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Negotiating Public and Legal Spaces: The Emergence of an LGBT Movement in Vietnam

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June 2014

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Abbreviations and glossary

AIDS	Acquired Immunodeficiency Syndrome
Bisexual	Person with romantic or sexual feelings toward both men and women
CCIHP	Centre for Creative Initiatives in Health and Population
CGFED	Research Center for Gender, Family and Environment in Development
CSAGA	Center for Studies and Applied Sciences in Gender, Family, Women and Adolescents
CBO	community-based organisation
CSO	civil society organisation
DFID	UK Department for International Development
FGD	focus group discussion
HCMC	Ho Chi Minh City
Heteronormative	Norms that favour sexual relations between members of the opposite sex and that discriminate against same-sex sexual relationships
HIV	Human Immunodeficiency Virus
HRW	Human Rights Watch
ICS	Information Connecting and Sharing
IDS	Institute of Development Studies
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
IGLHRC	International Gay and Lesbian Human Rights Commission
INGO	international non-governmental organisation
ISDS	Institute for Social Development Studies
Lesbian	A woman whose sexual orientation is to women
LGBT	Lesbian, gay, bisexual and transgender. LGBT refers to a diverse group of persons who do not conform to conventional or traditional notions of male and female gender roles. Used here as an inclusive category that includes intersex and queer, as well as people questioning their sexuality.
MOJ	Ministry of Justice
MSM	Men who have sex with men, but who may not consider themselves homosexual
NGO	non-governmental organisation
PFLAG	Parents, friends and family of lesbians and gays
Sexual minorities	Categories of people whose sexual identity, orientation or practices differ from the majority and who are marginalised because of these differences
SRA	Sexual Rights Alliance
SRV	Socialist Republic of Vietnam
Transgender	A person appearing or attempting to be a member of the opposite sex, as a transsexual or habitual cross-dresser
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Programme
USAID	US Agency for International Development
VNGO	Vietnamese non-governmental organisation
VUSTA	Vietnam Union of Science and Technology Associations
WHO	World Health Organization

Executive summary

Vietnam's laws, policies and decrees do not explicitly discriminate against lesbian, gay, bisexual and transgender (LGBT) individuals but their rights are not legally protected and they are socially marginalised. The state promotes a model of a married heterosexual couple with two children in the media and through its public policy campaigns. Families that comply are able to obtain membership of the Communist Party and run for office; women are eligible for micro-credit programmes. Same-sex couples cannot marry and are thus ineligible for the benefits that married couples enjoy. Family laws, with regard to child custody, inheritance and property, do not protect same-sex couples.

On paper, Vietnam is a one-party state with highly restrictive laws on freedom of expression, civil association and organisation. In practice, the media are active, albeit under the control of the state. Vietnam has the highest internet usage of any country in Southeast Asia. Civil society groups, which traditionally did not exist in Vietnam, have rapidly emerged alongside other private and commercial actors since the late 1980s, when the country began implementing economic reforms, known as *doi moi*. Civil society includes LGBT groups.

Opinions on this paradox are divided. They reflect different views of civil society in Vietnam in general, and their relationship to mass government-sponsored organisations in particular. How civil society organisations shape the law and impact national political and economic development is open to speculation. Within the government there are different opinions and interests between and within levels. The legal system has been undergoing reform since the country embarked upon a path of liberalisation. Laws, decrees and circulars are sometimes at odds with one another and result in confusion. The responsibility for enforcing laws is delegated to local police and lower-level authorities, thereby allowing LGBT groups to negotiate informally with the state and strategically use opportunities to push back against the prevailing laws.

In order to understand how LGBT civil society organisations can affect legal and social change with regard to the laws that regulate sexual norms and unions, this empirical study explores the following two examples of collective action in Vietnam:

1. The mobilisation strategies of civil society organisations to hold gay pride events.
2. Collective action to legalise same-sex ceremonies *and* marriages.

The case studies were written in close consultation with Vietnamese LGBT civil society actors and with formally and informally organised groups that are distinct from mass organisations. We conducted a literature review, and conducted interviews with LGBT activists, national and international policy experts, researchers and development experts.

Findings

The VietPride movement and the campaign to legalise same-sex marriage reveal the complex and often contradictory efforts of civil society engagement with the Vietnamese state. Law enforcement agencies and civil society groups are both trying to understand what is politically possible in a constantly shifting legal and political environment.

The number of publicly visible LGBT persons and organisations working on LGBT issues increased rapidly in Vietnam over the last five years. Without formal permission, Vietnamese LGBT groups held their first gay pride parade in 2012 and a second in 2013. The events, including public rallies, occurred without state interference and benefited from wide support from the media. These activities took place during the same period that other public

assemblies, which were of a more controversial political nature, were dispersed. Several bloggers fomenting change on sensitive topics, such as Vietnam's land disputes with China, were arrested. Same-sex weddings are not legal but key players in the government are pushing to change that. During discussions about revising the marriage law to include same-sex couples, Vietnam became the first country in Asia where the topic has been discussed at the level of a national assembly.

The lead civil society actors involved in both VietPride and same-sex marriage successfully mobilised national and international public support, despite limited time, financial resources and manpower. They are part of a well-educated and well-connected urban Vietnamese elite, who have built upon existing and developing formal and informal networks of LGBT communities. The leadership has been able to negotiate public and legal spaces operating within and outside the political system through a network of national and international personal relations and professional connections. They engage with law enforcement, carefully avoiding open confrontation. Vietnamese civil society leaders have provided a safe space for expression and association by steering clear of politically controversial debates in online discussions and in face-to-face meetings with officials. Some topics are clearly off limits but legal and political ambiguities leave room for interpretation.

The Vietnamese government's tolerance of divergent opinions and law-breaking varies in practice. Activists have to use personal connections and communication skills to get information on the limits of public engagement with the law and law enforcement. Activists at one point asked authorities for help in conducting an unauthorised rally. Authorities who appeared to be on the fence about the parade's legitimacy did not ban the activity outright but instead referred them to other offices, thereby avoiding a discussion.

The opportunity of LGBT activists to engage with the revision of the Law on Marriage and the Family (2012) was the result of personal and professional networks and linkages between LGBT activists, UNDP, international organisations and the Ministry of Justice. These stakeholders play distinct but complementary roles in a much broader process of legal modernisation of the Vietnamese state, which has to fulfil international obligations and national expectations on development.

Members of the LGBT community may be marginalised but their message of sexual diversity, with a slight anti-feudal undertone, is linked to the modernisation of the family, which resonates and links with existing state discourses and ambitions for national development. A broad ideological framework on human rights and gender equity enabled collaboration with a wide range of Vietnamese organisations and associations. Young people presented the serious messages of these coalitions but undertook their activities in a lively and fun manner, including the illegal ones such as demonstrations, which were politically acceptable as they maintained a distance from politically contested activities. LGBT groups have to strike a balance between a need to connect with other progressive Vietnamese civil society and human rights groups and the requirement to not be seen by the government as politically threatening in order to survive.

Recommendations

For donors

1. Donors who want to support LGBT activists need to understand the wider legal and political contexts in Vietnam. Restrictions on civil association, organisation and freedom of speech in a one-party state affect the opportunities of LGBT groups for collective action for social inclusion. An absence of legal discrimination against LGBT people does not mean that LGBT rights are protected or that groups can operate freely. Comparisons with other Asian states in transition such as China, Laos and Myanmar might be useful.
2. Continue to raise the need for civil consultation on legal reform in policy dialogues with the Vietnamese government.
3. Support independent media, social media and mass media in exposing discrimination against LGBT people.
4. Support initiatives that strengthen civil society actors' awareness of how to use international law for advocacy on social inclusion and legal protection of LGBT people where national laws fall short.

For civil society

1. Recognise the diversity within and between LGBT groups and how this affects agenda-setting and support for collective action.
2. Encourage the media to feature various LGBT groups, including older LGBT people and LGBT groups in other movements such as HIV prevention.
3. Strengthen mechanisms for the protection of LGBT people and activists who publicly engage in the movement.

For government

1. Reform the Marriage and Family Law along the lines suggested by the coalition on same-sex marriage.
2. Develop laws and policies that protect the rights of LGBT people.
3. Continue to engage in policy dialogues with LGBT groups.

1 Introduction

Laws, whether national or international, play a role in shaping and determining the sexuality and sexual development of a country's citizens (Waldman and Overs 2013). State institutions, such as the media, schools, and social and health services, influence sexuality, sexual activities and their consequences. Criminal and civil law, and legal definitions of adulthood, childhood and family, regulate what a family is, and what it may or may not do. Legal definitions and laws provide some groups with access to information, materials and services and exclude others, but this may go 'unnoticed, unmarked and unused' by most citizens (Levesque 2002: 47).

Opponents of this view treat sexuality as less important than material survival and poverty, therefore it is not politically relevant and it is outside the scope of development (Bedford 2005; Jolly 2006; Lind 2009). Others see the designation of LGBT as a luxury for those with wealth and privilege (Bedford 2005). Recently, issues around sexuality, poverty and human rights, especially around LGBT issues, have been getting more attention internationally (BBC 2011; Harcourt 2009). HIV/AIDS has been the main avenue through which sexuality issues have been addressed. Firstly, surveillance and risk management among key populations have made these populations, including men who have sex with men (MSM) visible (Adam *et al.* 2009). But it came with a medical focus and an emphasis on risk management (Cornwall and Jolly 2009). However, whether and how these policy measures empower these most-at-risk key populations is not clear (HIVOS 2012; Overs 2013). Secondly, reports on extreme human rights violations against LGBT people in many countries pressure politicians into some kind of international action (HRW 2009, 2010, 2013a; Itaborahy and Zhu 2013). LGBT people face problems in taking legal actions because they lack access to a fair and effective justice system, based on their sexual behaviour (Oosterhoff, Waldman, and Olerenshaw 2013). Thirdly, many countries only recently decriminalised same-sex relations or are supporting liberal sexuality policies at an international level (Itaborahy and Zhu 2013). These contradictory developments pose urgent practical and moral questions about the opportunities for advancing LGBT rights and engagement with the law.

This case study is part of a series of case studies on sexuality and the law in five countries: Cambodia, South Africa, Nepal, Vietnam and Egypt, undertaken by the Institute of Development Studies in order to arrive at some overarching conclusions about sexuality and the rule of law (DFID 2008; Kleinfeld Belton 2005).¹

LGBT engagement with the law and law enforcement to deal with *de facto* discrimination should be understood within the broader Vietnamese political context. The state keeps firm control of the registration of all associations and non-governmental organisations (NGOs) (Sidel 2010). At the same time, the number of registered associations and NGOs in Vietnam has grown exponentially in the past decade. But opinions on opportunities for the engagement of civil society with the Vietnamese state are divided. Some observers emphasise the repressive character of the one-party state, with regard to freedom of expression, association and peaceful assembly (HRW 2013b; Thayer 2009). Others in contrast see many formal and informal types of civil collective and political engagement with the state (Wells-Dang 2010, 2012). Researchers also found a diverse tolerance of the state for diverging opinions in practice (Kerkvliet 2003; Kerkvliet, Nguyen, and Bach 2008).

¹ There are numerous views about the rule of law, which have been well documented and debated by others (see Kleinfeld Belton 2005). For this research we will use the same definition that is used by the UK's Department for International Development (DFID), which was based on the UN Secretary-General report, *The Rule of Law and Transitional Justice in Conflict and Post Conflict Societies* (2004b). DFID identifies the key elements of the rule of law to be as follows: 'The supremacy of law; equality before the law; accountability to the law; fairness in the application of the law; separation of powers; participation in decision-making; legal certainty; avoidance of arbitrariness; and procedural and legal transparency' (DFID 2008: 5).

