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WATCH

# “My Teacher Said I Had a Disease”

Barriers to the Right to Education for LGBT Youth in Vietnam



# **“My Teacher Said I Had a Disease”**

**Barriers to the Right to Education for LGBT Youth in Vietnam**

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# “My Teacher Said I Had a Disease” Barriers to the Right to Education for LGBT Youth in Vietnam

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## Glossary

**Asexual:** The sexual orientation of a person who experiences little or no sexual attraction to other people.

**“Bede,” or “Pede”:** A term that is often used in a discriminatory manner to refer to gay men and boys, or males considered weak or excessively sensitive. Derived from the French term *pédé*, which is short for *pédéraste*, or pederast. It began to be used in Vietnam during the colonial era.

**Bisexual:** The sexual orientation of a person who is sexually and romantically attracted to both women and men.

**Cisgender:** The gender identity of people whose sex assigned at birth conforms to their identified or lived gender.

**Closeted/Being in the Closet:** A person who does not acknowledge their sexual orientation to others. People may be “fully” in the closet (not admitting their sexual orientation to anyone), fully out, or somewhere in between.

**Gay:** A synonym for homosexual in many parts of the world; in this report, used specifically to refer to the sexual orientation of a man whose primary sexual and romantic attraction is towards other men.

**Gender:** The social and cultural codes (as opposed to biological sex) used to distinguish between society’s conceptions of “femininity” and “masculinity.”

**Gender-Based Violence:** Violence directed against a person on the basis of gender or sex. Gender-based violence can include sexual violence, domestic violence, psychological abuse, sexual exploitation, sexual harassment, harmful traditional practices, and discriminatory practices based on gender. The term originally described violence against women but is now widely understood to include violence targeting women, transgender persons, and men because of how they experience and express their genders and sexualities.

**Gender Expression:** The external characteristics and behaviors that societies define as “feminine,” “androgynous,” or “masculine,” including such attributes as dress appearance, mannerisms, hairstyle, speech patterns, and social behavior and interactions.

**Gender Identity:** A person’s internal, deeply felt sense of being female or male, both, or something other than female and male.

**Gender Dysphoria (Previously “Gender Identity Disorder,” or GID):** The formal diagnosis that psychologists and physicians use to describe persons who experience significant discontent with their biological sex and/or the gender they were assigned at birth. The International Statistical Classification of Diseases and Related Health Problems (ICD-10 CM) and the Diagnostic and Statistical Manual of Mental Disorders (DSM-V) classify GID as a medical disorder. The 2013 version of the DSM-V replaced “Gender Identity Disorder” with “Gender Dysphoria” in an attempt to avoid the stigma associated with “disorder,” and changed the criteria for the diagnosis.

**Gender Non-Conforming:** Does not conform to stereotypical appearances, behaviors or traits associated with sex assigned at birth.

**Heterosexual:** The sexual orientation of a person whose primary sexual and romantic attraction is toward people of the other sex.

**Homophobia:** Fear of, contempt of, or discrimination against homosexuals or homosexuality, usually based on negative stereotypes of homosexuality.

**Homosexual:** The sexual orientation of a person whose primary sexual and romantic attractions are toward people of the same sex.

**Lesbian:** The sexual orientation of a woman whose primary sexual and romantic attraction is toward other women.

**LGBT:** Lesbian, gay, bisexual, and transgender; an inclusive term for groups and identities sometimes also grouped as “sexual and gender minorities.”

**Pansexual:** The sexual orientation of a person whose sexual or romantic attraction is not restricted by sex assigned at birth, gender, or gender identity.

**Queer:** An inclusive umbrella term covering multiple identities, sometimes used interchangeably with “LGBTQ.” Also used to describe divergence from heterosexual and cisgender norms without specifying new identity categories.

**Sex:** The biological classification of bodies as male or female based on such factors as external sex organs, internal sexual and reproductive organs, hormones, and chromosomes.

**Sexual and Gender Minorities:** An inclusive term for people with non-conforming sexualities and gender identities, such as LGBT people, men who have sex with men (who may not self-identify as LGBT) and women who have sex with women.

**Sexual Orientation:** The way in which a person’s sexual and romantic desires are directed. The term describes whether a person is attracted primarily to people of the same or other sex, or to both or others.

**Transgender:** The gender identity of people whose sex assigned at birth does not conform to their identified or lived gender. A transgender person usually adopts, or would prefer to adopt, a gender expression in consonance with their gender identity but may or may not desire to permanently alter their physical characteristics to conform to their gender identity.

**Transgender Men:** Persons designated female at birth but who identify and may present themselves as men. Transgender men are referred to with male pronouns.

**Transgender Women:** Persons designated male at birth but who identify and may present themselves as women. Transgender women are referred to with female pronouns.

**Transphobia:** Fear of, contempt of or discrimination against transgender and transsexual persons, usually based on negative stereotypes of transgender identity.

## Summary

Sexual and gender minority children and young adults in Vietnam face stigma and discrimination at home and at school. While in recent years the Vietnamese government has made significant pledges to recognize the rights of lesbian, gay, bisexual, and transgender (LGBT) people, tangible progress has lagged behind the promises, and these policy gaps are felt acutely by young people.

In 2016, while serving on the United Nations Human Rights Council, Vietnam voted in favor of a resolution on protection against violence and discrimination on the basis of sexual orientation and gender identity (SOGI). The delegation made a statement of their support before the vote, saying: “The reason for Vietnam’s yes vote lay in changes both in domestic as well as international policy with respect to LGBT rights.”

Perhaps the most impactful legal changes include updates in 2014 to the Marriage and Family law, and in 2015 to the Civil Code. In 2014, the National Assembly removed same-sex unions from a list of forbidden relationships; however, the update did not allow for legal recognition of same-sex relationships. In 2015, the National Assembly updated the Civil Code to remove the prohibition in law that prevented transgender people from changing their legal gender; however, it did not provide for a transparent and accessible procedure for changing one’s legal gender.

And while such statements and changes suggest a promising future for LGBT people in Vietnam, significant challenges persist. The government is both well-positioned and obligated to address these issues.

Inaccurate information about sexual orientation and gender identity is pervasive in Vietnam. Some of that is rooted in schools. Vietnam’s sex education policies and practices fall short of international standards and do not include mandatory discussion of sexual orientation and gender identity. The central curriculum for schools is also silent on LGBT issues. While some teachers and schools take it upon themselves to include such lessons, the lack of national-level inclusion leaves the majority of students in Vietnam without the basic facts about sexual orientation and gender identity.

