Dare to dream:
The ongoing voyage from invisibility to community empowerment, and foray into the region for LGBTIQ in Vietnam
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This publication is commissioned by ILGA Asia - the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 LGBTI organizations in East, South, Southeast, and West Asia. The document has been produced in consultation with member organisations and key partners as suggested by member organisations in the country. Permission to quote or otherwise use the information has been provided by the informants.

The analysis in the report is intended to recommend ILGA Asia to produce a strategic plan for 2021-2025. Positions in the report lie with the participants of the consultations and interviews, and do not reflect the values and viewpoints of the collective network.

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To protect the safety and privacy of members and informants, their names have been omitted from the publication where appropriate.
Executive Summary

Dare to dream: The ongoing voyage from invisibility to community empowerment, and foray into the region for LGBTIQ in Vietnam provides a glimpse of an arduous yet promising movement of the LGBTI community in Vietnam. The report is based on interviews with leaders of 8 local organizations, each has 5-10 years’ experience working on diverse issues of the community. In Vietnam, the political structure, legal framework (or lack thereof), traditional values and diverse religions created a uniquely challenging environment for LGBTI rights advocacy in particular and human rights advocacy in general.

Since 2008, the LGBTI rights movement has made remarkable achievements in legal advocacy, social advocacy, and community development. Yet the existence of subtle discriminations in many forms, the lack of concrete legal protections, and the rigid system of both government and international stakeholders made it a lot more demanding for LGBTI people in both daily life and activism.

Currently, the movement in Vietnam is led by a young generation of activists, and the numbers of community organizations continuously increases. This brought new internal threats such as the lack of intergeneration, linkages between groups and sub-groups at certain points, and the difficulties for resource mobilization in general. There was also new blooming collaboration between rights-based and needs-based organizations, which proved that linkages and intersectional activities are possible in different forms.

In the next few years, the community will continue to pursue all mentioned pillars of the movement, with the focus goals are promoting effective legal change such as Marriage Equality, Law on Sex Transitioning; and social recognition for sexual orientation, gender identity and sex characteristic. Looking inside, intersectional collaboration is an essential element for the development and success of the movement, and the threat of unsustainable sources of funding and changing environment is still a serious issue for most organizations.
Consultation Process and Results
Consultation Methodology

This is a qualitative consultation using in-depth interviews (IDI) as the main research method with an open questionnaire (guidelines). The consultant did an in-depth desk review of relevant reports and programming documents, and in consultation with ICS, to draft the open guidelines for individual interviews.

As discussed and agreed upon with ICS, the consultation was planned to be conducted with representatives of:

- Four ILGA members: ICS (HCMC-based), The Institute for Studies of Society, Economy and Environment (iSEE) (Hanoi-based), Lighthouse (Hanoi-based) and CARMAH (HCMC-based)

- Four non-members (stakeholders): Female-to-male Vietnam (HCMC-based transgender men organization), Ha Noi Queer (Hanoi-based community organization), Jessica Band (HCMC-based transgender women group), Rainbow Can Tho (based in the Mekong Delta, LGBTIQ community organization).

As discussed with ICS, there were four IDIs with ILGA Asia’s memberships. The other four groups/organisations who are non-members were invited to participate in a focus group discussion. However, due to the COVID-19 situation and the conflicting schedules of the participants, the research team could not organise any FGD. Upon ICS approval, 8 individual interviews were conducted instead of this community consultation.

After obtaining verbal consent from participants, the consultation was conducted in the forms of face-to-face meetings and online consultation via telephone or other available applications. Throughout the consultation, the consultant closely discussed with the ICS team on the key arising themes during the interview and revised the interview guidelines accordingly.
All interviews were recorded after obtaining verbal consent from participants and most of the recordings were transcribed for analysis/synthesis. Qualitative data were then analyzed/synthesized using thematic content analysis, closely following the specific objectives of the consultation. The consultant also consulted with ICS during the analysis/synthesis of the collected data and the report writing.
Overall situation of CSO in Vietnam

Civil Social Organisations (CSO) have closely been controlled by the single party government in Vietnam. The main reason is that the government is cautious of CSOs, especially those working on human rights, who may do harm to the Communist party and the government. In the past, CSO was a very sensitive and contentious term in the government’s official documents. However, at the present time, the government is more open to CSOs working on health and LGBTIQ matters. Meanwhile, “human rights” is still taboo in local contexts.