Underlying this debate are different views of civil society in relationship to state-sponsored mass organisations. Millions of citizens are members of these organisations, such as the Women's Union or the Youth Union. Some, including the United Nations, view mass organisations as a manifestation of civil society (United Nations 2004a). Others point out that these organisations are registered under the Vietnam Fatherland Front and thus controlled by the Communist Party-dominated state (Thayer 2008, 2009). As there is currently no accepted definition of civil society in Vietnam, disagreements are unlikely to be resolved any time soon.

In this paper, civil society organisations (CSOs) are distinct from mass organisations. We use CSO to refer to various types of organisations and groups, including non-governmental organisations (NGOs), community-based organisations (CBOs) and self-help groups (DFID 2010). We agree with the views of observers that civil society actors are diverse and can be simultaneously formally and informally organised.

There is no doubt that the public visibility of LGBT peoples and LGBT civil society organisations has increased in Vietnam during the past five years. Millions of internet and social media users and a dozen large-line LGBT fora operate openly. Vietnam's LGBT groups organised the first gay pride parade in 2012 and a second in 2013 in spite of legal restrictions on peaceful assembly. Same-sex marriage was explicitly forbidden in the Marriage and Family Law in 2000 (Vietnam National Assembly 2000). But in 2012, the Ministry of Justice initiated a review of the current Marriage and Family Law, which included consideration of same-sex marriage (Vietnam Ministry of Justice 2012). LGBT activists participated in the review process of this law.

In order to understand the opportunities for engagement of civil society organisations with the law in different political and legal contexts, and contribute to changing legal structures around sexuality, this empirical case study explores the following efforts in Vietnam:

1. The mobilisation strategies and organisation of civil society organisations for the gay pride parade;
2. Legalising same-sex ceremonies and marriages.

To situate these cases within the Vietnamese context we will start with a description of the legal, political and social contexts. We briefly outline the laws that apply to civil association in mass organisations and civil society organisations. We will also address laws on public assembly and security; freedom of expression; the internet and the media; marriage and family; and issues of social stigma and discrimination. We explore the opportunities that groups and individuals have to participate in the different areas. Then we present the case studies, analysis and conclusions.

2 Methodology

We used a combination of qualitative research methods: a literature review, interviews, and participatory data analysis and verification.

We reviewed legal documents, laws, decrees and decisions in four areas of law: (1) marriage and the family; (2) public security in relationship to public assembly; (3) the establishment and functioning of civil organisations; and (4) the provision and use of internet services and online data with relation to Vietnam's constitution. When there were revisions in laws and policies, both the original and revised versions of the laws and policies were examined. For the review of the Law on Marriage and Family, we started with the first law in 1959. We also included: online media coverage of same-sex wedding ceremonies; VietPride activities in Vietnam in both English and Vietnamese; and online reports by INGOs (international non-governmental organisations), the UN and Vietnamese NGOs about LGBT people, civil society and same-sex relations in Vietnamese and English. We consulted peer-reviewed academic literature on civil society, same-sex marriage and LGBT people in Vietnam using search terms with these words.

Based on the review, we developed a semi-structured questionnaire to conduct 15 interviews and three focus group discussions (FGDs) with 23 people on the mobilisation strategies of the CSOs that organised the gay pride parades and worked toward legalising same-sex ceremonies and marriages in 2012 and 2013. The first VietPride parade and the first civil society consultation on same-sex marriage with regard to the Marriage and Family Law both took place in 2012.

Among the 38 interviewees, 34 were from the ethnic Kinh majority. Four were non-Vietnamese nationals who work or have worked in Vietnam. Most of the Vietnamese LGBT respondents were under 30 years of age.

We selected respondents that (1) had lived and worked in Vietnam long enough to have observed and participated in discussions regarding same-sex marriage and VietPride day activities; and (2) who had direct interaction with at least one of the following in Vietnam: the LGBT community, the LGBT rights movement, LGBT research, HIV research and programmes, or the civil society movement with regard to LGBT-related laws. We included participants with different perspectives: LGBT individuals; representatives of an LGBT community self-help group; leaders of Vietnamese NGOs; technical and legal experts working with international organisations and donors; national policymakers; researchers; activists; and legal experts. Most study participants were from Hanoi and Ho Chi Minh City (HCMC) as these are home to most groups and organisations actively and publicly working on LGBT rights in Vietnam.

Ten in-depth interviews were conducted in Vietnamese by two Vietnamese researchers; five interviews were conducted in English by the international researcher. Each interview lasted from 45 to 60 minutes. A letter of invitation was sent to the potential interviewees with a brief explanation about the study. Consents regarding agreement to take part in the interview, anonymity and recording were collected orally prior to the interview. Due to geographic distances, 11 interviews were conducted using Skype or Viber, and one interview was conducted by email. All other interviews were conducted face-to-face. The main themes covered in the interviews were:

- Observations and reflections on same-sex marriage and the LGBT parades in 2012–2013 in Vietnam.
- LGBT rights movements in Vietnam and the legal framework they operate under.

Twenty-three people participated in three FGDs in Hanoi and Ho Chi Minh City. They belonged to LGBT groups and self-help groups for parents of LGBT people. The FGDs focused on:

- Triangulation of the views of local LGBT groups with national stakeholders.
- Mapping of LGBT groups in Vietnam: numbers, location, mission and activities.

All interviews and focus group discussions were recorded and noted. The notes were completed after the interviews and served as the basis for analysis and report-writing. Three members of the research team conducted the analysis.

Two verification and validation workshops were held. The first was in Ho Chi Minh City on 23 December 2013 and the second was in Hanoi on 24 December 2013. There were 25 participants in each workshop.

The participants included members of 15 gay, lesbian, bisexual, and male and female transgender communities, and their organisations, as well as research institutes, HIV activists, legal experts and government representatives. The agenda of the workshops in Hanoi and Ho Chi Minh City is in Annex 1. Workshop participant discussions and feedback were included in the report, so these workshops were also considered as part of the study methods.

To ensure the report reflects a broad view of experts in the field in Vietnam, five experts were invited to give inputs into the draft report. This review board included one national activist, one academic scholar, one expert on civil society movements, one legal expert and one policy expert.

This case study was conducted by an international team of three Vietnamese and Dutch researchers. These researchers have engaged with the Vietnamese government for over a decade on sexual and reproductive health issues through programmes and research. The researchers' professional experience also informed and helped to contextualise the developments described in this legal case study.

3 Legal context

Vietnam's transition to a market economy in the 1980s required legal reforms in commercial matters to address the requirements of (foreign) investors and national economic development. The legal system is still catching up to the wave of economic reforms under *doi moi*. The current constitution was revised in December 2013, the first change in 13 years. The transition to a market economy has mostly been peaceful, and Vietnam scores well globally in terms of order and security (Agrast *et al.* 2012).² Foreign investments are protected in the constitution by international law.³ It remains unclear, however, whether and how these reforms will affect other areas of the law such as labour rights.

The Vietnamese constitution recognises the responsibility of the state to protect the political, civic, economic, cultural and social rights of its citizens (Vietnam National Assembly 2013).⁴

Vietnam has signed a number of international covenants that are relevant to members of LGBT communities, such as the UN's International Covenant on Civil and Political Rights;⁵ the International Covenant on Economic, Social and Cultural Rights;⁶ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;⁷ and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).⁸

The laws in Vietnam promote equality for all citizens. The laws refer to 'persons' rather than 'men' or 'women'. However, members of the LGBT community do not have a clear explicit legal status nor are their rights acknowledged and protected (e.g. protection from employment discrimination) (Hoang and Nguyen 2012; iSEE 2010b).

According to the World Bank's Rule of Law index, which sees 2.5 as strong and -2.5 as weak, in 2011 Vietnam scored -0.46.⁹ The World Justice Project's Rule of Law index reports that the civil justice system is accessible but also notes it is hindered by political interference and corruption. The group has expressed concern about freedom of assembly, and freedom of opinion and expression. There are no specific *de jure* barriers that would prohibit LGBT people from accessing the civil justice system.

² Vietnam is ranked 24th globally by the World Justice Rule of Law Index 2012–2013, http://worldjusticeproject.org/sites/default/files/WJP_Index_Report_2012.pdf.

³ The government encourages foreign organisations and individuals to invest capital and technology in Vietnam in accordance with Vietnamese law and with international law and practice; and it ensures the legal ownership of capital and assets as well as other interests of foreign organisations and individuals. Enterprises with foreign-invested capital shall not be nationalised.

⁴ Article 14 of the Constitution 2013: In the Socialist Republic of Vietnam, human rights in all respects – political, civic, economic, cultural and social – are respected, and find their expression in the rights of citizens and are provided for by the Constitution and the law.

⁵ Accession, 24 September 1982.

⁶ Accession 24 September 1982.

⁷ Signed on 7 November 2013 but not ratified.

⁸ Signed 29 July 1980 and ratified 17 February 1982.

⁹ In comparison, the UK scored 1.67 and the US 1.6 (Global Economy.com and World Bank 2014).

3.1 Civil association in mass organisations

Vietnam has a long history of civil mobilisation and association in mass organisations that come under the umbrella of the Vietnam Fatherland Front. The Women's Union has more than 15 million members¹⁰ and more than six million young people are members of the Youth Union.¹¹ In a national survey 69 per cent of married women reported they were members of a mass organisation (General Statistics Office 2010). A particular sexual orientation and gender identity is not listed as a condition for joining a mass organisation or the Communist Party, nor is it a condition of eligibility for their material and practical support.

Mass organisations promote a nuclear, heterosexual family, which is linked to healthy socialist development. The socialist development of a family is rooted in an opposition to feudalism. It recognises a person's right to choose who they marry, and not have their marriage arranged by families. While this liberates couples in some ways, sex is still to take place within marriage. The ideal 'happy' family is understood to be composed of two parents and two children, all leading productive lives and abstaining from what are considered 'social evils' – that is, illegal drug use, prostitution and gambling. For decades, families who complied with Vietnam's population policy of a maximum of two children per family have been rewarded with material and immaterial rewards, such as being able to borrow money through 'clubs for families with two children' or 'good mother clubs'. Those with larger families face barriers or restrictions, such as being unable to become a member of the Communist Party, membership of which is necessary for certain job promotions and other state benefits.

But new types of accepted family arrangements and familial relations are emerging and mass organisations are responding to these changes. Perhaps once one accepts the idea of a free choice of partners as anti-feudal, modern and desirable it's only another step to accept that people may choose different intimate familial arrangements, including same-sex partnerships. The Women's Union has simultaneously reinforced the traditional family ideal and yet has been at the forefront of setting up support groups for women who are not meeting these norms and ideals, including HIV-positive AIDS widows, mothers of drug users, or abandoned women with children (Oosterhoff *et al.* 2008a). The mass organisations appear uncertain about how to respond to same-sex familial arrangements. No officials from any mass organisations wanted to speak on record to the researchers of this case study. It is clear, however, that benefits go to a specific heterosexual nuclear family model that indirectly excludes LGBT people.