That omission is proving to be harmful. As this report documents, youth are acutely aware of the pervasive belief that same-sex attraction is a diagnosable mental health condition. The failure of the Vietnamese government to counter this false information has let it continue unabated. This widespread belief had significant impact on the lives of young LGBT people Human Rights Watch interviewed, ranging from serving as the root of harassment and discrimination, to parents bringing their queer children to mental health professionals in search of a cure. Even youth who would eventually identify themselves as queer acknowledged that they grew up on stereotypes and misinformation about themselves and others. In some cases, these misunderstandings fueled antipathy and even violence against LGBT people.

Facing a void in official sources of information, Vietnamese youth seek affirming and accurate information about sexual orientation and gender identity elsewhere. Some students recounted how they searched for information from informal sources—in particular, by searching and browsing the internet. But while the discovery of affirmative information in this way can be encouraging, it is not sufficient and not even available to many Vietnamese youth.

Verbal harassment of LGBT students is common in Vietnamese schools. Students in different types of schools—rural and urban, public and private—told us many students and teachers use derogatory words to refer to LGBT people, sometimes targeted at them and coupled with threats of violence. Other studies, including research by United Nations agencies and Vietnamese groups, have confirmed this finding.

While it appears to occur less commonly, some LGBT youth report physical violence as well. For example, one interviewee said: “[The bullying] was mostly verbal but there was one time when I was beat up by five or six guys in eighth grade—just because they didn’t like how I looked.” What is similar between the cases of verbal and physical abuse is the lack of consistent response from school staff, and the lack of confidence among students that there are mechanisms in place to address cases of violence and discrimination.

The majority of the LGBT youth Human Rights Watch interviewed who had experienced bullying at school said they did not feel comfortable reporting it to school staff. This was sometimes because of overt, prejudiced behavior by the staff; in other cases, students operated on the assumption that it was unsafe to turn to the adults around them for help.

And even in cases where students did not face verbal or physical abuse, many reported that their families, peers, and teachers implicitly and explicitly enforce heterosexual and cisgender social norms. This occurs in classrooms where teachers refer to anything other than a procreative heterosexual relationship as “unnatural” as well as when parents threaten their children with violence, expulsion, or medical treatment if they turn out to be gay or lesbian.

LGBT youth who face bullying and exclusion at school suffer a range of negative impacts. As documented in this report, they feel stressed due to the bullying and harassment they experience, and the stress affects their ability to study. Some students said the bullying they faced due to their sexual orientation or gender identity led them to skip or stay home from school.

In contrast, LGBT youth who reported receiving affirming, accurate information about sexual orientation and gender identity in school, or support from their peers or teachers, said the experience was edifying. It encouraged them to attend school more regularly and defend themselves in instances of misinformation or harassment. And students who felt more informed also reported that knowing the truth about sexual orientation and gender identity—namely, that neither was a “mental disorder”—strengthened their ability to prevent discrimination and violence against themselves.

LGBT youth are not alone in noticing and pushing back against their ill-treatment. Parents of some LGBT youth have begun to take up the mantle of diversity and inclusion activism as well, organizing outreach seminars across the country, and volunteering to counsel fellow parents who were raised in an education system that taught them homosexuality was an illness.

During an artistic event as part of Hanoi Pride 2019, a group of activists and artists presented an exhibition exploring queer history in Vietnam through various derogatory words that have been reclaimed by the community over the years. The organizers hoped that “society will have a better insight, so that when we use those words, we understand them.” The exhibition highlighted a simple and important mission: to break down some fundamental misunderstandings that underscore human rights violations against LGBT people—and youth in particular—in Vietnam today.

The Vietnamese government has several laws that prohibit discrimination and uphold the right to education for all children. The government's stated alignment with a global shift toward respecting the rights of LGBT people signals some political will to make the necessary changes to genuinely include everyone, regardless of sexual orientation or gender identity, in education institutions and the rest of society. The first steps will include correcting the persistent widespread notion that homosexuality is an illness and needs a cure.

# Recommendations

## To the National Assembly

- Revise the 2006 Law on Gender Equality to include specific protections for gender identity and expression.
- Revise the Law on Marriage and Family to allow same-sex couples to be legally recognized.
- Ratify the UNESCO Convention Against Discrimination in Education.

## To the Ministry of Education and Training

- Promote and implement guidelines for teaching comprehensive sexuality education in line with international standards.
- Sign UNESCO's Call for Action on homophobic and transphobic violence to signal the ministry's commitment to policy reform to protect LGBT students.
- Clarify that the 2018 directive on school counselors issued by the ministry is inclusive of LGBT students and mandate that implementation of the directive include training on sexual orientation and gender identity.
- Immediately provide mandatory short-term training for all teachers on gender and sexuality, including sexual health, and accurate information on sexual orientation and gender identity.
- Issue a directive instructing schools on specific measures to take to prevent and combat harassment and discrimination in school.
- Include modules on sexual orientation, gender identity, and human rights in the curriculum for pedagogical colleges and universities.

## To the Ministry of Health

- Formally recognize, in line with World Health Organization Standards, that having same-sex sexual attraction is not a diagnosable mental health condition.
- Issue a directive that all curricular materials at all levels of medical education, including for mental health professionals, be adjusted to acknowledge that same-sex attraction is a natural variation of human behavior.

- Formally adopt the World Health Organization’s International Classification of Diseases version 11, including with specific attention to the new sexual health chapter, which updates the diagnostic standards for transgender people.

### **To the Ministry of Foreign Affairs**

- Counsel the government to invite the United Nations independent expert on protection against violence and discrimination based on sexual orientation and gender identity to visit Vietnam and consult on the government’s LGBT rights progress and next steps.

## Methodology

Human Rights Watch staff and a consultant conducted the research for this report between May 2018 and March 2019 in Vietnam.

Researchers conducted 59 interviews, including 12 with children under age 18 identified as sexual or gender minorities; 40 with sexual and gender minorities ages 18-23 about their experiences as children; and 7 with teachers, other school staff, and parents.

Under Vietnamese law people are considered adults at age 16. However, for the purposes of this report, Human Rights Watch considers anyone under the age of 18 a child, in line with the definition of “child” in the United Nations Convention on the Rights of the Child.<sup>1</sup> The Committee on the Rights of the Child, the UN authority that monitors states’ compliance with the convention, has called on Vietnam to amend its legislation in line with international standards.<sup>2</sup>

No compensation was paid to interviewees. Human Rights Watch reimbursed public transportation fares for interviewees who traveled to meet researchers in safe, discreet locations. Some interviews were conducted in Vietnamese with simultaneous English interpretation; others were conducted in English; others were conducted by a Vietnamese speaker and then the transcripts were translated into English. All interviews with people who experienced bullying in school were conducted privately, with participants interviewed one at a time.