In terms of administration, there is hardly any evidence of official registration for a CSO working on human rights issues in Vietnam in the form of local non-profit/non-governmental organisations that are exempted from government (value added) tax. Therefore, many CSOs, except for iSEE and CARMAH (ILGA Asia’s member organisations) whose focuses are on research, have to register themselves as limited or social companies providing social and/or healthcare services. These companies have to pay tax according to government regulations. ICS, who is an ILGA member and one of the country’s leading partners in LGBTIQ rights movements, is the vivid example of this. As a matter of fact, most donors are only funding registered CSOs and reluctant to allow local CSOs to claim government tax as a single budget line. That has sometimes put local CSOs in a difficult situation.

It is learnt from this consultation that many local CSOs, due to the lack of human resources and organisational capacity, are struggling with registration as either entities, social enterprises and non-profit organisations. Thus, they cannot receive funding directly from donors.

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1 For some CSOs, being registered not only makes it easy for them to receive donors’ funding but also makes them feel their own communities, especially the transgender communities, are “visible”, socially and legally recognized.
“In fact, I wanted to get my organisation registered… I wanted my organisation to become the first legal organisation for transgender community in Vietnam…. But in order to realise that dream, we would need a lot of financial support and human resource… I feel that I do not have enough resource support to get my organisation registered” (ILGA non-member)

“…a legal status will make it easy for an organisation to apply for funding from donors, but in fact, there are no resources at all from the community. We have thought well enough about this. We really want to get technical advice on how to solve this” (ILGA non-member)

In terms of donor assistance, as mentioned earlier, the government has restrictions on international funding towards CSOs, especially those working on human rights, including freedom of speech. There is no written policy on this. But in reality, many CSOs registered as not-for-profit organisations (NPOs) have been affected by delayed approval for funding. CARMAH, an ILGA Asia member and a registered local NGO working research on community health, often has to go through lengthy and cumbersome administrative processes regulated by the Vietnam Union of Science and Technology Associations (VUSTA) before they are approved for conducting their research in the country. Those registered as social enterprises have been treated the same as other limited companies. That means they have to pay government (VAT) tax applied on the funding received. Many donors are dissatisfied with the fact that their funding assistance will be subject to taxation, putting local CSOs in a difficult situation for a long time. Now the government has provided more room for areas of work of CSOs:

“Not all CSOs working on human rights will have to face tight control from the government… It depends…. If you are working on human rights related to the environment, land or freedom of speech issues, you will be tightly controlled by the government... If you are working on human rights of women or children, you will be given more space for operation” (ILGA member)
Overall situation of the LGBTIQ community and rights movement in Vietnam

Vietnam is heavily influenced by the Confucian culture originating from China that strongly supports heterosexual and traditional family models of straight men and women. That, in turn, has had significant influence on social perceptions and attitudes toward LGBTIQ people.

Buddhism and Catholicism are the major religions in Vietnam. However, there has been no apparent evidence of stigma and discrimination towards the LGBTIQ community in the country from organized religious groups. Under the observation of the researcher, Buddhist philosophy in Vietnam has peaceful and tolerant approaches in embracing LGBTIQ people. Meanwhile, Catholics in Vietnam are believed to be more conservative about LGBTIQ people, although they do not inflict harm on the LGBTIQ movement as a whole. An interesting finding from the consultation noted that “Catholics has already had their own problems with the local government” (ILGA member), so they are already not so successful at organizing and establishing themselves, let alone spreading anti-LGBTIQ propaganda.

Since the inception of the LGBTIQ coalition in 2008 (which will be mentioned in detail in the next part) public knowledge and attitudes toward LGBTIQ people have evolved in a positive way by public awareness raising campaigns with the active engagement of mass and social media. Nowadays, LGBTIQ is no longer a taboo topic in public discussions. There is more and more social support.