3.2 Civil association in civil society organisations

Following economic reforms initiated in 1986, which allow the existence of a non-state sector, the number of private commercial companies and civil society organisations increased significantly (Kerkvliet, Nguyen, and Bach 2008; Norlund 2007; Pham 2011; VUSTA 2011). Civil society organisations in Vietnam – as elsewhere – are diverse, ranging from small, informal self-help groups to large internationally funded Vietnamese NGOs (VNGOs) with international staff working in and outside Vietnam. The Vietnam Union of Science and Technology Associations (VUSTA), one of the umbrella agencies under which VNGOs can operate, grew from 15 registered organisations in 1983 to about 800 organisations in 2011 (Scott and Tran 2004; VUSTA 2011). VNGOs undertake work ranging from social activities to policy development (Kerkvliet, Nguyen, and Bach 2008; Norlund 2007; Pham 2011).

¹⁰ Data at the end of 2011: <http://vwu.vn/newsdetail.asp?CatId=2&NewsId=18275&lang=VN>.

¹¹ Data at the end of 2007:

http://vi.wikipedia.org/wiki/%C4%90o%C3%A0n_Thanh_ni%C3%AA_n_C%E1%BB%99ng_s%E1%BA%A3n_H%E1%BB%93_Ch%C3%AD_Minh.

All CSOs in Vietnam that would like to register formally, not just LGBT groups, face a great deal of legal regulations and political control by the state (UNDP 2011). There are many informal groups and there is no specific barrier to organising a formal or an informal LGBT or LGBT-related interest group. The state still controls CSOs through lengthy and controversial approval procedures (Sidel 2010). Procedures apply all the way to the commune level. In order to register as a commune-level association, ten citizens have to serve as founding members (SRV 2010). To have legal status, CSO groups need to be approved by the government. All grants and programmes implemented by CSOs require approval from a government organisation, such as VUSTA. Without a legal registration a CSO cannot operate legitimately, as it cannot open a bank account, get funding, or apply for a licence to publish documents. Those who are registered mostly have legal status under umbrella associations. Foreigners working with CSOs also need clearance from the police and from the security service in order for the relevant umbrella organisation to be able to apply for a visa on behalf of the CSO. Many self-help groups, even those groups working on activities in areas accepted by the state, such as HIV prevention, remain unregistered or are registered with the government, or as private companies or production cooperatives (USAID 2011).

Recent government regulations have placed greater restrictions on CSOs (UNDP 2011). For example, Decision 97/2009/QĐ-TTg, issued in July 2009, limited the capacity of CSOs to function as watchdogs. The decision, which prevents CSOs from operating independently, prompted one prominent think-tank to dissolve itself (BBC 2009). Although new state regulations were intended to increase restrictions on CSOs, in practice one can argue that their watchdog capability and importance continue to grow.

The political significance of the rapid emergence of a formal and informal non-state sector is the subject of heated debates. Some researchers emphasise that the many laws and rules in the one-party state make it difficult for civil society organisations based in Vietnam to fulfil a watchdog role (Thayer 2008). Others argue that civil society groups and actors are actually playing a range of watchdog functions on topics that are political (Kerkvliet 2003; Kerkvliet, Nguyen, and Bach 2008; O'Rourke 2002). To recognise opportunities for engagement, these observers argue that it's necessary to have a broad sense of 'political' as opposed to viewing political activity solely as opposition to the political system. While calls for systemic political changes are restricted, civil society actors can and do engage in advocacy on many policy topics, both through direct lobbying of government officials and through public media campaigns (Wells-Dang 2012).

Sexual and reproductive health is no longer considered a controversial topic that could hinder civil association, organisation and participation. On the contrary, the Vietnamese state works closely with many INGOs and VNGOs, as well as with the UN, multilateral and bilateral donors on sexual and reproductive health, including HIV and AIDS. Many receive funds from the United States and global health agencies to conduct work on sexual and reproductive health rights. Between 2008 and 2012, people working on issues related to HIV emphasised the role of HIV prevention programmes with an enhanced awareness of homosexuality and same-sex relationships.

We cannot deny the role of HIV prevention programmes in promoting LGBT rights. The increased frequency of the public appearance of MSM, who take active roles in HIV prevention programmes, helps to change public perception about homosexual and transgender people. The support of the Ministry of Health to the draft revised Law on Marriage and Family is the result of continuous work on reducing stigma and discrimination of MSM in HIV programmes.

(VNGO representative; gender, sexuality and HIV expert)

In the same period of an emerging HIV-related interest in MSM, the UN expressed concerns about human rights violations against LGBT people. The approval of same-sex marriages in countries that had long been reluctant to do so, including the United States, was reported in

the Vietnamese media. This inspired the LGBT community in Vietnam to advocate for a positive image that emphasised sexual diversity and rights. Some LGBT activists distance themselves from men who deny they are gay, yet they are linked to HIV activities because they are MSM.

We understand the strength of MSM groups working on HIV. However, we are scared of their image. They are related to HIV, which can have a negative influence on the activities of the community. These social activities are about human rights. We do not want them to be influenced by the image of HIV, although I know that the right to health is also important. When they join our activities, they do not wear the HIV hat but the LGBT hat. I do not see a strong connection between the activities of MSM groups and LGBT rights.

(LGBT activist)

3.3 Public assembly and security

Peaceful demonstrations by formal civil society organisations are legally restricted. On 18 March 2005, the government issued Decree 38/2005/NĐ-CP on measures to ensure public security, which requires event organisers to go through an approval process. According to this decree, public activities that involve the assembly of a crowd should be approved by the local authorities. Public activities organised by the Communist Party, the Fatherland Front and other political and social organisations are exempt from this decree. If a registered NGO is involved, that might increase the level of sensitivity, since some parts of the state are said to be suspicious of the motives of NGOs. The NGO might also need to seek permission for the action from their supervisory organisation, while an informal group wouldn't have to take this step.

But not all groups are subjected to the same level of scrutiny, and enforcement of some rules varies. Some groups, such as Agent Orange victims, for instance, are encouraged and sponsored by the state to march and protest.¹² LGBT activists, some from formal CSOs and others not, held a peaceful bicycle rally in August 2013 without interference. On that same day, however, peaceful marchers, protesting China's claim to the disputed Paracel and Spratly islands, were dispersed and some were detained (HRW 2013b; Tien Dung 2011). Flashmobs with hundreds and even thousands of people celebrating LGBT rights were successfully organised not only in Hanoi and Ho Chi Minh City but also in other provinces. Not all these events had official permission. There is thus room for LGBT activists to negotiate with law enforcement.

Common terms that LGBT activists use to describe LGBT public events are 'gentle' (*nhẹ nhàng*), 'fun' (*vui vẻ*) and 'peaceful' (*hòa bình*). LGBT leaders have found that because they are not challenging the political status quo, and thus do not pose a threat to power, and they use non-confrontational methods and tactics, they are more likely to be accepted.

It [LGBT rights movement] does not hurt anyone. It is different from demonstrations over the [Spratly] islands or land use. The islands are a sensitive issue because it is about the relationship between Vietnam and China. Land use protesters are also not welcome because their protests are related to the exclusive interests and benefits of some groups.

(Vietnam NGO representative)

¹² Agent Orange marches are mostly events held by the Vietnam Association of Victims of Agent Orange/Dioxin (VAVA).

The mobilisation of the LGBT community is very peaceful and does not serve any political party or the political position of a particular country. In Vietnam, the emotion, the social values are very powerful, even more powerful than the ruling party. We are not involved in a political fight but focus on emotion and social morality.
(Vietnam NGO representative)

LGBT individuals involved in campaigning for gender and sexual minority rights also emphasise that LGBT mobilisation is not politically sensitive, as is the case with many other issues.

In the north, discrimination toward LGBT is not strong. The dominant attitude is characterised by ignorance and indifference. People think this is not about my children; let others do the things they want to do. The public thinks this is just a children's activity, not a sensitive issue that affects their benefits and interests. But if this would be about the East Sea¹³ the topic would be too sensitive for them.
(Lesbian, 22 years old, Hanoi)

The police were following VietPride and did nothing. We did not threaten their benefits and interests, and we did not do something political. As we did nothing they let us do Pride. Talking about the East Sea is a different story and they would dissolve the crowd immediately. I think LGBT issues do not relate much to political issues.
(Lesbian, 32 years old, Hanoi)

Depoliticisation might reflect both a lack of political awareness toward sexual politics and a young emerging LGBT community. It could also be interpreted as a manifestation of a rational organisation strategy in a restrictive legal environment with regard to public assembly. Researchers observed this by looking at CSO network strategies (Wells-Dang, 2012.) Whatever its origins, this strategy has immediate benefits as it enhances the government's acceptance of the groups.

3.4 Freedom of expression, the internet and the media

Organisations such as Freedom House and Human Rights Watch have protested against the government's crackdown on Vietnamese bloggers who criticise the one-party state (Freedom House 2013; HRW 2014). LGBT bloggers and journalists, however, are not specifically targeted by the state. In actuality, civil society groups, including LGBT groups, are increasingly taking over and/or sharing roles previously held only by the state, such as media watchdog, educator and funder, often with international donor support. The Vietnamese media operate in a complex and shifting legal environment. Most news organisations are state-owned and controlled. Criticism of the government is muted. But news organisations that engage in investigative work are increasingly regarded as corruption-fighting tools of the state. The government and the media must find a balance between loyalty to the state and the editorial freedoms that are required for this role (McKinley 2008).

In recent years, the state's financial support for the media has shrunk, loosening the grip of the state on a professional group and opening up relations between the media and non-state actors.

The Vietnamese NGO, the Institute for Studies of Society, Economy and Environment (iSEE), for example, commissioned a review of more than 500 print and online articles that appeared between 2004 and 2008. During this period, there was an increase in the number of stories about homosexuality. But 41 per cent of the articles contained a negative attitude

¹³ Many nations, including the UK and the US, refer to this disputed region as the South China Sea.

toward members of the LGBT community (iSEE 2011). Based on the review, iSEE, a pioneering organisation working on LGBT rights, identified the media as an important partner in changing social norms and social attitudes.

Right from the beginning we decided that not law but media should be the target of our work. Media has an important role in orienting social attitudes, and the way that media reflected homosexuality and LGBT people was very wrong at that time. Meanwhile, laws in Vietnam are fine in general. They do not criminalise homosexuality.
(iSEE representative)

iSEE created partnerships with mass media channels and provided information to journalists on homosexuality and gender, and sexual identity. iSEE organised a collaboration of LGBT online forums and individuals in a programme entitled 'Building positive images of homosexual people'. The Centre for Innovative Media, Services and Studies on Sexuality (ICS) group, which was a major player in the programme, later became a key actor in the LGBT rights movement in Vietnam.¹⁴

Around the world, members of the LGBT community are using the internet as a means of connecting to peers (Itaborahy and Zhu 2013). Internet usage has grown exponentially since its arrival in Vietnam 15 years ago. Today an estimated 31 million Vietnamese – 35 per cent of the population – use the internet. Seventy per cent of those using the web use Facebook. With 16.1 million people going online each month, the Vietnamese are the largest users of the internet in Southeast Asia (ComScore 2013).

During the first ten years of internet development – when chat rooms and online forums were very popular – there were concerns that people would be exposed to illegal activity, particularly pornography. Families and schools called for restrictions on internet usage, especially with regard to online gaming and pornography sites. Many online forums, however, are highly regulated. An administrator plays the role of a moderator and keeps the conversation on topic. For members of the LGBT community, online forums are an important alternative to meeting in person.