Human Rights Watch researchers obtained oral informed consent from all interview participants, and provided written explanations in Vietnamese and English about the objectives of the research and how interviewees’ accounts would be used in this report and other related materials. Interviewees were informed that they could stop the interview at any time or decline to answer any questions they did not feel comfortable answering.

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<sup>1</sup> Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, art. 1.

<sup>2</sup> Committee on the Rights of the Child, Concluding Observations: Viet Nam, U.N. Doc. CRC/C/VNM/CO/3-4, August 22, 2012, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2fCO%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2fCO%2f3-4&Lang=en) (accessed November 14, 2019), para. 28.

In this report, pseudonyms are used for all interviewees. Other identifying information such as the location where interviewees lived or attended school, or the name of the school, has been deliberately excluded to protect the privacy of those we interviewed. Interviewees attended a mix of public and private schools, and some switched between the two systems. While the majority of youth interviewees had grown up and attended school in the urban centers of Hanoi, Ho Chi Minh City, Can Tho, Hai Phong, or Da Nang, 16 of the youth interviewed for this report attended at least part of secondary or high school in other, rural provinces. These included Bac Giang, Hai Duong, Dong Nai, Ha Giang, Vung Tau, Thanh Hoa, Lao Cai, Nam Dinh, Quang Ninh, Hung Yen, Quang Ngai, Kien Giang, and Thai Binh.

## I. Young and Queer in Vietnam

I didn't feel safe at my school. Before I came out, my classmates didn't know because I'm good at hiding. And I knew I would get picked on a lot when I come out, but I decided to do it anyway because it was so uncomfortable not being myself and not living with my true gender.

—Khanh, 22-year-old trans man, January 2019

Children and young adults Human Rights Watch interviewed for this report told us about their childhood attempts to express themselves, stay safe, and access information when they began feeling different and learning about their sexual orientation and gender identity.

Nearly everyone interviewed said they began to question and explore either their own gender or their romantic attraction to people of the same gender when they were children; some said that they knew they were not cisgender or heterosexual when they were as young as 4 years old. For most, the primary struggle, they explained, was not coming to terms with being different as such, but rather searching for information about gender and sexuality against a steady tide of stereotypes, misinformation, and anti-LGBT rhetoric.

In the rare cases when teachers or other school staff were supportive of LGBT students, such supportive behaviors relied on the initiative of individual staff members rather than policies or protocols. In the majority of cases Human Rights Watch documented, school staff either appeared to avoid discussions of sexual orientation and gender identity, or propagated incorrect and stigmatizing information, such as by saying that homosexuality is a “mental illness.”

iSEE, a Vietnamese nongovernmental organization (NGO) that works on LGBT rights, found in a 2015 survey of more than 2,300 LGBT people that of those who attended school, two-thirds had witnessed anti-LGBT comments from their peers, and one-third had witnessed

the same behavior from school staff.<sup>3</sup> A 2012 study by CCIHP, another Vietnamese NGO, found that over 40 percent of LGBT youth respondents—with an average age of 12 years—experienced violence and discrimination in school.<sup>4</sup>

## LGBT Rights in Vietnam

Historically, sexual orientation and gender identity have received little official attention in Vietnamese laws and policies.<sup>5</sup> Civil society advocacy over the past decade has resulted in significant gains in terms of visibility and achievements in terms of LGBT rights.<sup>6</sup>

In recent years, the Vietnamese government has taken significant strides to recognize the rights of LGBT people. Perhaps the most impactful legal changes include updates in 2014 to the Marriage and Family law, and in 2015 to the Civil Code.

Prior to the late 1990s, Vietnam’s law had mentioned “husband and wife” but did not specifically rule out the existence of same-sex couples. Following two well-publicized same-sex wedding ceremonies in 1997 and 1998, Vietnam’s National Assembly amended the Marriage and Family Law in 2000 to specifically outlaw same-sex wedding ceremonies.<sup>7</sup>

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<sup>3</sup> ISEE, “Is It Because I am LGBT?” 2016,

[https://www.vn.undp.org/content/vietnam/en/home/library/democratic\\_governance/is-it-because-i-am-lgbt.html](https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/is-it-because-i-am-lgbt.html) (accessed November 14, 2019).

<sup>4</sup> Anh Hoan and Vinh Nguyen. 2013. “An Online Study of Stigma, Discrimination and Violence Against Homosexual, Bisexual, Transgender, Transsexual, and Intersex People at School.”

<sup>5</sup> Historian Jacob Aronson writes that “One recurrent tendency of commentators for several centuries...has been to displace homosexuality from the Vietnamese public,” noting that, legally speaking, the government has been by and large silent or ambiguous: “The only provisions in the codes that may refer to homosexuality (and at that, only ambiguously) are one prohibition against ‘men who wear weird or sorcerous garments’.... In the colonial and postcolonial era this legal silence on homosexuality was maintained. The French colonials never instituted explicit prohibitions against sodomy or pederasty in their colonies.” Jacob Aronson, “Homosex in Hanoi? Sex, The Public Sphere, and Public Sex,” in William L. Leap, ed., *Public Sex/Gay Space* (New York: Columbia University Press, 1999), pp. 203-221.

<sup>6</sup> Institute for Development Studies, “Negotiating Public and Legal Spaces: The Emergence of an LGBT Movement in Vietnam,” 2014, <https://www.ids.ac.uk/publications/negotiating-public-and-legal-spaces-the-emergence-of-an-lgbt-movement-in-vietnam> (accessed November 14, 2019).

<sup>7</sup> UNDP and USAID, *Being LGBT in Asia: Viet Nam Country Report*, 2014,

[https://www.usaid.gov/sites/default/files/documents/1861/Being\\_LGBT\\_in\\_Asia\\_Viet\\_Nam\\_report\\_ENG.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Viet_Nam_report_ENG.pdf) (accessed November 14, 2019).

Largely thanks to a civil society-led LGBT rights movement, public opinion has evolved gradually as well. In 2010, an 18-year-old wrote a public letter posted on the state-run *Tuoi Tre* website discussing his pain at being rejected by his parents when they found out he was gay. The newspaper responded to the outpouring of support by running a question-and-answer piece with the head of the Department of Psychology at Ho Chi Minh City University of Pedagogy, Dr. Huynh Van Son. “Think of homosexuality as a normal matter,” Dr. Son told readers.<sup>8</sup> In 2012, activists organized the first LGBT pride march.<sup>9</sup> Since then, pop culture has opened up as well, including in television programs such as “Listen To Rainbow Talk,” “Come Out,” and “LoveWins.”