In general, there is more social and cultural tolerance toward LGBTIQ people in the larger cities than that in rural areas. Politically, LGBTIQ activists in Vietnam perceived that they can be more focused when they have to deal with only one single party government.
Legal and political environment, and LGBTIQ rights movement

The local LGBTIQ rights movement started in 2008 by iSEE, through the establishment of the ICS, a local CSO comprised of four online community platforms: Vuon Tinh Nhan (Lovers’ Garden, gay-oriented), Tinh Yeu Trai Viet (Love of Vietnamese Boys, gay-oriented), Tao Xanh (Green Apples, youth gay-oriented) and Ban Gai Viet Nam (Vietnamese Girlfriends, lesbian-oriented). Since then, both ICS and iSEE have been considered as the leaders of the local movement by everyone including participants of this consultation. With the leadership of iSEE and ICS, the Vietnam LGBTIQ movement has gone through many upheavals and made remarkable achievements over the past decade. All participants agree that the LGBTIQ movement in Vietnam includes the following three pillars:

I. Legal advocacy: The legal and political environment for LGBTIQ people in Vietnam is changing and challenging. The year 2013 saw a major milestone for the local activists – the Law on Marriage and Family was revised to remove the prohibition on same-sex wedding ceremonies and cohabitation of same-sex couples. In 2018, for the first time in history, a number of members of the National Assembly (NA) turned up for a national workshop in Hanoi to listen to insights and recommendations from the transgender

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2 In 2013, same-sex marriage became legal in Vietnam under the revised Marriage and Families Law abolishing regulations that “prohibit marriage between people of the same sex”. However, while same-sex marriages could take place, the government still did not recognize them or provide legal protections in cases of disputes. The revised law placed the government of Vietnam at the forefront of countries in Asia becoming more accepting of gay and lesbian people.
community for the draft Law on Sex Transitioning, covering the issues of community access to social and healthcare services, including the right to change personal information (name and sex) on official papers (identity cards, passports, etc.). The Ministry of Health (MOH) was supposed to submit the draft Law on Sex Transitioning to the NA for discussion and ratification in 2018. Unfortunately, the MOH put priorities on other laws in the last minutes and planned to postpone the submission of the Law on Sex Transitioning to NA in 2021. Despite this delay, the draft Law on Sex Transitioning was considered a major success of the community for pushing the government to recognise the visibility of transgender people and the specific needs they have. Now the community is keeping a close eye on the revision cycle of the Law on Marriage and Family Law and Law on Sex Transitioning in order to prepare for joint campaigns.

II. Social mobilisation/advocacy: Within the context of single-party rule with little room for opposing views, expression and Vietnam’s Confucian culture, it is not always easy for the community to deal with legal issues or repercussions. Despite the fact that LGBTIQ representatives are sometimes being invited to participate in the law reform process, participants of the consultation believe it is hard to achieve significant law reforms related to LGBTIQ at the moment. Thus, the community has chosen to tackle legal setbacks in the long run by dealing with social issues through public education (awareness raising) campaigns. In recent years, the LGBTIQ community has successfully applied various tactful approaches to tackle legal and rights issues, such as the “TOI DONG Y” (I DO) campaign to support marriage equality, the “Rainbow Schools” project to teach the children and their parents about SOGIESC, or collaboration with the Parents, Families, and Friends of Lesbians and Gays of Vietnam organisation (PFLAG Vietnam) to sensitize parents and families nationwide. In this effort, many allies, including celebrities, social media users and those in the private sector have been identified to strengthen support for the whole movement.

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3 This is the literal translation of the Vietnamese name of the law. While it is more correct to describe transitioning as gender affirmation, the term “sex transitioning” is more closely reflecting the scope of the law defined by the Vietnamese government as of 2021.
III. Community capacity building: In order to be able to best address the above two vital components, the community needs to be strengthened via capacity building activities. Besides the training programs directly provided by international donors/partners, there have been community-led key training programs, namely NextGEN (building capacity for LGBTIQ community organisations), ViLEAD (building capacities for young LGBTIQ leaders nationwide) and TransCore (building capacity for FTM and MTF communities). Thanks to these capacity building programs, a large network of young leaders has been identified and trained nationwide over the past 10 years to prepare for advocacy efforts in the long run.