Research shows that these online meeting places are the most frequently used channels for LGBT to locate peers and share concerns and interests (iSEE 2009a). LGBT online communities have tens of thousands of members each: www.taoxanh.net for gay men has 74,000 members; <http://bangaivn.net> for lesbian women has almost 19,000 members; and www.facebook.com/LesKing.com.vn, a forum for female-to-male transgenders, has 26,500 members.

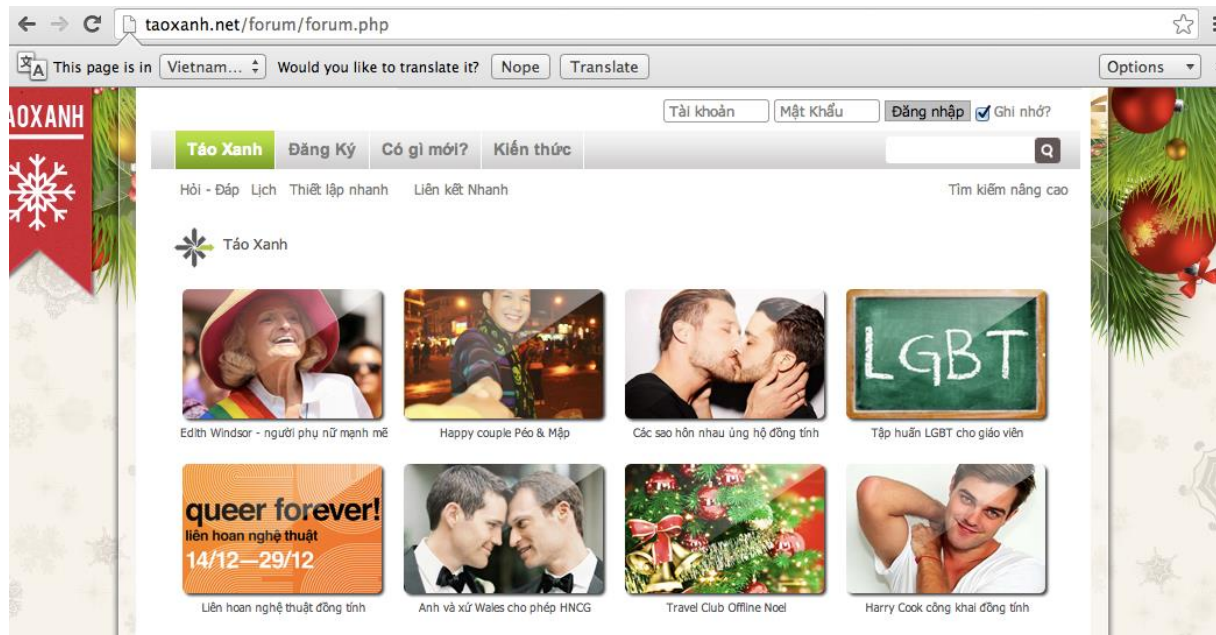
It is important in the Vietnamese context to distinguish between individual bloggers, individuals who express themselves on Facebook, and people who facilitate fora on the internet. Blogging and Facebook give individuals the opportunity to assert their own opinion, and disseminate their work, which was impossible when the only option was state-owned media ventures. Bloggers can function as political activists who are challenging the legitimacy of one-party rule in Vietnam (London 2013; Thayer 2009).

Government regulations appear to focus on controlling individual bloggers and Facebook users rather than managing apolitical online forums. Bloggers can be fined as much as US\$5,000 according to recent decrees. Decree 72 (2013) outlaws posting internet content that challenges the Vietnam government, national security, public order, customs and traditions, or national unity (SRV 2013). This doesn't seem to be having any discernible

¹⁴ ICS was formed in 2008 mainly by members of five online forums. In 2010, the ICS office was opened in Ho Chi Minh City. ICS has been largely responsible for activities in iSEE's programmes in the south in general and in Ho Chi Minh City in particular. ICS formally registered as an independent organisation in late 2013.

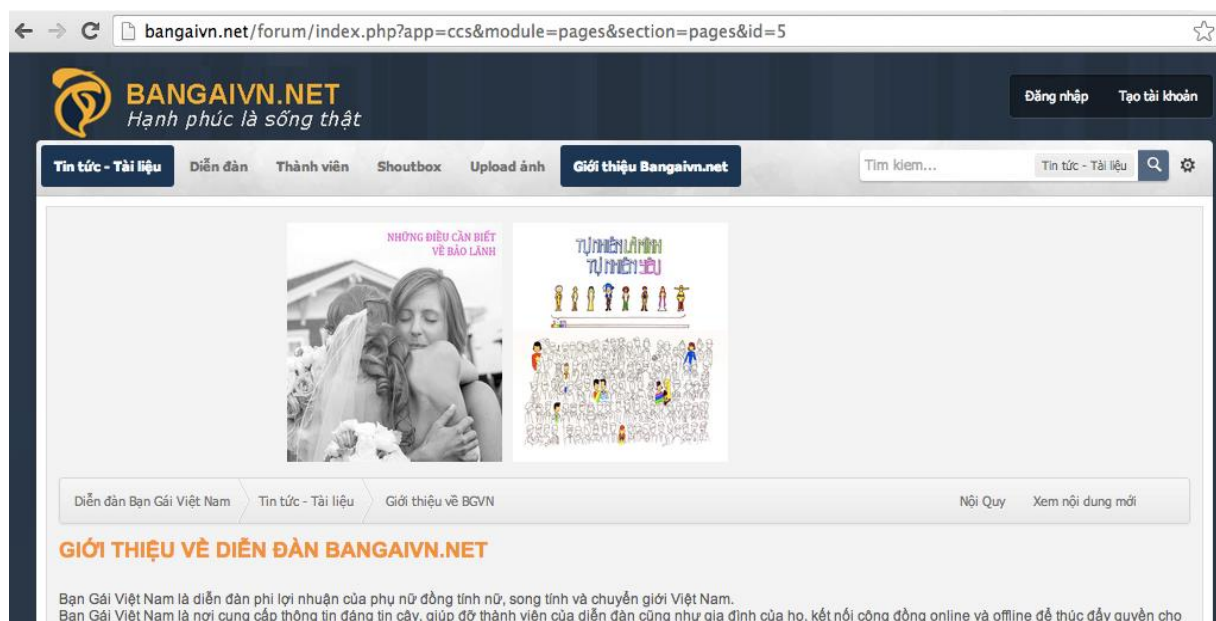
effect. Before the decree, state and security agencies targeted political bloggers they didn't like; after the decree, they have continued to do the same.

Figure 3.1 Printscreen of homepage of **taoxanh.net** – online forum for young gays in Vietnam



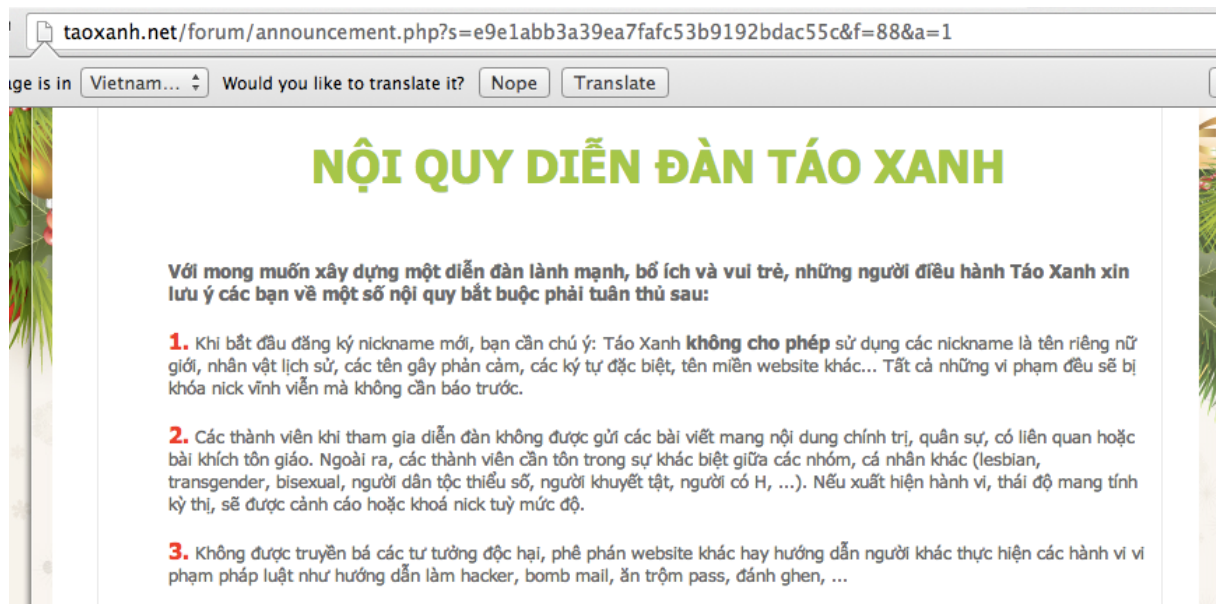
Source: Tauxanh.net (2013).

Figure 3.2 Printscreen of homepage of **bangaivn.net** – online forum for lesbians in Vietnam



Source: Bangaivn.net (2013).

Figure 3.3 Printscreen of forum regulations from taoxanh.net



Source: Tauxanh.net (2013).

Figure 3.4 Printscreen of forum regulations from bangaivn.net



Source: Bangaivn.net (2013).

Interviews with founders or administrators of LGBT online forums revealed that they are careful not to offend political sensibilities. Many online forums explicitly state that participants should not discuss politics and religion, and that they should follow Vietnam's laws.^{15,16} 'We are very clear that we do not want to discuss politics and religion. These are clearly written in the forum's regulations' (Administrator of an online forum).

Another participant, a 22-year old lesbian from Hanoi, noted: 'Forums like www.bangaivn.net work well. They provide opportunities for people to follow many topics, including literature,

¹⁵ <http://taoxanh.net/forum/announcement.php?s=e9e1abb3a39ea7fafc53b9192bdac55c&f=88&a=1>.

¹⁶ <http://bangaivn.net/forum/index.php?showtopic=80400>.

arts or chatting. There are anti-porn moderators to ensure that even if the police enter the forum they cannot find a reason to fine’.

3.5 Marriage and family laws

There is a long history of same-sex relations and same-sex marriage in Vietnam. During the Nguyen dynasty (1802–1945) a marriage between two eunuchs was permitted and witnessed by Vietnamese royalty (Ton 1991). There were no legal definitions of marriage until the first Vietnamese law on marriage and the family in 1959 (Vietnam National Assembly 1959).¹⁷ Today, same-sex couples can cohabit. Homosexual behaviour is not illegal, private same-sex wedding ceremonies are allowed but same-sex marriages are still illegal.

In 2000, the Marriage and Family Law was revised, and the new law specifically outlawed same-sex marriages. This law defines family and marriage and also gives a list of detailed obligations of couples to each other.^{18,19} It also outlaws sexual assault and sexual abuse of women and children. It obligates the husband and wife to implement the population and family planning policy. Article 10 was an addition to the earlier Law on Marriage and Family of 1986, which was a response to same-sex weddings that had received media attention. Following the new law the media were silent about same-sex marriage.

In 1997, the first public same-sex wedding was organised in a restaurant in Ho Chi Minh City with more than 100 guests. The wedding was not supported by the local authority but it was conducted without government interference, not because of its support but because there were no laws that allowed the police to punish the couple (website on Vietnam Gay Resources and Travel Tips, 7 April 1997, cited in Immigration and Refugee Board of Canada 1998²⁰). Similar situations were witnessed during gay weddings the following year.²¹ In March 1998, a lesbian couple had their wedding ceremony in Vinh Long province. Two months later, they ended their relationship after local authorities visited their home.