In 2013, the Vietnamese government reversed course and removed same-sex unions from the list of forbidden relationships; however, the update did not go so far as to allow for legal recognition of same-sex relationships.<sup>10</sup> In 2015, the National Assembly updated the Civil Code to make it no longer illegal for transgender people to change their first name and legal gender; however, the revisions did not go so far as to implement a legal gender recognition procedure.<sup>11</sup>

In 2016, while serving on the UN Human Rights Council, Vietnam voted in favor of a resolution on protection against violence and discrimination on the basis of sexual orientation and gender identity (SOGI). The delegation made a statement of their support before the vote, saying: “The reason for Vietnam’s yes vote lay in changes both in domestic as well as international policy with respect to LGBT rights” and “Vietnam welcomes the initiative and efforts of members of international community to prevent and

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<sup>8</sup> “Hãy nhìn nhận đồng tính là bình thường,” *Tuoi Tre Online*, September 23, 2010, <https://tuoitre.vn/hay-nhin-nhan-dong-tinh-la-binh-thuong-401989.htm> (accessed November 14, 2019).

<sup>9</sup> “Vietnam’s Capital Holds First Gay Pride Parade,” *Deutsche Welle*, May 8, 2012, <https://www.dw.com/en/vietnams-capital-holds-first-gay-pride-parade/a-16145768> (accessed November 14, 2019).

<sup>10</sup> Socialist Republic of Vietnam, Government Decree No. 110/2013/ND-CP.

<sup>11</sup> Article 37 reads: “The sex change is performed as regulated by law. Individuals who underwent surgery have the rights and obligation to register the change of civil status according to the law on civil status; have personal rights consistent with new gender as stipulated by this Code and other relevant laws.” The law allows people who wish to undergo gender affirming surgeries to do so in Vietnam rather than abroad, and to subsequently change the gender marker on their official documents. “Vietnam: Positive Step for Transgender Rights,” Human Rights Watch news release, November 30, 2015, <https://www.hrw.org/news/2015/11/30/vietnam-positive-step-transgender-rights>.

combat violence and discrimination based on sexual orientation and gender identity.”<sup>12</sup> The resolution appointed the first ever UN Independent Expert on SOGI, Professor Vitit Muntarbhorn from Thailand.

Other government officials have made public statements in support of basic rights for LGBT people. This includes when Prime Minister Nguyen Tan Dung, in August 2015, said: “Same-sex marriage is not only a social issue in Vietnam, but is also of global concern, so it should be discussed properly and carefully.”<sup>13</sup> Minister of Justice Ha Hung Cuong and Minister of Health Nguyen Thi Kim Tien publicly supported the proposal to recognize relationships of same-sex couples.<sup>14</sup>

However, while there has been some tangible progress, the lack of protections and proactive programming for LGBT people in Vietnam, as documented in this report, is felt particularly acutely by youth. In a 2017 report analyzing the legal context for LGBT people in Vietnam, iSEE noted that government legal aid and counseling services are lacking, leaving LGBT people in Vietnam to seek unofficial advice from NGOs.<sup>15</sup> What is more, iSEE notes, only one-third of LGBT adults report they even know where to seek advice and redress when their rights have been violated.<sup>16</sup>

Social acceptance has also enjoyed a boost in recent years. In 2013-14, a social media campaign called “Toi Dong Y” (“I Do”) featured more than 53,000 individuals posting

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<sup>12</sup> Arc International, “The Asian Yes Vote,” <http://arc-international.net/global-advocacy/human-rights-council/32nd-session-of-the-human-rights-council/appointing-an-independent-expert-on-sexual-orientation-and-gender-identity-an-analysis-of-process-results-and-implications/iv-understanding-the-political-why-did-states-vote-the-way-they-did/the-asian-yes-vote> (accessed November 14, 2019).

<sup>13</sup> “VN to Neither Ban nor Recognize Same-sex Marriage: Proposal,” *Tuoi Tre News*, August 15, 2013, <http://tuoitrenews.vn/society/12213/vn-to-neither-ban-nor-recognize-samesex-marriage-proposal> (accessed November 14, 2019).

<sup>14</sup> “Ministry Suggests Recognition of Same Sex Marriage,” *SGGP Online*, July 7, 2012, <http://sggpnews.org.vn/law/ministry-suggests-recognition-of-same-sex-marriage-60885.html> (accessed November 14, 2019).

<sup>15</sup> iSEE, “Vietnam Context Analysis Report on Human Rights, Health and Well-being of Vietnamese LGBT Community,” May 31, 2017, <https://static1.squarespace.com/static/526c21b5e4bod43e45f6c4c2/t/59c18ff38a02c77cab2e26e0/1505857530763/Count+ry+Context+Analysis+Vietnam.pdf> (accessed November 20, 2019).

<sup>16</sup> *Ibid.*

photos of themselves in support of same-sex marriage.<sup>17</sup> When, during an episode of Vietnam’s version of *The Bachelor* in 2018, two women left the show as a couple instead of with the leading man, audiences were largely unfazed.<sup>18</sup>

During Hanoi Pride 2019, a group of activists and artists presented “From Fag to Fab,” an exhibition exploring the evolution of Vietnam’s LGBT community through language. “Our community has come so far, we thrived through all the hatred and discrimination pointed at us,” organizers wrote in the anthology accompanying the exhibit.<sup>19</sup> The objective was to unpack the various terms that have been used as insults and also reclaimed by queer communities over the years. The organizers hoped that “society will have a better insight, so that when we use those words, we understand them.” It is a simple mission but an important one. As documented in this report, factual misunderstandings and negative stereotypes are helping to fuel pervasive human rights abuses against LGBT people in Vietnam today.

## Misinformation About Sexual Orientation and Gender Identity

I went online. I also made friends in the LGBT community and asked questions that were on my mind. I was excited to know new information and I gradually realized that it was not a disease.

—Sinh, a 23-year-old bisexual man, September 2018

The belief that same-sex attraction is a diagnosable, treatable, and curable mental health condition is pervasive in Vietnam. This false belief is rooted in the failure of the government and medical professional associations to effectively communicate the truth: that same-sex attraction is a natural variation of human experience.

