 28 January 2010 – Attachment 16; Ngo et al. 2009, 'Male homosexual identities, relationships, and practices among young men who have sex with men in Vietnam: Implications for HIV prevention', *AIDS Education and Prevention*, vol. 23, Issue.3, pp. 251-265 – Attachment 17.

¹⁸ "'Open' exhibit targets closed hearts and minds" 2009, *VietNamNet* website, source:

VietNamNet/Thanh Nien News, 6 December

<http://www.english.vietnamnet.vn/lifestyle/200912/%E2%80%98Open%E2%80%99-exhibit-targets-closed-hearts-and-minds-882712/> – Accessed 28 January 2010 – Attachment 18;

Chung, T., & Son, H. 2009, "'Fashion for Gay' appears on local catwalk" *VietNamNet* website, 23

February <http://english.vietnamnet.vn/lifestyle/2009/02/831428/> – Accessed 28 January 2010 –

Attachment 19; "'Open' exhibit targets closed hearts and minds" 2009, *VietNamNet* website, source:

VietNamNet/Thanh Nien News, 6 December

<http://www.english.vietnamnet.vn/lifestyle/200912/%E2%80%98Open%E2%80%99-exhibit-targets-closed-hearts-and-minds-882712/> – Accessed 28 January 2010 – Attachment 18.

¹⁹ Blanc, Marie-Eve 2005, 'Social construction of male homosexualities in Vietnam. Some keys to understanding discrimination and implications for HIV prevention strategy', *International Social Science Journal*, vol.57, Issue.186, December, p.664 – Attachment 25; Ammon, Richard 2006, 'Gay Vietnam (Saigon, Hoi An and Hue): Crouching Love, Hidden Passion', Global Gayz.com website, January <http://www.globalgayz.com/g-vietnam-saigon.html> – Accessed 15 October 2007 – Attachment 11.

²⁰ Anh, B. 2009, 'Homosexuals still feel the media lash' *lookatvietnam.com* website, 19 February

<http://www.lookatvietnam.com/2009/02/homosexuals-still-feel-the-mediaa%c2%80%c2%99s-lash.html> – Accessed 28 January 2010 – Attachment 20.

²¹ 'Gender-bending the rules' 2009, *VietNamNet* website, source: *VietNamNet/Thanh Nien News*, 10 October <http://english.vietnamnet.vn/lifestyle/200910/Genderbending-the-rules-873040/>

– Accessed 28 January 2010 – Attachment 23.

Of note is that most major human rights organisations such as Human Rights Watch and Amnesty International do not discuss the human rights situation of lesbians and/or homosexuals in Vietnam. This may be attributed to the fact that most homosexuals in Vietnam remain ‘in the closet’.

The 2008 US State Department Report on Vietnam made a small reference which confirms that a homosexual community existed but remained largely underground and there was low public awareness of homosexuality. However, it further stated that there was little evidence of discrimination based on sexual orientation.²² This is inconsistent with other media reports that claim that openly homosexual people in Vietnam do face discrimination such as not being able to get an ID card or work for public companies.²³

3 What are the likely ramifications of ‘coming out’ for lesbian couples in Vietnam?

As noted above, very little information could be found regarding the situation of lesbians in Vietnam which may be attributed to the fact that most lesbians in Vietnam remain ‘in the closet’. However, one recent local media source revealed that when lesbians ‘come out’ to their families the typical response was to ban the girl from meeting her lover or force her to marry a man:

A 2009 article by *Thanh Nien News* confirms that most lesbians in Vietnam are very afraid of coming out to their parents. A lesbian nicknamed Farewell, who runs an online forum for lesbians – said, “An important reason that leads many lesbians to commit suicide is they cannot talk to their family.” She claims that lesbians have a stronger bond with their families than normal, even after they have become financially independent and are living apart, she said. “So what scares us most is that our parents and relatives would ‘lose face’ when knowing the truth.” The article referred to a study released in 2009 by The Independent Institute of Society, Economy and Environment titled ‘Something about girls who love girls’ of more than 30 lesbians in Hanoi. Out of these only a couple had come out about their sexual orientation. Mostly in their late teens and twenties, the study respondents said they felt discriminated against because of their sexual orientation. The study also found that families generally found it very difficult to accept that their daughter or sister was not straight. It found that the typical response was to ban the girl from meeting her lover or force her to marry a man, which could lead her to commit suicide.²⁴

According to both media and academic sources, many homosexuals who choose to come out in Vietnam are subject to physical and verbal abuse at the hands of their families.²⁵ Response to ‘Question 2.’ above refers to a number of sources which indicate that openly homosexual people in Vietnam face discrimination. Consistent with this, a number of media sources

²² US Department of State 2009, Country reports on Human Rights Practices for 2008 – Vietnam, 25 February, Section 5 – Attachment 24.