Though marriage was outlawed, wedding ceremonies between same-sex couples did continue, especially in Ho Chi Minh City. The following year, the ceremonies were also banned. A decree in 2001 stipulated that same-sex couples who hold a wedding ceremony could be fined 100,000–500,000 VND.²² Decree 38/2005/NĐ-CP on demonstrations leaves room for local authorities to decide whether or not to enforce the rule. Some authorities appeared to take little interest.²³ For example, on 4 December 2010, a female couple held a wedding in Hanoi. This attracted a considerable amount of attention because they posted a wedding invitation online and later posted their wedding photos. This couple did not experience any trouble from the local authority. Similarly a gay couple who had a ceremony in a luxury hotel in Ho Chi Minh City in 2011 were not fined.

In contrast, two same-sex weddings in southern Vietnam in 2012 were stopped and the couples were fined by local authorities. The female couple fled their home to avoid public scrutiny. They were pursued by authorities, who checked with local hotels and guesthouses, but it is not clear why or what the authorities planned to do with the couple.

¹⁷ Until that law polygamy was not illegal.

¹⁸ Article 1 of the Law on Marriage and Families (2000): ‘The Marriage and Family Law has the mission to contribute to building, perfecting and protecting the progressive marriage and family regime, formulate legal standards for the conduct of family members; protect the legitimate rights and interests of family members; inherit and promote the fine ethical traditions of the Vietnamese families in order to build prosperous, equal, progressive, happy and lasting families’.

¹⁹ Articles 1, 3 and 4, for example, specify these rights.

²⁰ www.refworld.org/docid/3ae6ad8f18.html.

²¹ www.refworld.org/docid/3ae6ad8f18.html.

²² Today 500,000 VND equals GBP£14.50.

²³ <http://giaoduc.net.vn/Xa-hoi/Vu-phat-dam-cuoi-dong-tinh-Luat-cam-ket-hon-khong-cam-dam-cuoi/172637.gd>.

The implementation of the law has not been consistent, according to LGBT community reports:

It is interesting that weddings in Hanoi and Saigon happened in peace and were not interrupted, while weddings in provinces were banned. Basically, the authorities did not understand the law, and the people who were fined also did not know the law and paid the fine. In Ho Chi Minh City and Hanoi, people are more knowledgeable, and that is why we rarely hear about banning same-sex weddings. Law dissemination in provinces is weak and 'the king's edict stops at the village gates' (Phép vua thua lệ làng) so local authorities could order people to obey any rule.
(Gay man from focus group, 25 years old)

There are so many laws and legal documents in Vietnam that even people in the local government could not remember well. They act based on their personal understanding and attitudes.
(Gay man from focus group in Ho Chi Minh City)

The fines are a relatively small amount (under US\$25) but they have important emotional and symbolic value for the LGBT community. These events were widely covered by the Vietnamese media. Opponents argued that the administrative fine was unjustly applied to wedding ceremonies, which are private affairs and are different from state-sanctioned, registered marriages. On 24 September 2012, the government issued a new decree stating same-sex weddings are not subject to administrative fines.²⁴

According to the revised draft law, same-sex couples can cohabit and have wedding ceremonies, but they are not considered a family. A family is defined in the Family and Marriage Law as 'a cohort of people who live together because of marriage relationship, kinship or nurturing relationship that creates responsibilities and interests to each other in accordance with this Law' (Vietnam National Assembly 2000).

For some lawmakers, marriage is linked to reproduction:

Marriage is the establishment of a husband and wife relationship between a man and a woman, and thus cohabitation between same-sex people is not relevant to social ethic, culture and tradition of Vietnamese family and does not ensure the function of family in maintaining the family line.
(Nong Thi Lam, National Assembly Deputy,²⁵ November 2013)

There appears to be confusion among policymakers about the differences between homosexuals, transgenders and transsexuals.

According to me, we should allow homosexual people to change their sex according to their wish and their actual gender. They can make administrative change such as sex and name accordingly after the Medical Council confirms their sex. The current Civil Code in 2005 only allows sex reassignment but not sex change. Thus, I would like to keep the law as it is now.
(Le Van Hoang, National Assembly Deputy,²⁶ November 2013)

Since same-sex couples are not seen as a family, they are not protected by laws that apply to family units, such as the laws on joint assets, child custody or domestic violence prevention.^{27,28}

²⁴ Decree 110/2013/NĐ-CP on administrative fines regarding marriage and the family and several other issues.

²⁵ <http://giaoduc.net.vn/Xa-hoi/Hon-nhan-dong-tinh-van-la-chuyen-nhay-cam/326923.gd>.

²⁶ <http://giaoduc.net.vn/Xa-hoi/Hon-nhan-dong-tinh-van-la-chuyen-nhay-cam/326923.gd>.

Current laws regarding family and marriage are confusing and inconsistent, which leaves room for interpretation and negotiation. We've seen that social norms and values about sexuality can influence selective enforcement.

²⁷ www.bbc.co.uk/vietnamese/vietnam/2012/05/120528_gay_wedding_hatien.shtml.

²⁸ <http://giaoduc.net.vn/Xa-hoi/Bo-Tu-phap-khong-thua-nhan-ket-hon-cua-nguoi-dong-gioi/309153.gd>.

4 Social stigma and discrimination

Men in Vietnam who identify themselves as transgender and/or engage in same-sex sex relationships, experience a high level of stigma and discrimination (Hoang and Nguyen 2012; Hoang, Dinh and Nguyen 2011; iSEE 2009a, 2010b, 2012). Discrimination comes in many forms. Men who reveal they are gay have lost their jobs and friends; they are subjected to physical violence; and they are sometimes forced to undergo ‘treatment’ to cure them of homosexuality (CCIHP 2013; Hoang, Dinh and Nguyen 2011; iSEE 2009b). Research shows that young homosexual and transgender people who are bullied in school suffer higher rates of depression and suicide (Hoang and Nguyen 2012). Coming out has benefits and risks.

We gain more than we have lost by being open but this does not mean that we have not lost or made sacrifices. My son was interviewed at one event and his photo was posted in a newspaper. He had interviewed for a job and had already been accepted but when the company recognised his photo in the newspaper they refused to hire him.

(Parents, Friends and Family of Lesbians and Gays (PFLAG) representative)

Lesbian women also face serious stigma. Some report being victims of physical and sexual violence, such as ‘curative rape’ (CSAGA 2010; iSEE 2010a). Most homosexuals and lesbians therefore hide their sexual preferences and identity (Blanc 2005; Institute for Social Development Studies 2004).

For transgender people, hiding is more difficult. There are some male-to-female transgender performers in clubs and restaurants in the larger cities but ostracism is common. Male-to-female transgender people are under particular risk of violence and other forms of discrimination because they appear to be effeminate men (Hoang, Dinh, and Nguyen 2011; iSEE 2012; Ton, Nguyen and Nguyen 2009). Effeminate men are considered to be a violation of gender roles and norms.



Quynh Tram is a male-to-female transsexual teacher. She is the first and only person to be recognised by the state as a transgender.

As the representative of their family, their kin (*họ hàng*) and their country, men in Vietnam are bestowed with responsibilities of honour (*danh du*) and morality (*đạo đức*) (Rydstrøm 2002, 2012). Getting married (to a woman) and having children (a son) to continue the family line are the highest duties of a man toward his parents and to his kin (Oosterhoff *et al.*

2008b; UNFPA 2011). Gay men who are also the eldest and/or only son thus face particular gendered duties and burdens. A failure to comply does not only affect them but also their entire family, who may be socially ostracised.

Women are also under pressure from duties and responsibilities as mothers and caregivers. But *thiên chức*, the 'sacred motherhood mandate' also provides women with privileges. This mandate is supported in national policies designed to protect this role and support women as wives and mothers through policy benefits, such as maternity leave, which are not available to men (SRV 1984, 2002). LGBT people and their families have to navigate these social and familial gendered roles, norms and duties.

Parents of LGBT have to deal with their own fears of aging and being without grandchildren, as well as the stigma of having a gay child. Clubs for parents of LGBT children can help to provide social protection against such pressure and stigma.

I have only one son, and he is in this situation of being gay. Given this situation I may not have grandchildren later. Many people asked me if I would be sad if that is the case, and how will I manage to live alone as I will get old. I think I would be happy to move into a good nursing home if that is available. I just hope that my son will remember to pay the nursing fee for me.

(Parent of gay son)

Many parents supporting their LGBT children counter traditional social pressure by emphasising their modern non-feudal views.

Since feudal society, the common perception was that we must have children to continue a family's tree. I think that the idea to have children in order to have someone who will be taking care of you when you are getting old is selfish. Happiness of children should be the most important thing for us as parents.

(Parent of gay son)

They also believe that their children have the same rights as other Vietnamese children, are members of Vietnamese families, and should be protected by existing family laws and decrees in Vietnam.

I think that same-sex couples who have wedding ceremonies mostly desire equality with heterosexual couples in terms of love and marriage. Why can others have wedding ceremonies but they cannot? It comes from true love. It is a popular perception in the society that LGBT relationships do not last. I think they want to have these wedding ceremonies partly because they want to show to society that their relationships are long-term.

(Parent of gay son)

In sum, we can conclude that the formal legal opportunities for LGBT activism and association may still be limited. However, whether a protest is suppressed or tolerated (or even encouraged) depends on the political sensitivity of the subject, on the identity and number of the protesters and on the methods and tactics selected. There are large, thriving and legal online LGBT communities. LGBT issues are not perceived as politically sensitive; activists are young, urban, educated and are respectful and non-confrontational towards authorities. There is also evidence that social norms and attitudes regarding homosexuality are changing. This change appears to be happening faster or/and more publicly in major cities. Some people who know an LGBT person, such as a family member, are more likely to be understanding and accepting, while those who do not may still be confused about the issues.

5 Case studies

The following case studies illustrate how LGBT civil society groups are engaging with the law in an effort to be acknowledged as equal citizens in a more diverse Vietnam.

5.1 VietPride

The first VietPride events were held over a long weekend in August 2012 in Hanoi. They included a Pride Night, followed by a Pride Day and a Cycle with Pride event.

Pride Night and Pride Day were held at the Goethe Institute. The cultural organisation is owned by the German embassy so it is a relatively open location. Representatives from the Goethe Institute and UN Women delivered keynote speeches. There was a film screening and discussion, presentation of research on lesbians in Vietnam, and a presentation by LGBT groups on their activities. Cycle with Pride was held on the morning of 5 August, starting in Mỹ Đình stadium and ending in Bach Thao Park (Hanoi Botanical Garden). The initial route was to the centre of Hanoi (Hoan Kiem Lake) but the VietPride team received a call from the Ministry of Public Security, which advised them to avoid this route. The slogan used in the parade was 'Proud to be different' (*Tự hào là chính mình*). About 350 people attended the in-house events and 150 people joined Cycle with Pride on bicycles and motorbikes.²⁹

Figure 5.1 Viet Pride 2013 bicycle rally, Hanoi



Source: www.vietpride.info. Photographer: © Jiri Pasz, 2014

The event was organised by the VietPride team, which was led by a 26-year-old Vietnamese studying in the United States on a Fulbright scholarship. She was back in Vietnam as a

²⁹ www.vietpride.info/#viet-pride-2012/c1mhs.

volunteer at the Center for Studies and Applied Sciences in Gender, Family, Women and Adolescents (CSAGA). Inspired by the international LGBT Pride movement, especially the Pride in Sweden activities that she had been part of in 2011, she wanted to organise VietPride to link the LGBT movement in Vietnam to the international movement. CSAGA, the host organisation of the leader,³⁰ gave her their support. The group's initial idea was to have a film festival at the Goethe Institute. However, the plan was criticised as it would essentially be a Pride event behind closed doors. Cycle with Pride was then added.