Inherently, LGBTIQ rights are human rights. Consequently, over the years, LGBTIQ rights have become an inevitable aspect of the dynamics of the human rights landscape in Vietnam. Many participants believe the government’s efforts in inclusion of LGBTIQ persons in selected laws is in fact their “bargaining chip” with international partners who has accused the single-party government of violating human rights. Furthermore, for a long time, LGBTIQ rights activists have been seen as posing no political threats to the central government. Therefore, many lawmakers have considered LGBTIQ activists as “allies” in their law-making process, as they have little expertise in this area. Activists have constantly been consulted when it comes to the revisions of the Marriage and Family Law in 2014 or draft Law on Sex Transitioning in 2018. In return, LGBTIQ activists have harnessed their allyship to benefit the overall LGBTIQ movements. This is a win-win situation:

“Lawmakers do not know about LGBTIQ and we [activists] provide them with information. Gradually, this has become a peaceful relationship…. Ministries consulted with us about LGBTIQ related issues and vice versa. I think by acting as government’s ally, we can achieve more …and we tactfully advocate for more “space” for our movements and for other human rights CSOs in Vietnam… A vivid example is that we can prove to the world that parades [VietPride events] can be conducted in this country…. The interesting thing is that in Vietnam, human rights can lean on LGBTIQ rights to sustain, that is totally different in many contexts in the world that I would know” (ILGA member)
“As far as I observed the LGBTIQ rights movements in the past years have sometimes made other human rights groups envy... While other human rights movements have constantly been suppressed, LGBTIQ rights movements have made huge steps... No one in the past could legally organise a large parade like the yearly events of VietPride” (ILGA member)

As mentioned before, the government does not tolerate any challenges to its one-party rule, and that is why the government has put restrictions on the CSOs activities nationwide, including the registration of CSOs and raids of local human rights groups or individuals. Therefore, international human rights groups have regularly complained about local crackdowns on pro-democracy dissidents. Many participants agree that the government has used the advancement in LGBTIQ rights movements as “bargaining chips” in negotiations with its international partners. Some participants are feeling content about this, showing that the local LGBTIQ community has obtained certain achievements over the past decade:

“If they [government] decide to select LGBTIQ right group as a poker in their game. That’s fine. It’s their choice. Our community will benefit from that” (ILGA member)

Some others are feeling more cautious about the role of the LGBTIQ community as “bargaining chips” at the government’s negotiation tables:

“We need to look deeper to see whether the life of LGBTIQ community in Vietnam has been really improved or not. If it is improved, it’s no problem that the government are using LGBTIQ community as a poker in their human rights game. If it is not really improved and the government keeps on playing the game, we need to take other actions” (ILGA member)
“Intergeneration'' in the LGBTIQ rights movement

During the first years of the movement (2009-2014), there was involvement of different generations of the LGBTIQ community. Leaders of the movement at that time were about 30-40 years of age, who had vast experiences in their previous jobs ranging from community mobilisation, organisational development, communications and research, among other advocacy methods. Some Vietnamese activists who were residing abroad also joined the local movement to share their international experience with local activists.

It is commonly agreed among the consultation participants that current LGBTIQ movements are now led by the younger population. Noticeably activists and advocates aged 35 years and above are somehow invisible in the whole process. The reasons for this are:

- the latter group are more concerned for their safety and sustainable pathways for their lives after tirelessly fighting for the rights of the community in their earlier days; and
- they do not feel a sense of belonging when joining the activities designed and organised by the younger communities whose needs are different. There is a lack of an intergenerational link in the current movement.

“There are gaps that the young leaders cannot fill in. For example, the young people have limited resources compared to those who have already established careers. The middle age has valuable resources in terms of financial support, technical capacity, expertise and their success stories…. The young people have the enthusiasm … That would be great if there is intergenerational collaboration” (ILGA member)
The young LGBTIQ leaders are aware of this and have already taken efforts to resume intergenerational engagement in the overall movement to maximise the community’s inner strengths:

“In the Stronger Together Conference this year, there will a special session called “Intergeneration” – that is our efforts to invite the mature generation to participate in the activities” (ILGA member)
At the inception of the LGBTIQ rights movement a decade ago, despite the heavy social stigma and limited public knowledge (including media) about LGBTIQ issues, the whole movement was very much consolidated. Everyone, including those who were not publicly out, was eager to participate and contribute to movement in their own ways. The local movement reached its peak in 2012 (the first every Viet Pride event in Hanoi) and in 2013 (removal of prohibition of same-sex wedding ceremonies). iSEE and ICS were commonly agreed upon as “leaders” of the community at that time.