²³ ‘Things looking up for gay community’ 2008, *Thanh Nien News* website, 2 May <http://www.thanhniennews.com/print.php?catid=10&newsid=38172> – Accessed 28 January 2010 – Attachment 21; Ha, V. 2009, “Vietnamese ‘Still in Closet’” *Radio Free Asia* website, 18 December <http://www.rfa.org/english/news/vietnam/gayvietnam-12182009112123.html> – Accessed 28 January 2010 – Attachment 3.

²⁴ ‘City lesbians huddle in their own world’ 2009, *Thanh Nien News* website, source: *Thanh Nien news/ Saigon Tiep Thi*, 11 June <http://www.thanhniennews.com/print.php?catid=10&newsid=49695> – Accessed 28 January 2010 – Attachment 32.

²⁵ McDonald, M. 2002, ‘Good Morning, Gay Vietnam’ *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010 – Attachment 4; de Lind van Wijngaarden, J.W. 2006, ‘Exploring factors and processes leading to HIV risk among the most vulnerable children and adolescents in Vietnam’ 22 April, p.17 <http://www.crin.org/BCN/details.asp?id=12692&themeID=1004&topicID=1025> – Accessed 11 February 2010 – Attachment 26.

indicate that there is also the perception that if someone is 'too gay', he or she could lose a valued job, a promotion or a scholarship, or perhaps be evicted from a hard-to-find apartment.²⁶

4 Are there any areas in Vietnam where same sex relationships are more acceptable than others?

A number of sources confirm that gay men and women are more visible in Ho Chi Minh City than the capital Hanoi.²⁷ This is consistent with the increased recent reporting of cultural activities for the gay community in Ho Chi Minh City.²⁸ A 2008-2009 study on male homosexuals in Vietnam found that out of the 3231 interviewed, more than 60 percent of them lived in Ho Chi Minh City and slightly over 12 percent in Hanoi.²⁹

In an article on the social construction of male homosexualities in Vietnam, the author notes that those in Ho Chi Minh City are less exposed to pressures and discrimination than those from other provinces and, according to national newspapers and police reports, Hanoi seems to be the most severe towards homosexuals.³⁰ Travel articles also claim that there is no public 'gay scene' in Hanoi.³¹

In a 2002 article by *Mercury News* on "Gay Vietnam" a gay man from Ho Chi Minh City was quoted as saying that "Hanoi is not open like Ho Chi Minh City" and "Northerners have a more traditional culture. They're more strict and conservative. In Hanoi, I behave more carefully. My colleagues there are always warning me about being too open." The article notes that behaviour that might draw only a smile or a shrug in Ho Chi Minh City might well qualify as scandalous in Hanoi, where Communist Party conservatives are on the alert for "activities that violate the civilized lifestyle of the public".³²

Information on the situation of same-sex relationships in other parts of Vietnam could not be located.

²⁶ McDonald, M. 2002, 'Good Morning, Gay Vietnam' *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010 – Attachment 4; Ha, V. 2009, "Vietnamese 'Still in Closet'" *Radio Free Asia* website, 18 December <http://www.rfa.org/english/news/vietnam/gayvietnam-12182009112123.html> – Accessed 28 January 2010 – Attachment 3.

²⁷ Arthurs, C. 2002, 'Novel breaks Vietnam's gay sex taboo' *BBC News* website, 20 August <http://news.bbc.co.uk/2/hi/asia-pacific/2205506.stm> - Accessed 11 February 2010 – Attachment 33.