The VietPride budget was small, the timeline was short and there was only a four-person team. The group had 2.5 months to prepare, US\$2,500 total in cash support from the Swedish and Canadian embassies, and only ten volunteers. The team was effective in mobilising support through personal connections. This reflected the fact that team members had a long history of working in international and national development. Among the groups that provided support were the Goethe Institute, Youth Motivation Group (YMG), Information Connecting and Sharing (ICS), the Institute for Studies of Society, Economy and Environment (iSEE), and the Centre for Creative Initiatives in Health and Population (CCIHP). The private sector, including international businesses such as Lebox Produktion and Hearst Entertainment (both media companies), also supported the emerging movement.

According to the organiser, the host institute, CSAGA, was not fully aware of the significance of this event, and how much attention it would attract.

LGBT Pride has a long history and is very much recognised internationally. However, I think that when I first proposed this to CSAGA, they were not aware of this. They may be too busy at that time. Thus, they told me that because screening a film would not cost much so if I could get the space to do that I could go ahead. They only knew the importance of the event when media including big media agencies covered the event and local authorities called to inquire about it.
(Nguyen Thanh Tam, VietPride organiser)

Local authorities demanded and were given explanations about VietPride and its purpose, but formal approval for the Cycle with Pride was not given. However, the event passed peacefully without disruptions from the police. Only when the crowd finished the ride and stopped in front of Bach Thao Park, raising banners and rainbow flags while shouting their slogans, did the police use a loudspeaker and ask them to disband. The event was widely covered by the international and national media, including *Voice of Vietnam*, *Youth Newspaper*, *Women's Newspaper* and the *Law Newspaper*. Several featured the words 'first gay pride' in their headlines.³¹ Most of the media coverage was very positive about breaking the silence on homosexuality. They offered personal stories of participants, such as a student in HCMC who spent all her savings to travel to Hanoi to join the event. This student had been in a two-year relationship with her girlfriend and had not dared to come out to her family. 'This is the first time I admit in front of a stranger that I am homosexual. But I feel comforted and confident,' she told a reporter.³² Others said that they participated in the event because they wanted the public to better understand homosexual people.³³

VietPride 2013 was larger in scale. The planning started in May 2013 at the LGBT national conference. ICS provided technical support for the local event. The group also provided materials such as rainbow flags, posters, ribbons and armbands. VietPride events took place in 12 provinces (Hanoi, HCMC and ten towns across the country) with different

³⁰ According to regulations in Vietnam, approval for organising public events should be given by a registered organisation.

³¹ <http://vietpride2012.weebly.com/media--baacuteo-chiacute.html>.

³² <http://phunuonline.com.vn/gia-dinh/all/ngay-hoi-dong-tinh-dau-tien-tai-viet-nam-vi-mot-the-gioi-khong-phan-biet-gioi-tinh/a70850.html>.

³³ <http://tuoitre.vn/Nhip-song-tre/505245/Dieu-hanh-ung-ho-khong-phan-biet-gioi-tinh.html#ad-image-0>.

organisations/groups leading the events in each province. This diversity in leadership was regarded as a positive development for the movement.³⁴

Pride events in Hanoi were held from 2–4 August 2013 with the theme, ‘Strive with Pride’ (*Bước ra ánh sáng*). They were led by the VietPride group in collaboration with other organisations (Goethe Institute, Safe Living – which promotes safe sex, and various LGBT groups).³⁵ Private sector companies such as Vietsmile, a social enterprise, again supported the LGBT activists, demonstrating the growing complexity and independence of the civil society sector. The format was similar to VietPride 2012, with two new components: an equality employment campaign and a ‘Strive with Pride’ scholarship. About 250 people joined the bicycle rally and about 600 people attended the in-house event. The VietPride director said that the paperwork for VietPride 2013 was more complicated than for the event in 2012. They needed to submit documents for approval for the event at the Goethe Institute, which they did not have to do in 2012. The events in Hanoi were aired on Vietnam’s national television channels, VTV4, VTV6 and VTV9. Again they could not get approval for the bicycle rally but it went ahead anyway. The procession was peaceful. At the end of the parade, the police politely asked them to disperse.

Organisers of public events understood they might be seen as politically controversial and were careful to avoid conflicts with the authorities. ‘We are afraid that some people may misrepresent our events as political activities,’ said Nguyen Thanh Tam, a VietPride organiser. ‘We had to protect ourselves from that. We did not have big banners or posters. We did not shout on the way’. Another parade participant and VNGO staff member said, ‘We have to make sure that we are safe before we can do anything’.

We did everything low key. We did not make big slogans. The slogan was just about love, such as ‘Love is love’ and was printed on a small board. We also used a small rainbow flag even though we have a very big one. We told people that you should not shout, but sometimes because they were so excited they shouted, but just words like ‘LGBT’, but that’s all.
(ICS staff member)

Through formal and informal communications with city officials, public event organisers know where to draw the line. VietPride organisers adjusted their activities accordingly. ‘One person called me and said you should tell the group that they better not go to the city centre,’ said a staff member of a Vietnamese NGO. ‘I discussed this with the group and we decided to take a new route’.

It was no problem when we were cycling. However, when we stopped, some policemen came and asked us to disperse. We had already prepared for this situation in advance. We arranged ourselves as several groups so when we dispersed we did it group by group. This helped prolong our time at the venue and also showed we were well organised.
(VietPride parade participant and LGBT activist)

The pride parade in Ho Chi Minh City was organised by ICS with nearly 1,000 people walking together in the street.³⁶ Most of the participants were from HCMC. The event’s slogan was ‘Share the Pride’ (*Niềm tự hào lan tỏa*). At first, organisers only planned to walk around the Culture and Labour House (*Nhà văn hoá lao động*), a venue owned and run by the state, which the organisers had rented. As the crowd grew and their confidence increased, they decided to march to important political and symbolic public places in HCMC, such as the Ben

³⁴ http://media.wix.com/ugd/df509d_a3d5b791200a706fd2477af374360674.pdf.

³⁵ YMG and Connecting and Sexual Diversity, also known as 6+.

³⁶ www.facebook.com/notes/trung-t%C3%A2m-ics/t%E1%BB%95ng-k%E1%BA%BFt-s%E1%BB%B1-ki%E1%BB%87n-vietpride-2013-thphcm-ni%E1%BB%81m-t%E1%BB%B1-h%C3%A0o-lan-to%E1%BA%A3/564777996916356.

Thanh Market and the Independence Palace. 'We did not meet any trouble on the way even though we did cause a traffic jam', said one of the VietPride organisers in Ho Chi Minh City.

Several guards at the parks along the route stopped the marchers and asked them questions about their identity and purpose. Members of the group explained that they were participants in an event at the Culture and Labour House, and they were out for a short walk. ICS, the local organisers, did not have legal status at that time but they produced a paper showing their affiliation with iSEE, which was registered, and they were allowed to pass. The event was covered in the local and national media.³⁷



VietPride 2013 on street in Hochiminh city. *Photographer:* © ICS, 2013

VietPride events were organised in ten other provinces by local groups and included a range of activities, reflecting differences in budgets and interests.³⁸ In Haiphong, Da Nang, Can Tho and Nha Trang, young people organised flashmob performances related to pride that attracted a few hundred participants. Flashmobs, which often perform a dance and then quickly disperse, are often organised via the internet or by using mobile phones. In Thanh Hoa and Tien Giang, young people organised cycle rallies. In Quy Nhon, Ben Tre and Vung Tau, internet forum participants met face-to-face in offline meetings.

Respondents spoke about the importance of publicly supporting LGBT rights and the value of participating in collective action. 'When involved in Pride activities, we feel more confident and stronger', said an administrator of an online LGBT forum. 'These activities are very much common internationally but are new for Vietnam. When we were in the group we were not

³⁷ <http://phapluattp.vn/20130825110614758p0c1021/lan-dau-tien-tphcm-to-chuc-viet-pride.htm>.

³⁸ www.fridae.asia/newsfeatures/2013/08/20/12405.vietpride-2013-to-hit-12-cities-countrywide-in-august.

afraid, as we knew there were many other people who stood together’. One mother, who was a member of a parents’ support group, said: ‘When we are involved in collective activities, we can live truthfully. We are not afraid of being judged by other people. When we step in a crowd, we are not scared of meeting someone who can comment on our homosexual child’.

These VietPride events attracted global attention but they were not the only efforts to take place. Several authorised LGBT events were organised in 2012 and 2013 by different organisations and groups to promote LGBT rights and same-sex marriage. In the summer of 2012, a woman bicycled across the country carrying a large rainbow flag to promote the rights of LGBT people.³⁹



Vu Thi Kieu Oanh with the rainbow flag cycles across Vietnam to support LGBT rights. *Photographer:* © ICS, 2013

In August 2012, about 1000 young LGBT people gathered at Anh Sao Bridge (District 7, HCMC). This marked the largest public gathering of LGBT people in Vietnam at the time. The event was organised by sexual minority youth groups from HCMC.

On 23 September 2012, two ‘Love is Love’ flashmobs happened simultaneously in Hanoi and HCMC to highlight youth support for same-sex relationships. About 1,000 people participated in the event at the Labour and Culture House in Ho Chi Minh City and about 800 people joined the event at the Indochina Mall in Hanoi.⁴⁰ With so many events, some participants worried about the risk of overexposure or VietPride fatigue. A lesbian from Hanoi commented: ‘In 2012 Pride, we felt like we were in a festival – for the first time we did such a thing with one another. In 2013, we had many events: flashmob, wedding rally (‘Love is to Marry’). The high frequency of public events made us less enthusiastic about Pride’.

³⁹ www.nguoiduatin.vn/co-gai-cau-vong-voi-giac-mo-cho-nguoi-dong-tinh-a103137.html.

⁴⁰ <http://on.fb.me/1f2FjKG> (Sài Gòn và Hà Nội).



'Hand in hand' event in Hochiminh city, August 2012. *Photographer:* © ICS, 2013



'Love is love' flashmob in Hanoi, 23 September 2012. *Photographer:* © ICS, 2012

Most LGBT public events organised in Vietnam obtain some kind of authorisation. However, event organisers usually do not go directly through the approval process stipulated by 38/2005/NĐ-CP. Instead they carry out their activities legally through the legal status of a third party, which in most cases is the organisation in charge of the venue. Using this approach, they do not have to engage directly with the local authorities. ‘We had an offline [gathering] with 300 people in a café,’ said the administrator of an online LGBT forum. ‘We did not have to ask for permission, as it is the responsibility of the cafe owner’.

The legal regulations in Vietnam seem restrictive but they also have ‘gaps’ which we use to do our work. To get approval for public activities can be difficult. However, each venue often has its own authority. One time, we wanted to do our event in the front yard of the venue, a place where other big companies often have their activities. However, the venue manager told us that if you want to do the event in the front yard, you have to ask for permission from the local authority. However, if you do the event in the back yard, we can sponsor your activity within our authority.
(ICS representative and VietPride event organiser)

In sum, young LGBT people have been able to create a space to express themselves through broad coalitions that include the private sector, international organisations, research institutes and VNGOs, many of which have emerged since *doi moi*. LGBT activists were able to legally and illegally organise various forms of public assembly, including processions on foot and bike, flashmobs and face-to-face meetings. Sometimes they negotiated passage directly with the police and sometimes they avoided such direct contact by working through a third, private partner. They distanced themselves from controversial political subjects.