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<sup>17</sup> Doan Bao Chau, “Analysis Communication Strategy of I DO- LGBT Campaign Organised by ISEE,” unpublished paper, [https://www.academia.edu/14844575/Analysis\\_communication\\_strategy\\_of\\_I\\_DO-\\_LGBT\\_campaign\\_organised\\_by\\_iSEE\\_Vietnam](https://www.academia.edu/14844575/Analysis_communication_strategy_of_I_DO-_LGBT_campaign_organised_by_iSEE_Vietnam) (accessed November 30, 2019).

<sup>18</sup> Mariah Cooper, “‘Bachelor: Vietnam’ Lesbian Couple Still Going Strong,” *Washington Blade*, April 4, 2019, <https://www.washingtonblade.com/2019/04/04/bachelor-vietnam-lesbian-couple-still-going-strong> (accessed November 14, 2019).

<sup>19</sup> “Tu Pede Toi Bue Due” (art exhibition leaflet), unpublished document, September 2019.

Researchers have explained how Vietnam never officially adopted the position of the World Health Organization (WHO), which introduced a diagnosis for homosexuality in 1969, and therefore the government has never officially removed the diagnosis, as many around the world did when the WHO declassified it in 1990. However, while such a diagnosis appears to have never officially been on the books in Vietnam, the government's treatment of homosexuality as deviant behavior, combined with public figures in medicine perpetuating the pathological construal, has resulted in the belief being widespread and potent. Anthropologist Natalie Newton, who studied queer culture and right movements in Vietnam, explained:

The general phenomenon of medicalization of homosexuality in Vietnam is not different from the West or other parts of the world. However, the ways in which the medical establishment, State, and NGO projects compete with one another in debates over homosexuality are particular to Vietnam's contemporary historical context...<sup>20</sup>

Newton explains how a series of legal regimes beginning in the 1950s cast homosexuality as a "social evil," and that popular Vietnamese media often use the concept "mitigate social norms by proxy." According to Newton, "Social evils' is a broad term that the State and local authorities have historically molded and shaped into tools for social disciplining across sectors, including homosexuality." She writes:

Currently, debates around the medical and psychological diagnoses of homosexuality as an illness remain at the level of colloquial and media discussion. The Vietnamese medical or psychological establishments have not adopted the World Health Organization's international declassification of homosexuality as a mental illness.<sup>21</sup>

Newton's research documents how public figures ranging from poets to psychologists perpetuate the notion that homosexuality is a pathology. The fact that Vietnamese health

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<sup>20</sup> Natalie Newton, "A Queer Political Economy of 'Community': Gender, Space, and the Transnational Politics of Community for Vietnamese Lesbians (les) in Saigon" (PH.D. diss., University of California, Irvine, 2012), <https://pqdtopen.proquest.com/doc/1267776545.html?FMT=AI&pubnum=3547300> (accessed November 14, 2019), p. 152.

<sup>21</sup> Ibid.

professional associations and the ministry of health remain silent on this matter allows the discourse of disease to dominate. It leaves parents and teachers misinformed and ill-equipped, and youth with questions about sexual orientation and gender identity isolated and facing significant barriers to accessing accurate information.

When LGBT students face hostility in their homes and peer groups, access to affirming information and resources is vitally important. Few of the LGBT students we interviewed, however, felt that their schools provided adequate access to information and resources about sexual orientation, gender identity, and being LGBT.

In order to understand their own sexuality and to make responsible choices, LGBT students, as well as other students, need access to information about sexuality that is non-judgmental and takes into account the full range of human sexuality. This is particularly important in sexuality education courses. In recent years, many countries have moved toward providing comprehensive sexuality education.<sup>22</sup> According to the UNESCO International Technical Guidance on Sexuality Education, comprehensive sexuality education is a “curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes and values that will empower them to: realize their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and, understand and ensure the protection of their rights throughout their lives”.<sup>23</sup> As part of comprehensive sexuality education, all students, regardless of their sexual orientation or gender identity, should have access to relevant material about their development, relationships, and safer sex.

Vietnam’s Education Development Strategic Plan (2009 – 2020) calls for a revision of the curriculum to include components on “civic education, life skills, sexual health, gender,

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<sup>22</sup> In its 2015 global report on comprehensive sexuality education, the United Nations Education, Scientific and Cultural Organization (UNESCO) evaluated the implementation progress in 48 countries against benchmarks that had been set at a summit the agency hosted in 2013. For the evaluation, see: UNESCO, “Comprehensive Sexuality Education: A Global Review,” 2015, <https://unesdoc.unesco.org/ark:/48223/pf0000235707> (accessed November 14, 2019). For the benchmarks, see: UNESCO, “Measuring the Education Sector Response to HIV and AIDS,” 2013, <https://unesdoc.unesco.org/ark:/48223/pf0000223028> (accessed November 14, 2019).

<sup>23</sup> Page 16, International Technical Guidance on Sexuality Education, UNAIDS, UNESCO, UNFPA, UNICEF, UN Women and WHO, 2018, <https://www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf> (accessed December 13, 2019).

and HIV & AIDS education.”<sup>24</sup> However, inaccurate information about sexual orientation and gender identity is pervasive in Vietnam. In a 2014 report on LGBT rights in Vietnam, the United Nations Development Programme (UNDP) noted:

[E]ducation institutions are not safe for LGBT students due to the lack of anti-bullying and non-discrimination policies. Furthermore, sex and SOGI education is still limited in Viet Nam and are considered sensitive topics that teachers usually avoid.<sup>25</sup>

Four United Nations agencies —UNAIDS, UNESCO, UNFPA, and UNICEF— supported the Ministry of Education and Training in the development of technical guidance for incorporating comprehensive sexuality education (CSE) into pre-primary, primary and secondary education programs. The technical guidance was finished in November 2019. Sexual orientation and gender identity have been incorporated in the guidance, which the Ministry of Education and Training is charged with implementing. Human Rights Watch wrote to the ministry (see appendix 2) seeking information on plans for the new curriculum and confirmation that it would include LGBT content, but had not received a response at time of writing.

The evidence presented in this report aligns with UNDP’s 2014 report regarding the current state of CSE in Vietnam and underscores the urgency of the reforms underway. For youth who have questions about gender and sexuality—including questions about important sexual health issues—this can mean they are left searching the internet on their own rather than relying on vetted, scientifically reliable resources.