²⁸ "'Open' exhibit targets closed hearts and minds" 2009, *VietNamNet* website, source: *VietNamNet/Thanh Nien News*, 6 December <http://www.english.vietnamnet.vn/lifestyle/200912/%E2%80%98Open%E2%80%99-exhibit-targets-closed-hearts-and-minds-882712/> – Accessed 28 January 2010 – Attachment 18;

Chung, T., & Son, H. 2009, "'Fashion for Gay' appears on local catwalk" *VietNamNet* website, 23 February <http://english.vietnamnet.vn/lifestyle/2009/02/831428/> – Accessed 28 January 2010 – Attachment 19; "'Open' exhibit targets closed hearts and minds" 2009, *VietNamNet* website, source: *VietNamNet/Thanh Nien News*, 6 December <http://www.english.vietnamnet.vn/lifestyle/200912/%E2%80%98Open%E2%80%99-exhibit-targets-closed-hearts-and-minds-882712/> – Accessed 28 January 2010 – Attachment 18.

²⁹ Anh, B. 2009, 'Homosexuals still feel the media lash' *lookatvietnam.com* website, 19 February <http://www.lookatvietnam.com/2009/02/homosexuals-still-feel-the-mediaa%c2%80%c2%99s-lash.html> – Accessed 28 January 2010 – Attachment 20.

³⁰ Blanc, Marie-Eve 2005, 'Social construction of male homosexualities in Vietnam. Some keys to understanding discrimination and implications for HIV prevention strategy', *International Social Science Journal*, vol.57, Issue.186, December, p.664 – Attachment 25.

³¹ 'Gay Hanoi' 2009, *Istop Hanoi* website, 28 November <http://www.1stophanoi.com/hospitalitygay/> – Accessed 28 January 2010 – Attachment 27.

³² McDonald, M. 2002, 'Good Morning, Gay Vietnam' *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010 – Attachment 4.

Internal Relocation

All persons living in Vietnam must be registered on a household registry called Ho Khau, and that this registration must be changed when moving from one place to another. Sources indicate that if individuals move from one place to another without changing their household registration, they are moving illegally, and would be unable to obtain a job or schooling for their children. However, recent reports indicate that Vietnam's household registration system is less intrusive than it was in the past and that migration from rural areas to cities continues though moving without permission may hamper a person's ability to seek legal residence permits, public education, and healthcare benefits. A number of sources claim that state that the government considers people who emigrate no longer part of their original household and as a result would lose their registration. An individual could apply for restoration of his/her name to the household registry only after returning to Vietnam, but those considered undesirable by the government would not be eligible. Research Response VNM35043 (23 June 2009) provides current and updated detailed information on the ability of Vietnamese citizens to relocate internally.³³

5 What is the likelihood of obtaining State protection in relation to discrimination of same sex couples?

Given the past reaction of the local authorities to public gay marriages and the negative attitude towards same-sex relationships and homosexuals still prevalent in society, it is questionable that if a same sex couple approached local authorities for protection against discrimination, that the authorities would offer effective protection.

Little information could be located that reported the existence of laws relating to discrimination or violence against homosexuals and/or same sex couples 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".³⁴ Of interest is the fact that, on 1 January 2007, the Vietnamese government passed a new law prohibiting discrimination of people with HIV.³⁵ This was most likely a response to international and domestic pressure to address health issues and the spread of HIV in particular.

A 2002 article on *utopia-asia.com* claimed that Vietnamese police seem to ignore criminals who prey on gays.³⁶ A reference was also found on The Activetravel Vietnam website which 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

³³ RRT Research and Information 2009, *Research Response VNM35043*, 23 June – Attachment 28.

³⁴ '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 15

³⁵ Government of the Socialist Republic of Vietnam 2007, *Law on HIV/AIDS and Control*, 1 January http://www.aidsportal.org/Article_Details.aspx?ID=3706 – Accessed 30 July 2008 – Attachment 29.

³⁶ 'Vietnam' 2002, Utopia-Asia website, 8 November http://www.utopia-asia.com/unews/article_2002_11_8_010125.htm – Accessed 15 October 2007 – Attachment 31.

Hanoi and Ho Chi Minh City”.³⁷ However, this article appeared to be mostly concerned with treatment of gay tourists.