5.2 Mobilising for same-sex marriage

In May 2012, the Ministry of Justice (MOJ) proposed to revise the Marriage and Family Law in which Clause 5, Article 10, explicitly bans same-sex marriage. It sent an official letter, 3460/BTP-PLDSL, to all relevant government agencies, asking for opinions about revising the law. The document was also sent to the United Nations Development Programme (UNDP), which works to bring Vietnam’s laws up to international standards. Because same-sex marriages are not legal, the state has no way to deal with property disputes between gay couples living together or to make decisions about the custody of children of same-sex partners.^{41,42} The dilemma of respecting human rights and traditional culture was raised in document 3460/BTP-PLDSL, as follows: ‘From the perspective of individual rights, marriage between people of the same sex should be recognised but it was too early due to Vietnamese cultural perspectives, social sensitivity and the social consequences’.

UNDP, after consultation with iSEE, asked MOJ if community service organisations could provide input. The Ministry of Justice agreed. This invitation to revise the law and accept input from VNGOs stunned many. Members of iSEE and ICS believed they wouldn’t see any movement for more than a decade. One ICS representative said: ‘In the strategic planning meeting at iSEE and ICS, we set the goal to advocate for the reviewing of the Marriage and Family Law in 2020 and revising the law in 2030’.

Recognising the value of this opportunity to mobilise attention for LGBT issues, iSEE informed the press about the consultation. They called meetings with other organisations working on LGBT rights, such as CCIHP, CSAGA and ISDS, to discuss how they could best

⁴¹ <http://vov.vn/Home/Bo-Tu-phap-trung-cau-cong-nhan-hon-nhan-dong-tinh/20127/216016.vov>.

⁴² The courts actually have to deal with disputes about property between couples of same sex but there is no legal basis to solve. Laws in many countries already have regulations about legal consequences of this cohabitation’ (Vietnam Ministry of Justice 2012).

use this opportunity.⁴³ These organisations all support LGBT people but they are not all LGBT activists. Some are research organisations working on broader sexual and reproductive health rights and gender issues. The purpose of this coalition was to remove Item 5 in Article 10 of the Marriage and Family Law.

Three strategies were identified during these coalition meetings:

- Reach out to the Ministry of Justice team that is in charge of drafting the revised law to provide them with information and relevant expertise;
- Provide correct information on the LGBT community and on the different forms of same-sex marriages and cohabitation; and
- Increase the visibility of members of the LGBT community.

iSEE worked closely with UNDP to gain access to the MOJ team. MOJ invited a number of organisations, including iSEE and the Women's Union to discuss how civil society consultation could take place.

The first meetings with MOJ were very open and informal. MOJ asked what civil society groups like iSEE could do. iSEE informed them that there were tens of thousands of LGBT people online who could be contacted for such a consultation. MOJ did not know this as they were unfamiliar with these groups and were very open to collaborate and get input from the communities. The topic was new and not yet controversial, and the representatives from the state were junior. Perhaps this is why they agreed quickly.

(UNDP policy advisor)

For the organisations in the coalition, the opportunity to consult on the law was an opportunity to raise awareness on LGBT rights, not just among the LGBT experts but also among research institutes and members of online forums and their organisations working on advocacy for gender, children and women's rights.

It is important for people to see that this is a human rights issue and it concerns everyone... We should show that the information [on LGBT] is from a scientific perspective, provided by formal research institutes.

(LGBT same-sex marriage activist)

The coalition was broad and reached out to both online and offline LGBT community members. It also had a clear division of tasks and leadership. In one coalition meeting, the group decided that iSEE would take the lead in the LGBT community mobilisation and advocacy initiative, as it was a well-connected pioneering organisation. Organisations working with other target groups would provide these groups with information, promote public discussions and support linkages with iSEE.

This approach linked the LGBT rights movement with a broader framework on sexual rights of other marginalised groups, such as young people, people living with HIV, people living with disabilities, migrant workers and sex workers (Sexual Rights Alliance 2012, 2013). The coalition also discussed a timeline and set benchmarks, such as the dates of two National Assembly meetings in 2013.

⁴³ Tu-Anh Hoang represented CCIHP and the Sexual Rights Alliance (SRH). She participated in these meetings and took note of the proceedings.

Within this ideological framework, the coalition implemented a series of independent but linked activities including:

- Organising public events such as assemblies and flashmobs in 2012 and 2013. This included photography exhibitions on LGBT relationships (the Pink Choice exhibit in November 2012; the Open-Equal-Love exhibit in December 2012);
- Arranging a forum on homophobic violence (*Sống ngoài vùng phủ sóng*) in October 2012 at the National Conference on Domestic Violence; and
- Actively partnering with MOJ, with support from UNDP, to organise the first workshop on international experiences in same-sex marriages in December 2012.

By the end of 2012, support for same-sex marriage gained enough momentum to discuss not whether but how same-sex relations would be legalised. 'Now it is no longer the issue of forbidden or not forbidden but which form of same-sex union will be accepted by the law,' said one LGBT activist and iSEE member.

In early 2013, the government announced that, due to the complexity of the issues, a review of the Marriage and Family Law would be delayed. Originally the review was to take place during the National Assembly meeting in May 2013. It was scheduled for a vote in October 2013. The review was delayed to 2014. The delay does offer several advantages for LGBT activists and NGOs. In an interview with the BBC, the iSEE director said:

Regarding same-sex marriage, I think that it is an advantage to postpone the review one year. This will give time for LGBT people and organisations working on LGBT rights to do more research and advocacy to change public awareness... It is important that lawmakers have more information on same-sex marriage, and I believe that when we can do that there will be many people supporting the equal right of marriage of homosexual people in Vietnam.

(Le Quang Binh, iSEE director, in an interview with the BBC on 21 February 2013)⁴⁴

Following the postponement, LGBT activists organised a wedding campaign to educate the public about same-sex marriage. On 17 May, the International Day Against Homophobia, ICS held wedding performances in Ly Thai To Park in Hanoi. Actors played the roles of same-sex couples picking out dresses and rings, as well as getting married.

In an effort to engage with Vietnamese authorities, iSEE and the Institute for Legislative Study (*Vien Nghien cuu Lap Phap*) – an agency under the National Assembly Standing Committee, co-chaired a dialogue between members of the LGBT community and representatives of the National Assembly in HCMC on 27 July 2013. The meeting was entitled: 'Homosexual, bisexual and transgender people (LGBT): Legal regulations and community perspectives' (*Người đồng tính, song tính và chuyển giới (LGBT): Những quy định pháp luật và quan điểm cộng đồng*).⁴⁵ Between July and October 2013, UNDP and UN Women also organised several consultation workshops on the revised law with the participation of many CSOs.

In July 2013, the Ministry of Justice presented a draft of the revised law to the prime minister. A representative from the drafting team declared on VTV1 state television that the new phrasing of the law was a great step forward. But when LGBT groups and supporting organisations saw the draft they were disappointed. The draft removed the prohibition

⁴⁴ www.bbc.co.uk/vietnamese/Vietnam/2013/02/130221_hon_nhan_dong_tinh_vietnam.shtml.

⁴⁵ <http://iSEE.org.vn/vi/Blog/Article/doi-thoai-cung-dai-bieu-quoc-hoi-tai-tphcm-hay-lam-cho-thay-doi-den-nhanh-hon>.

against same-sex marriages but it did not legalise them.⁴⁶ The amended law did clarify, however, that private wedding ceremonies are different from state-sanctioned marriages (Office of Government, July 2013). The revision gave a same-sex cohabiting couple the same status as a heterosexual couple.

When the Ministry of Justice issued the draft law, it was a call to action for many same-sex activists. They wanted to be prepared for the National Assembly meeting in November 2013, where a draft of the revised Law on Marriage and Family would be formally reviewed for approval.

In October 2013, the ICS launched the 'I Do' campaign in which online discussions on same-sex marriage were linked to offline activities. The 'I Do' page on Facebook received 70,000 'likes' in one month, which indicated its popularity. Seizing upon this, 'I Do' events were organised in many provinces by a diverse group of people.

'It was a mix of people,' said an LGBT leader working with a VNGO. 'Some had already been involved in LGBT groups or in HIV-related MSM groups. Others were new people who wanted to get involved in this issue based on online contacts and information'.

These events helped to forge new relationships between groups.

I was not involved in organising anything in the VietPride 2013. However, in the 'I Do' campaign in October, I was invited to participate in the event in Pho Yen district in Thai Nguyen province. I was very surprised and impressed with the event. There were about 50 LGBT youth that participated. They were all young but very brave. They formed the words 'I do' in a big intersection in the town centre. I was very busy at that time but they convinced me to join them in the event and to give information on sexuality, sexual orientation and HIV prevention. I also asked people from the district HIV/AIDS committee to participate in the event. They knew nothing about it. They were also very surprised because they had never thought that there were so many LGBT people in the district. They want to work with the group in the future. I think this is a good opportunity for both of them.

(MSM network representative, Hanoi)

The campaign for the legalisation of same-sex marriage brought many organisations together on LGBT rights. However, members of the LGBT community have different needs and priorities. Some members of transgender groups, for example, believe that their needs are largely ignored by LGBT organisations.

We are not interested in legalising same-sex marriage. As transgender people, we do not expect that we can have a long-term marriage. However, our primary concerns are jobs and sex changes. We cannot get good jobs because we dress and appear differently from the information on our identity card. Every day, some of us are dying because of sex change procedures. However, no one cares about these needs.

(Member of transgender group)

Just before the National Assembly meeting, six research and social institutes⁴⁷ and over 30 organisations called for the legalisation of same-sex marriage in an open letter to the National Assembly. Members of the LGBT community and their families also sent letters. Some of the letters were read out aloud at a meeting in Hanoi.

⁴⁶ 1. The State shall not recognise marriage relations between people of the same sex. 2. The relationship of living together as husband and wife between people of the same sex shall be dealt with in accordance with the provisions in Point 1, Article 17a, Article 17b and Article 17c of this Law' (Office of Government 2013).

⁴⁷ CCIHP, CGFED, CSAGA, ICS, ISDS and iSEE.

Vietnam is a very family-oriented society. Many societies are, but maybe in Vietnam family seems even more important. LGBT and their relatives have therefore put a lot of emphasis on the fact that they are part of a family and that they want to be seen as a family and have the same rights as other families. Rather than questioning the family, they have reinforced its importance and this I believe has helped their credibility and acceptance.

(UN policy expert)

Despite the broad public support, the legislators failed to reach a consensus during the November 2013 meeting. But the National Assembly had issued a new decree, 110/2013/NĐCP, in September, which legalised wedding ceremonies. In Article 48, same-sex weddings are no longer listed in the actions that violate the Marriage and Family Law.⁴⁸ iSEE called the issuance of the decree a small step ahead in a long journey (iSEE 2013).

The MOJ in contrast recently stressed the legal necessity to accept the reality of same-sex relationships in contemporary Vietnam. During a meeting hosted by the Ministry of Justice on 29 November 2013, to review the revised Marriage and Family Law, Mr Hoang The Lien, the vice minister of the MOJ, stated that same-sex marriages cannot be banned and the government cannot use administrative measures to interfere with the lives of same-sex couples.⁴⁹

Because of the groundswell of support, many CSOs working on LGBT issues are quite positive about the next National Assembly meeting in 2014 (Manh Hai 2013).