For example, Đức, a 22-year-old gay man in Hanoi, told Human Rights Watch how he first heard about homosexuality in school: “One time in biology class in 9th grade, we were studying gender and the teacher mentioned homosexuality, saying that it was unnatural

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<sup>24</sup> Socialist Republic of Vietnam, Ministry of Education and Training, “Vietnam’s Education Development Strategic Plan (2009-2020),” December 30, 2008, [https://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/viet\\_nam\\_education\\_strategy\\_2009-2020\\_viet.pdf](https://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/viet_nam_education_strategy_2009-2020_viet.pdf) (accessed November 14, 2019).

<sup>25</sup> UNDP and USAID, *Being LGBT in Asia: Viet Nam Country Report*, 2014, [https://www.usaid.gov/sites/default/files/documents/1861/Being\\_LGBT\\_in\\_Asia\\_Viet\\_Nam\\_report\\_ENG.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Viet_Nam_report_ENG.pdf).

and that we should be afraid of it—using derogatory words.”<sup>26</sup> A few weeks before that lesson, Đức said, he had seen a film that featured a gay character, prompting him to research homosexuality online. This process helped him begin to understand his own feelings and inoculated him against the teacher’s comments. “I had already done research on LGBT and knew it was a natural orientation, not a disease. So when my teacher said that, I just let it go—I thought it was just her lack of information, or her having the wrong information,” he said.<sup>27</sup>

Đức’s teachers suspected he was gay, he believes, due to his behavior and mannerisms. But even when another teacher tried to speak in Đức’s defense, her statements showed a lack of awareness and communicated a potentially harmful message: “When the head teacher responsible for my class was talking to us at the end of the week, she told the students not to ridicule me,” he said. The teacher explained to the group that they should leave Đức alone, “because based on what was taught in biology class they know that there are people like that [homosexuals] and they can change one day.”<sup>28</sup>

### Resource Constraints and Teacher Training Deficits

One obstacle to improving conditions for LGBT students in Vietnamese schools lies in the lack of teachers and counselors with the training necessary to provide appropriate support to LGBT students, in part a reflection of broader school resource constraints. In its 2012 review, the UN Committee on the Rights of the Child noted with concern “low teacher capacity” in Vietnamese schools.<sup>29</sup>

In a 2016 report on education, UNICEF and the Vietnamese Ministry of Labor, Invalids, and Social Welfare noted that while student/teacher ratios had dropped across most of the country, most teachers—in particular in rural areas—remained overwhelmed

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<sup>26</sup> Human Rights Watch interview with Đức, 22, September 24, 2018.

<sup>27</sup> Human Rights Watch interview with Đức, 22, September 24, 2018.

<sup>28</sup> Human Rights Watch interview with Đức, 22, September 24, 2018.

<sup>29</sup> Committee on the Rights of the Child, Concluding Observations on Viet Nam, U.N. Doc CRC/C/VNM/CO/3-4, August 22, 2012, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fVNM%2fCO%2f3-4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CRC%2fC%2fVNM%2fCO%2f3-4&Lang=en).

and undertrained for the various tasks they were charged with. The report said:

Vietnam is also actively working to reduce student/teacher ratios to enable teachers to pay more individual attention to students, however, the application of new teaching methods is limited as the teacher training curriculum in colleges and universities has not focused on education renovation. Teachers lacking relevant knowledge and skills to deliver quality sessions are not able to positively impact student performance.<sup>30</sup>

One particularly acute gap is that of school counselors. In recent years, surveys have shown a lack of confidence among students in school counseling services where they do exist.<sup>31</sup> Other studies have highlighted the shortage in trained school counselors—in particular when it comes to dealing with minority students and youth with mental health conditions.<sup>32</sup> A 2017 circular from the Ministry of Education and Training noted that school counselor/adviser positions are staffed by part-time teachers who are by and large overwhelmed; in a school week comprising 28 class periods, the individual is allotted three or four class periods to serve as counselor.<sup>33</sup> UNICEF and the labor ministry highlighted the government’s responsibility to enable and empower teachers: “[R]esources need to be assigned to assist the development of school based social workers and/or counsellors’ networks, and support for teachers in child protection and care to minimize violence against children in schools.”<sup>34</sup>

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<sup>30</sup> UNICEF and the Ministry of Labor, Invalids, and Social Welfare, Socialist Republic of Vietnam, *A Situational Analysis of Children in Viet Nam 2016*, December 2017, <https://www.unicef.org/vietnam/media/3621/file/A%20situation%20analysis%20of%20children%20in%20Viet%20Nam%202016.pdf> (accessed November 21, 2019).

<sup>31</sup> “Học trò rối lòng biết tìm ai?” *Người Lao Động*, April 16, 2015, <https://nld.com.vn/giao-duc-khoa-hoc/hoc-tro-roi-long-biet-tim-ai-20150416215420347.htm> (accessed November 14, 2019).

<sup>32</sup> Thùy Linh, “Cả nước đang thiếu 70.000 giáo viên tư vấn tâm lý,” *Giaoduc*, April 26, 2018, <https://giaoduc.net.vn/giao-duc-24h/ca-nuoc-dang-thieu-70000-giao-vien-tu-van-tam-ly-post185651.gd> (accessed November 14, 2019).

<sup>33</sup> Ministry of Education and Training, Socialist Republic of Vietnam, “Guiding the List of Employment Locations and Quantity of Workers in Public Education Establishments,” May 12, 2017, 16 /2017 / TT-BGDĐT, <https://thuvienphapluat.vn/van-ban/lao-dong-tien-luong/Thong-tu-16-2017-TT-BGDĐT-khung-vi-tri-viec-lam-so-luong-nguoi-lam-co-so-giao-duc-pho-thong-355050.aspx> (accessed November 14, 2019).

<sup>34</sup> UNICEF and the Ministry of Labor, Invalids, and Social Welfare, Government of the Socialist Republic of Vietnam, *A Situational Analysis of Children in Viet Nam 2016*,

### *Teachers Propagating Incorrect Information*

I've never been taught about LGBT.... There are very few people who think that this is normal.

—Tuyen, a 20-year-old bisexual woman, January 2019

Đức's experience, outlined in the previous chapter, is not unique. Of the 52 children and young adults Human Rights Watch interviewed, 40 reported that they heard negative remarks about LGBT people from their teachers. The most frequent comments centered around construing homosexuality as a “mental illness.” And, like in Đức's case, even when school staff were attempting to be compassionate or supportive, they often did so on the basis of same-sex attraction being a treatable condition or an aberration rather than a natural variation.