Later on, the leadership of the local movement was slowly taken over by other community groups/organisations. After fighting in solidarity at the beginning, leaders of newly-established LGBTIQ sub-groups started to find their own ways to work on their specific needs. Thus, it would be very challenging for the leaders of the overall movement to select an appropriate agenda for all.

“In 2017 and 2018, S and I had a quick study and found out that there was an estimate of 200 LGBTIQ organisations in Vietnam, each of them has its own characteristics and needs... They have demands for developing their own groups/organisations, which makes it very challenging to get them together... Now
I think the gay community is being taken care of the most, while the community that get the least attention is the intersex” (ILGA non-member)

“My observation is that everyone is concentrating on dividing the whole community into different sub-groups... It’s true that the visibility of each sub-group will be increased... But I think it will generate counter effects. ... It might make the whole community disintegrated, and no more a common community…” (ILGA non-member)

At the same time, many senior activists stepped down, allowing the younger generation to take over. After all, it was agreed among all participants that the movement in Vietnam has come a long way over the past 10 years that many other countries would take many more years to achieve.
In the past, there was hardly any collaboration, not to mention the existential issues between LGBTIQ rights activists and public health (HIV) activists. Back then, public health was heavily related to HIV prevention, in which gay people were being considered a dangerously high-risk population and the source of HIV transmission in society. Due to the high level of social stigma toward LGBTIQ persons, the LGBTIQ activists were afraid that the newly cultivated LGBTIQ rights movement would be negatively affected if they were associated with the public health folks. On the other hand, the public health activists put the community’s health as their top priority to work on. After a decade of achieving certain important milestones for both parties, the two sides seem to be more willing to sit down together to work on common issues related to the community. In this process, donors also played an important role to connect the two sides together for the sake of the community. A vivid example for this is the “Strong Together” conference/platform, mainly funded by the COC Netherlands through MPact, where LGBTIQ rights and public health activists turned up to jointly discuss solutions to address various needs of the sub-groups or the LGBTIQ community as a whole:

“Now that I can see more collaborations between the two sides... For example, I can see there are healthcare booths during the VietPride events. In a series of Hanoi Pride events, there webinars and sessions discussing comprehensive health for LGBTIQ. I personally think there needs to be good will from the two sides for the benefits of the community” (ILGA member)
In fact, there are diverse health issues among the sub-groups of the LGBTIQ community:

“...when it comes to health issues, there are a lot of community needs to be addressed. For example, when people talk about LGBTIQ health, they hardly think of transgender men’s health specifically... I often translate the health information from the Asia Pacific Transgender Network or from oversea doctors into Vietnamese for our transmen community.... many people think transmen only need hormone or surgery services... STIs are also our big concerns....” (ILGA non-member)

“...when consulting with the Transmen and transwomen groups earlier this year, we realise there is huge need for mental health and STIs services among the trans communities...” (ILGA member)

Most participants agreed that it is important to increase the community’s access to quality healthcare services that are affordable and LGBTIQ-friendly.
Since its inception, the financial resources for LGBTIQ rights movement in Vietnam are mainly acquired from international development donors such as Oxfam, USAID, UNDP, COC Netherlands, Save the Children, etc. As a matter of fact, registered CSOs like iSEE or ICS directly receive funding from donors and allocate the money to other small and unregistered CSOs. There has been no government budget allocation to CSOs that are community-based organisations in Vietnam so far.

According to Decree No. 116/2013/ND-CP (Government, October 4, 2013) and Decree No. 93/2019/ND-CP (Government, November 25, 2019), not-for-profit organisations are defined as corporate bodies or organizations mainly operating to raise funds or finances for charitable, religious, cultural, educational, social, or other similar purposes. In addition, another form of Vietnamese CSOs is the social enterprise (“SE”), a new type of hybrid organization combining a not-for-profit structure with an enterprise having profit-earning purposes. The establishment of SE was aiming at addressing social and environmental issues for public benefit. As governed by the Enterprise Law (No. 68/2014/QH13, National Assembly, November 26, 2015) and Decree 96/2015/ND-CP (Government, October 19, 2015), at least 51 percent of its total annual profit must be invested for the implementation of its registered social or environmental objectives.