One possible explanation for the lack of information on this subject is the level of complete control the Vietnamese authorities maintain on all forms of media in the state and the little research that has been done on this topic. The research that is currently available on homosexuality in Vietnam is mostly concerned with the sexual behaviour amongst local male homosexuals for the purposes of risk assessment and prevention of the spread of HIV/AIDs. Furthermore, it could be assumed that given that most homosexuals in Vietnam remain ‘in the closet’, it is unlikely that, if they were subject to attack, they would reveal themselves to the authorities for fear of outing themselves.

List of Attachments

1. RRT Research and Information 2007, *Research Response VNM32466*, 16 October
2. ‘Vietnam demands annulment of lesbian marriage’ 1998, *Agence France-Presse*, 3 June (FACTIVA)
3. Ha, V. 2009, “Vietnamese ‘Still in Closet’” *Radio Free Asia* website, 18 December <http://www.rfa.org/english/news/vietnam/gayvietnam-12182009112123.html> – Accessed 28 January 2010.
4. McDonald, M. 2002, ‘Good Morning, Gay Vietnam’ *Mercury News*, 9 June <http://www.gvalliance.org/Articles/goodmorning.html> – Accessed 28 January 2010.
5. Pastoetter, Jakob 2004, ‘Vietnam: Homoerotic, Homosexual, and Bisexual Behaviors’, in *The Continuum Complete International Encyclopaedia of Sexuality*, eds. Robert T. Francoeur & Raymond J. Noonan, The Continuum International Publishing Group & The Kinsey Institute <http://www.kinseyinstitute.org/ccies/vn.php> – Accessed 12 October 2007.
6. Grew, T. 2009. ‘Sweden funds project promoting LGBT rights in Vietnam’ *Pink News* website, 9 January <http://www.pinknews.co.uk/news/articles/2005-10390.html> – Accessed 27 January 2010.
7. Nguyen, T., Tran, L. & Le, T. 1999, ‘Gay Life is Persecuted and Condemned in Vietnam’ *Gay Viet* website, 7 July <http://www.fortunecity.com/village/xanadu/743/index.html> – Accessed 27 January 2010.
8. “Vietnam Media Call Homosexuality ‘Social Evil’, Vow Crackdown” 2002, *US Centers for Disease Control and Prevention*, source: *Deutsche Presse-Agentur*, 19 April <http://www.thebody.com/content/art22986.html> – Accessed 28 January 2010.

³⁷ Nguyen, T., Tran, L. & Le, T. 1999, ‘Gay Life is Persecuted and Condemned in Vietnam’ *Gay Viet* website, 7 July <http://www.fortunecity.com/village/xanadu/743/index.html> – Accessed 27 January 2010 – Attachment 7; ‘Advice for Gay and Lesbian travellers’ (undated), *Activetravel Vietnam* website http://www.activetravelvietnam.com/traveltips/gay_lesbian_travellers.html – Accessed 24 January 2008 – Attachment 30.