For example, Tuyết, an 18-year-old bisexual woman, said: “My high school teachers said bad things about LGBT people. During a class to educate us about family and marriage, the teacher said, ‘Homosexuality is an illness and it's very bad.’”<sup>35</sup> Quân, an 18-year-old gay man, told Human Rights Watch that his high school biology teacher told the class that “being LGBT is a disease” and “LGBT people need to go to the doctor and get female hormone injection.” Quân said the teacher told a personal story about it: “He would mention this issue over and over, because he had two kids at home, and near his house there was this boy who liked dressing in girl clothes.”<sup>36</sup> He said the teacher told the story in a way that suggested his children needed to be protected from such people.

Others told Human Rights Watch variations of the same story. Most often, it was the biology teacher telling students that homosexuality was unnatural or a disease. “One time in biology class in 9th grade, we were studying gender and the teacher mentioned homosexuality, saying that it was unnatural and that we should be afraid of it, using derogatory words,” said Giang, 22.<sup>37</sup>

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<https://www.unicef.org/vietnam/media/3621/file/A%20situation%20analysis%20of%20children%20in%20Viet%20Nam%202016.pdf>.

<sup>35</sup> Human Rights Watch interview with Tuyết, 18, September 24, 2018.

<sup>36</sup> Human Rights Watch interview with Quân, 18, February 1, 2019.

<sup>37</sup> Human Rights Watch interview with Giang, 22, September 24, 2018.



### Sinh, 23

In 10th grade, Sinh developed a crush on another boy. He was confused and thought there must be something wrong with him. When his mother found out, she was extremely upset. She cried and took him to a psychologist. His mother told him he had “an illness, a disease.” Sinh told her he was bisexual, and she asked him why he was not normal. At school, Sinh’s biology teacher taught the class that love can only happen between men and women, and that only men and women can create good families because they can reproduce. © 2020 Sally Deng for Human Rights Watch.

Sinh, 23, said, “My biology teacher said that love can only happen between men and women. Only men and women can create a good family because they can reproduce.”<sup>38</sup>

But such comments were not limited to the biology classroom. One student reported that his sociology teacher said, “There are homosexuals and they follow a trend of being gay.”<sup>39</sup> Phuong, a 17-year-old student, explained:

The chemistry teacher didn’t seem to like LGBT people. She said with my class that there was a student who was gay in another class, and she didn’t understand why they are being like that.<sup>40</sup>

As in Đức’s experience, tolerance from school staff was often coupled with factual misconceptions about the nature of same-sex attraction. Tui, 17, told Human Rights Watch: “[The teachers] say find a way to cure it, to get rid of it. But the silver lining is if you try hard enough and it still stays, it’s ok—but be ashamed.”<sup>41</sup>

While this report focuses on the experiences of students in Vietnamese schools and Human Rights Watch did not endeavor to document the perspectives of teachers, one teacher, Hoa, a 20-year veteran high school biology teacher, was interviewed on the topic. He confirmed for Human Rights Watch that LGBT issues are not included in the curriculum at his school. He explained:

LGBT issues are still considered sensitive. It can be integrated into other subject such as Biology or Civic Education. But it would require proper understanding of sexual orientation and gender identity, and most teachers don’t have that, so they tend to avoid the subject altogether.<sup>42</sup>

Hoa also said that when he talks with fellow teachers, “some of them still consider LGBT as a disease or an abnormal thing” which “leads to them not knowing how to treat LGBT

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<sup>38</sup> Human Rights Watch interview with Sinh, 23, September 23, 2018.

<sup>39</sup> Human Rights Watch interview with Giang, 22, September 24, 2018.

<sup>40</sup> Human Rights Watch interview with Phuong, 17, January 31, 2019.

<sup>41</sup> Human Rights Watch interview with Tui, 17, September 26, 2018.

<sup>42</sup> Human Rights Watch interview with Hoa, January 25, 2019.

students.”<sup>43</sup> Without training teachers about LGBT identities and issues, stereotypes and misinformation spread unchecked.

Same-sex attraction is shrouded in silence, as interviews with students confirmed. For example, Tham, a 17-year-old student who told Human Rights Watch none of his teachers ever mentioned sexual orientation or gender identity, recounted:

In grade nine, we had to give a presentation about love and relationships in Civic Education class. The teacher told us explicitly that we could only give presentations on love between men and women, not any other kind of love.<sup>44</sup>

### *Information Void in Official Sources*

It took me more than one hour to explain to [the counselor at my school] about LGBT. If these [counselors] already knew about LGBT, it would be much better and they would be able to help many more people.

—Ngoc, 22-year-old transgender man, February 2019

Children have a right to access information, including information about gender and sexuality. UN treaty bodies have repeatedly discussed the importance of accurate and inclusive sex education and information as a means of ensuring the right to health because it contributes to reducing rates of maternal mortality, abortion, adolescent pregnancies, and sexually transmitted infections, including HIV.

Placing restrictions on health-related information, including information relating to sexual orientation and gender identity, can violate fundamental rights guaranteed by international law. These violations include the right to seek, receive, and impart information and ideas of all kinds, and the right to the highest attainable standard of health.

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<sup>43</sup> Ibid.

<sup>44</sup> Human Rights Watch interview with Tham, 17, January 31, 2019.

In its 2014 report, UNDP wrote:

Even when lessons on sex are included, they are usually put at the very end of textbooks and ignored by educators. Students are thus not taught about SOGI or to respect diversity. LGBT students at most schools are not provided with fundamental knowledge or support on SOGI issues either by their teachers or by school services such as school counselors and nurses, or through other resources.<sup>45</sup>

Students Human Rights Watch interviewed were acutely concerned about the lack of information about sexual orientation and gender identity in their textbooks. “Back in secondary and high school, I never heard about SOGI from the teachers,” said Hang, 22.

“There was no sexual education. In biology class we just learned what was in the book. The teachers never mentioned LGBT.”<sup>46</sup>

Minh, 23, explained:

In biology class there was no mention of LGBT in the textbook. So if the teacher decided to bring this up, they do it on their own. If they choose to teach about sex at all, that’s already revolutionary.<sup>47</sup>

In a 2014 public health study that surveyed over 1,600 Vietnamese high school students about their sources of sexual knowledge, researchers found that “although many participants believed that they were knowledgeable about sex, only a small number of them actually possessed accurate sexual knowledge.”<sup>48</sup> iSEE has documented cases in which teachers pressured students to remove scientific information about sexuality from

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<sup>45</sup> UNDP and USAID, *Being LGBT in Asia: Viet Nam Country Report*, 2014, [https://www.usaid.gov/sites/default/files/documents/1861/Being\\_LGBT\\_in\\_Asia\\_Viet\\_Nam\\_report\\_ENG.pdf](https://www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Viet_Nam_report_ENG.pdf).