At last, the LGBT community in Vietnam has created amazing change in a short time. They still have six months to gather public support. Experience shows that the more we discuss the more supportive people become. The LGBT community should believe in the saying, 'everything is possible'.

(LGBT activist and member of a VNGO)

Despite several promising developments, in December 2013 there appeared to be some setbacks. Several groups had planned a day of actions called 'I Live Free' (*Toi Tu Do*) and a roundtable on the 'Understanding of Human Rights' on the run-up to International Human Rights Day, which was on December 10. The events were cancelled without explanation, though they were later rescheduled. The press was silent. Had the LGBT groups crossed a line? Yet on 9 December 2013, iSEE and ICS successfully organised the event 'Toward Freedom' (*Buoc toi tu do*), which celebrated the emergence of the LGBT community and the formal establishment of ICS as an independent registered organisation. This illustrates that the day-to-day engagements of LGBT groups with the state are rather unpredictable, and that they must navigate the legal environment as they go.

Some observers believe that trying to legalise same-sex marriage is not a realistic goal. But it is a strategic way to inform the public and strengthen the LGBT movement. One international policy advisor from the UN noted: 'This discussion on the revision of the law has certainly generated awareness on the problems that same-sex couples face when they separate. Perhaps asking for the word marriage is just one step too far'.

In consultation with lawyers, activists campaigned in the media against the negative reactions of local authorities to same-sex weddings that were held in Ca Mau, Ha Tien and Binh Duong provinces in 2012. This campaign may have contributed to the issuance of Decree 110/2013/NĐCP in September 2013, which legalises wedding ceremonies.

⁴⁸ Same-sex marriage was listed in Decree 87/2001/NĐ-CP as one action that violates the law and is subject to a fine of 100,000–500,000 VND (or US\$4.7–23.5).

⁴⁹ www.moj.gov.vn/ct/tintuc/Pages/hoat-dong-cua-Bo-Tu-Phap.aspx?ItemID=6248.

In sum, LGBT activists successfully used the revision of the Marriage and Family Law to mobilise a diverse coalition of groups, as well as the media, around the issue of same-sex marriage and the social stigma experienced by LGBT people and their families. This campaign had senior and well-organised leadership, which built on and helped shape online communities to mobilise for local and national events. The success of this campaign can be understood both in terms of the process of mobilisation and in the actual results.

6 Observations on the case studies

The two case studies highlight the strengths and weaknesses of a heterogeneous group of Vietnamese-led civil society groups engaging collectively with the law. One of the challenges with contemporary research like this is that the subject is a moving target: events don't stand still after the writing is done. In December 2013, government restrictions appeared to have increased: security forces blocked and forced the cancellation of several planned LGBT events in Hanoi. During the same period, we obtained approval to conduct feedback meetings on this research. With such contradictory developments it is difficult to predict the long-term trajectory of the LGBT groups and their relationship with law enforcement.

In this section, we will reflect on three aspects that are important to the achieved results and the development of a Vietnamese LGBT movement:

- Depoliticising the LGBT movement to create space for civil association and engagement;
- Developing a broad rights-based framework on LGBT rather than employing a limited special interest LGBT group framework; and
- Building positive, wholesome images of LGBT people.

The first two are important as they provide a gateway for the LGBT movement in a politically restrictive environment, while the third raises questions on agenda-setting and solidarity within highly diverse LGBT communities in Vietnam.

6.1 Depoliticising the LGBT movement to create space for civil association and engagement

LGBT engagement with the law and law enforcement focuses on advocacy and lobbying for policy changes rather than on confrontational strategies such as civic disobedience or mass demonstrations against the government. This fits with the observations made by a number of authors on civil society and the state in Vietnam (Hannah 2007; Thayer 2008). It also fits with classic sociological literature on social protest, for instance William Gamson (1975), who found that movement success depends on having limited goals that do not challenge power-holders.

In both cases, VietPride organisers depoliticised the causes and mobilised support by appealing to emotional arguments, such as the right of each person to love and be part of a family. In the workshop in Ho Chi Minh City, held to present the preliminary findings of the study, one participant said that this strategy is 'too safe' and called for more daring action by LGBT rights organisations and LGBT communities. Likewise, in the Hanoi workshop a respondent argued for raising awareness of sexual politics rather than depoliticising it.

We cannot say that this is not politics and we should not easily accept this narrow concept of politics in Vietnam. It is important to let the government know that rights of LGBT people are limited because of government policies, because people are not equal to law.

(LGBT activist)

Politicising the LGBT movement might create new spaces for civil association and engagement, but it could also result in a political backlash and increased repression and restriction. Participants of the workshop in Hanoi also noted that the democracy movement is increasingly getting the attention and support of the Vietnamese public and many organisations in Vietnam. In contrast, the LGBT movement is small, consisting only of a few organisations and groups that are specifically working directly with these communities on

sexual and reproductive health and gender issues. Silent advocacy and depoliticisation could thus hinder the growth of the LGBT movement that is working towards broader collective goods.

However, most people involved in interviews and discussions agree that depoliticisation is a smart and effective strategy in the political context of Vietnam, as it distances LGBT activities from national politically contested spaces and politically controversial debates.

Depoliticisation creates space for civil association and engagement in a restrictive legal context.

Politics in Vietnam is understood narrowly... [T]his ambiguity is perhaps an opportunity for civil society engagement. Sexuality is a political issue and it does affect the allocation of resources and rights but it does not fall in the understanding of politics by the majority of lay people and the state.

(Senior researcher, VNGO)

In a context with restricted freedom of speech, depoliticisation facilitated the mobilisation of a variety of online LGBT communities for offline actions, as members felt safe to come out in public. Depoliticisation also helps to take issues into a technical space. The revision of the law on marriage took place under the umbrella of legal reforms needed to help Vietnam meet both international standards and the modern reality of same-sex relations and cohabitation, which made it a technical discussion between experts rather than a political one.

6.2 Broad rights-based framework on LGBT rather than employing a limited special interest LGBT group framework

LGBT activists mobilised members of the LGBT community, who may or may not self-identify themselves by these categories, such as MSM groups working on HIV prevention, as well as formal and informal civil society groups that contain parents of LGBT persons and young people.

The campaign for same-sex marriage was led by a coalition of officially registered and well-respected VNGOs with an interest in sexual and reproductive health, equity and gender issues, with a broad participation of other actors, such as private businesses, parents and members of online fora. The management structure was a loose alliance, led by highly educated and experienced senior Vietnamese nationals. These leaders were able to mobilise and reach other constituencies around a fairly broad rights-based framework rather than employing a limited special interest LGBT group framework. More importantly, this broad coalition and ideological framework helps to destigmatise homosexuality as socially deviant by linking it with broader social agendas on the need for inclusion and diversity in modern Vietnam. Activists linked LGBT rights with those of other minorities and social categories that are legally recognised and protected by the law, such as ethnic minorities, women suffering from violence, migrant people, people with disabilities and people living with HIV.

Activists also liaised with parents of LGBT people who were in parent support groups. Family is extremely important in Vietnamese culture, as it is in much of the world. Publicly emphasising that LGBT people are also children in families, appeals to deep, widely held cultural norms and values, and emotions. Family members of LGBT people were concerned about the civil rights of their children. They also placed themselves within a communist tradition of anti-feudalism by articulating that those who expect their children to reproduce the lineage and fulfil their filial care duties for aged parents are old-fashioned and selfish. Young people's demands for choice also fit within traditional communist and socialist anti-feudal discourses. Thus, claiming LGBT issues are not only human rights-based but in line with modern socialist ideals of familial wellbeing and equity, helped this issue gain wide support within society and among policymakers.

6.3 Building positive wholesome images of LGBT people

Building a positive image of LGBT people in the media was identified as a key strategy to start the LGBT rights movement in Vietnam. The groups involved definitely think this has been very successful, especially with regards to same-sex relationships but more media research would be useful to assess this. It is clear that newspapers that have portrayed same-sex weddings of young successful men and women have mostly been positive and have also given space to LGBT activist voices and perspectives. Media outlets reported positively on VietPride events. However, the positive images and stories of mainly young, healthy, middle-class, university degree-holding LGBT people was one-sided. It is not clear whether the participants gave permission for their images to be used in the campaign or if they were photographed because they participated in the march. And not everyone in the march was LGBT. The media portrayal of these young people also raised some ethical issues.

There is a lot of pain and tears behind these positive images. Some girls from the provinces who participated did not understand the media, lost their jobs and were shunned by their families upon their return when the images came out.

(Transgender group representative)

This strategy *de facto* excluded those LGBT people who do not fit this image, including older gay men, transgender people and to some extent gay men associated with MSM-HIV groups.

The marginalisation of some groups within the movement are reminiscent of the history of the feminist movements in 'the West' when feminist leaders addressed the struggle of finding a common agenda while recognising diversity and differences based on class, age, ethnicity, religion and sexual orientation (Wieringa 2009). The focus on young people and the focus on marriage are tactical choices but can alienate and exclude some LGBT persons and communities. This might not be a strategic focus for building an inclusive LGBT agenda in the long term.

7 Recommendations

For donors

1. Donors who want to support LGBT activists need to understand wider legal and political contexts. Restrictions on civil association, organisation and freedom of speech in a one-party state affect the opportunities of LGBT groups to take collective action for social inclusion. An absence of legal discrimination against LGBT people does not mean that LGBT rights are protected or that groups can operate freely. Comparisons with other Asian states in transition, such as China, Laos and Burma might be useful.
2. Continue to raise the need for civil consultation on legal reform in policy dialogues with the Vietnamese government.
3. Support independent media, social media and mass media in exposing discrimination against LGBT people.
4. Support initiatives that strengthen civil society actors' awareness of how to use international law for advocacy on social inclusion and legal protection of LGBT people where national laws fall short.

For civil society

1. Recognise the diversity within and between LGBT groups and how this affects agenda-setting and support for collective action.
2. Encourage the media to feature various LGBT groups, including older LGBT people and LGBT groups working in other movements, such as HIV prevention.
3. Strengthen mechanisms for the protection of LGBT people and activists who publicly engage in the movement.

For government

1. Reform the Marriage and Family Law along the lines suggested by the coalition on same-sex marriage.
2. Develop laws and policies that protect the rights of LGBT people.
3. Continue to engage in policy dialogues with LGBT groups.

Annex 1 Workshop agenda

Time	Content	Method	Person in charge
5'	Introduction	Presentation	Quach Thu Trang/ Hoang Tu-Anh (CCIHP)
30'	Research on cases of sexuality and law in Vietnam: Key findings	Presentation	Hoang Tu-Anh
45'	Results analysis and discussion	Discussion	Pauline Oosterhoff (IDS)
30'	Summarise the main events of the LGBT movement in Vietnam	Group discussion	Pauline Oosterhoff
30'	Summarise the main events relating to equal marriage in Vietnam	Group discussion	Pauline Oosterhoff
30'	Mapping LGBT organisations in Vietnam and the relationship between LGBT groups and other groups (e.g. HIV groups)	Group discussion	Pauline Oosterhoff
25'	Schedule for using report in Vietnam	Discussion	Hoang Tu-Anh
15'	Evaluation Conclusion	Filling in a form Presentation	Hoang Tu-Anh Pauline Oosterhoff

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