9. 'Vietnam rounds up gays for education' 2002, *ABC News* website, 7 November <http://www.abc.net.au/news/newstems/200211/s721499.htm> – Accessed 28 January 2010.
10. 'News: Vietnam' 2003, Utopia-Asia.com website, 17 April http://www.utopia-asia.com/unews/article_2003_04_17_225235.htm – Accessed 4 February 2010.
11. Ammon, Richard 2006, 'Gay Vietnam (Saigon, Hoi An and Hue): Crouching Love, Hidden Passion', *Global Gayz.com* website, January <http://www.globalgayz.com/g-vietnam-saigon.html> – Accessed 15 October 2007.
12. 'Gays disapproved of in Vietnam' 1999, *Vietnam News Brief Service*, 21 October. (FACTIVA)
13. 'The Marriage and Family Law', Vietnam, 9 June 2009. http://www.vdclawyer.com/index.php?option=com_content&view=category&layout=blog&id=35&Itemid=76&lang=en - Accessed 16 February 2010.
14. Wocker, R. 2005, 'Vietnamese P.M: We have few gays' *San Francisco Bay Times* website, source: *Canadian Press Wire Service*, 14 July http://www.sfbaytimes.com/index.php?article_id=3862&sec=article – Accessed 1 February 2010.
15. '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.
16. 'Gay Guide: Vietnam' (undated), *Gay Times* website <http://www.gaytimes.co.uk/Hotspots/GayGuide-actionCountry-countryid-1016.html> – Accessed 28 January 2010.
17. Ngo, D.A., Ross, M.W., Phan H., Ratliff, E.A., Trinh, T., & Sherburne, L. 2009, 'Male homosexual identities, relationships, and practices among young men who have sex with men in Vietnam: Implications for HIV prevention', *AIDS Education and Prevention*, vol. 23, Issue.3, pp. 251-265.
18. "'Open' exhibit targets closed hearts and minds" 2009, *VietNamNet* website, source: *VietNamNet/Thanh Nien News*, 6 December <http://www.english.vietnamnet.vn/lifestyle/200912/%E2%80%98Open%E2%80%99-exhibit-targets-closed-hearts-and-minds-882712/> – Accessed 28 January 2010.
19. Chung, T., & Son, H. 2009, "'Fashion for Gay' appears on local catwalk" *VietNamNet* website, 23 February <http://english.vietnamnet.vn/lifestyle/2009/02/831428/> – Accessed 28 January 2010.
20. Anh, B. 2009, 'Homosexuals still feel the media lash' *lookatvietnam.com* website, 19 February <http://www.lookatvietnam.com/2009/02/homosexuals-still-feel-the-mediaa%20%99s-lash.html> – Accessed 28 January 2010.
21. 'Things looking up for gay community' 2008, *Thanh Nien News* website, 2 May <http://www.thanhniennews.com/print.php?catid=10&newsid=38172> – Accessed 28 January 2010.

22. Roberts, J. 2007, 'Vietnamese high school pupils accepting of homosexuality' *Pink News* website, 26 October <http://www.pinknews.co.uk/news/articles/2005-5870.html> – Accessed 27 January 2010.
23. 'Gender-bending the rules' 2009, *VietNamNet* website, source: *VietNamNet/Thanh Nien News*, 10 October <http://english.vietnamnet.vn/lifestyle/200910/Genderbending-the-rules-873040/> – Accessed 28 January 2010.
24. US Department of State 2009, Country reports on Human Rights Practices for 2008 – Vietnam, 25 February.
25. Blanc, Marie-Eve 2005, 'Social construction of male homosexualities in Vietnam. Some keys to understanding discrimination and implications for HIV prevention strategy', *International Social Science Journal*, vol.57, Issue.186, December.
26. de Lind van Wijngaarden, J.W. 2006, 'Exploring factors and processes leading to HIV risk among the most vulnerable children and adolescents in Vietnam' 22 April, p.17 <http://www.crin.org/BCN/details.asp?id=12692&themeID=1004&topicID=1025> – Accessed 11 February 2010.
27. 'Gay Hanoi' 2009, 1stop Hanoi website, 28 November <http://www.1stophanoi.com/hospitalitygay/> – Accessed 28 January 2010.
28. RRT Research and Information 2009, *Research Response VNM35043*, 23 June.
29. Government of the Socialist Republic of Vietnam 2007, *Law on HIV/AIDS and Control*, 1 January http://www.aidsportal.org/Article_Details.aspx?ID=3706 – Accessed 30 July 2008.
30. 'Advice for Gay and Lesbian travellers' (undated), Activetravel Vietnam website http://www.activetravelvietnam.com/traveltips/gay_lesbian_travellers.html – Accessed 24 January 2008.
31. 'Vietnam' 2002, Utopia-Asia website, 8 November http://www.utopia-asia.com/unews/article_2002_11_8_010125.htm – Accessed 15 October 2007.
32. 'City lesbians huddle in their own world' 2009, *Thanh Nien News* website, source: *Thanh Nien News/ Saigon Tiep Thi*, 11 June <http://www.thanhniennews.com/print.php?catid=10&newsid=49695> – Accessed 28 January 2010.
33. Arthurs, C. 2002, 'Novel breaks Vietnam's gay sex taboo' *BBC News* website, 20 August <http://news.bbc.co.uk/2/hi/asia-pacific/2205506.stm> - Accessed 11 February 2010.
34. 'Gay Asia: Gays And The Law' 2004, *Far Eastern Economic Review*, 28 October. (FACTIVA)
35. Human Rights Watch 2010, *World Report - Vietnam*, January.