So, legally speaking, registered CSOs are allowed to raise funds in Vietnam. However, it is revealed from the consultation that the LGBTIQ CSOs, unlike their public health counterparts, seem not to have clear back-up plans for sustainability, including systematic fundraising ones in the long run.
Local advocacy priorities within the next five years

It is summarised from the consultation that the Vietnamese LGBTIQ community will continue to pursue the two following advocacy efforts in the years to come:

1. **Legal advocacy:**
   - Continue to advocate for legal recognition of same-sex marriage/unions in the revised Marriage and Family Laws.
• Continue to advocate for the approval of the Law on Sex Transitioning. The Ministry of Health (MoH) is in charge of submitting the draft of this law to the NA for discussion and approval. The LGBTIQ community will continue to work with relevant allies and MoH and be well prepared to speed up this process.

• Advocate for inclusion of SOGIESC including “gender identity” and “sexual orientation” in the revised Labor Laws.

Social mobilisation/advocacy:

• Resume the “Toi Dong Y” (I Do) campaign to draw public attention to the needs of the LGBTIQ community and how they will be addressed in the revised Marriage and Family Laws.

• Organise campaigns to support the approval of the Law on Sex Transitioning.

• Continue to work with relevant partners and stakeholders to include SOGIESC in discussions and educational syllabus across all learning institutions.

• Continue to work with public health partners to reduce stigma and discrimination in healthcare services and improve the right to access good quality healthcare services that are LGBTIQ-friendly.

• Continue to work with public health partners to design affordable crucial health services (mental health counseling, STIs screening and treatment for Transman community)

• Make intersex people more visible in the society and include them in the overall LGBTIQ rights movement.
In order for the smooth facilitation of the two advocacy priorities above, the following should be done:

3 **Community capacity-building:**

- Continue to provide the community with comprehensive capacity-building training programmes in order to strengthen their leading role in the whole movement in the future. The comprehensive training programmes should include communication and advocacy skills, funding proposal writing, the use of data as evidence in programming, etc.

- Since many CSOs do not have a long-term strategy for sustainable development, it is important to provide these CSOs with training opportunities on organisational development and financial sustainability.

4 **Funding/financial assistance:**

- Diversify donor portfolio in case of the reduction of international funding support.

- Seek more funding opportunities from the private and corporate sectors and LGBTIQ individuals.

- Carry out feasible fiscal and funding opportunities to self-finance the movements.

5 **Key players and stakeholders of the movement**

- **Local partners:** LIN, PFLAG, SCDI, ISDS, PFLAG, CSAGA, VUSTA, Save The Children, Oxfam, Community-led Clinics (My Home, Glink, Lighthouse, etc.), Canadian Embassy, United State Embassy, Netherlands Embassy, corporate and private sector (KPMG, Baker McKenzie, PWC) etc.
• **Regional and international partners:** ILGA Asia, ASEAN SOGIE Caucus, APTN, COC Nederland, Mpact.

• **Allies:** some members of the National Assembly, media, and celebrities.
The uncertainties of the COVID-19 pandemic in Vietnam have had negative impacts on the operation of LGBTIQ CSOs. As a result, many planned activities were forced to be canceled or rescheduled. While CSOs have been utilising and depending on online platforms and digital technologies as main channels for organising activities, there are limitations to virtual platforms compared to physical outreach and engagement activities.

When being asked about back-up plans in case there is a crisis again in the future, some ILGA members who are registered CSOs said they would create emergency funds to keep their staff and cover essential needs of the organisations such as office rent. Also, their staff will be trained on flexible working styles to adapt to the emergency situations in the future. On the other hand, participants who are not ILGA members or are not registered do not know clearly what to do if the crisis returns. Generally, most participants (and their network members) do not have a strong sustainability plan in the long run.
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ILGA Asia is the Asian Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, representing more than 170 member organizations in East Asia, South Asia, Southeast Asia and West Asia.

Our vision is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed in the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected.

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