<sup>46</sup> Human Rights Watch interview with Hang, 22, January 28, 2019.

<sup>47</sup> Human Rights Watch interview with Minh, 23, February 14, 2019.

<sup>48</sup> Kaori Watanabe et al., “Sources of Sexual Knowledge Among Vietnamese High School Students,” *Advances in Reproductive Sciences* 2 (2014): 83-87, accessed November 21, 2019, doi:10.4236/arsci.2014.24010.

classroom presentations because, as one teacher said, “this would encourage her students to be homosexuals.”<sup>49</sup>

Vietnam’s sex education policies and practices fall short of the approach recommended by the UN special rapporteur on education, the treaty bodies, and UNICEF, particularly when it comes to including information about sexual orientation and gender identity.

### *Understandings of Homosexuality as a Mental Health Condition*

There’s a lot of pressure on kids to be straight. It’s constantly referenced that being attracted to someone of the same sex is something that can and should be changed and fixed.

—A school counselor in Hanoi, September 2019

Just months before Human Rights Watch interviewed Lanh, an 18-year-old bisexual high school senior, school staff had confiscated her phone. “The teacher invited my parents to meet. She talked about my school work, and also mentioned that I liked girls too,” Lanh said. “She told my parents to take me to the doctor to get my gender checked.” Lanh was not in the room when her teacher said this to her parents, but, she told Human Rights Watch, “After that, my parents told me at home: ‘Your teacher told us you are an *o moi*.<sup>50</sup> Now you will have to go to the doctor.’”<sup>51</sup>

Other interviewees described the pervasiveness of the belief that same-sex attraction is a diagnosable mental health condition. This widespread belief had significant impact on the lives of young LGBT people Human Rights Watch interviewed, ranging from serving as the root of harassment and discrimination, to, as in the case of Lanh, parents bringing their queer children to mental health professionals in search of a cure. A school counselor who works for a network of private K-12 schools in Hanoi told Human Rights Watch: “Sometimes

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<sup>49</sup> According to the iSEE report’s interviewee: “My teacher asked to preview my presentation on homosexuality. She requested me to pull out the information that said, ‘the World Health Organization does not regard homosexuality as a disease.’ I raised my opinion that this is proven scientific information but she told me that this would encourage her students to be homosexuals. She knows nothing about homosexuality.” iSEE, “Is it Because I am LGBT?” [https://www.vn.undp.org/content/vietnam/en/home/library/democratic\\_governance/is-it-because-i-am-lbgt.html](https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/is-it-because-i-am-lbgt.html).

<sup>50</sup> “O moi” is a derogatory word used in reference to lesbians.

<sup>51</sup> Human Rights Watch interview with Lanh, 18, February 17, 2019.

teachers come to me and say: ‘OK I have a gay student—what can I do? The parents aren’t happy—is there a way we can fix the kid?’”<sup>52</sup>

Anthropologist Natalie Newton explained in a 2015 article that, “Vietnamese popular press, sex education material, and...medical textbooks consider homosexuality a disease.”<sup>53</sup> According to Newton’s research:

Vietnamese newspaper advice columns have also featured the opinions of medical doctors and psychologists who have written about homosexuality as a disease of the body, a genetic disorder, hormonal imbalance, or mental illness.<sup>54</sup>

“Sometimes the news broadcasters talk about LGBT issues. My parents would watch and discuss about it very negatively,” said Tuyen. “They don’t really know what it is, but they are sure that this is a disease.”<sup>55</sup> Seventeen-year-old Nguyễn said his father told him in the 7th grade that “only 2 percent of homosexuals are really mentally ill—the rest are just trying to be trendy.” His mother then warned him that if she ever found out he was gay, she would put him in a psychiatric hospital. “So I decided then that I could never tell anyone,” he said.<sup>56</sup>

Sinh explained how his mother was extremely upset when she found out when he was in high school that he was in a relationship with a boy. “She cried. She thought I had an illness, a disease,” he said. “She banned me from seeing boys and brought me to a psychologist [thinking] maybe I’d change. I told her I was bisexual and my mom asked why I wasn’t normal.”<sup>57</sup>

A staff member at an international organization that has run LGBT-inclusive teacher training sessions across Vietnam told Human Rights Watch: “We hear feedback from some

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<sup>52</sup> Human Rights Watch interview with school counselor, September 19, 2019.

<sup>53</sup> Natalie Newton, “Homosexuality and Transgenderism in Vietnam,” in *Routledge Handbook of Sexuality Studies in East Asia*, eds. Mark McLelland and Vera Mackie (Abingdon, UK: Routledge, 2015), pp. 255-267.

<sup>54</sup> Ibid.

<sup>55</sup> Human Rights Watch interview with Tuyen, 20, January 30, 2019.

<sup>56</sup> Human Rights Watch interview with Nguyễn, 17, February 15, 2019.

<sup>57</sup> Human Rights Watch interview with Sinh, 23, September 23, 2018.

teachers that they don't know why they are being forced to learn about LGBT because it's a sickness and should be dealt with by doctors."<sup>58</sup>

### *The Search for Accurate and Affirming Information*

With schools not providing any such information, Vietnamese youth seek affirming and accurate information about sexual orientation and gender identity elsewhere.

Some found affirmation and support from their peers. An, a 16-year-old bisexual girl, told Human Rights Watch about how her biology teacher regularly said homosexuality was "unnatural." Her classmates reacted in disbelief, but only out of earshot of the teacher. "The whole class reacted [to the biology teacher's explanation that LGBT was unnatural] but not directly to her, because it would be impolite to do so," An said. "But when she left, everyone was like, she really doesn't know anything about LGBT."<sup>59</sup>

But while students like An at least believed they had the tacit support of their classmates, others who were bullied by fellow students because of their behavior or appearance said that experience led them to believe there was something fundamentally wrong with them.

Hung, 21, said he never heard anything about LGBT people from his teachers, but that he had been bullied since elementary school. "Classmates made gay jokes in an aggressive way—towards me specifically," he said, explaining:

I was scared. I thought there was something wrong with me. I thought I had done something wrong even though I had no idea what it was. I didn't ask anyone—I was so scared—about information on these issues or feelings. I had no idea what to do so I just put up with it.<sup>60</sup>

Some students recounted how they searched for information from informal sources—in particular, by searching and browsing the internet.

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<sup>58</sup> Human Rights Watch interview with NGO staffer, September 21, 2019.

<sup>59</sup> Human Rights Watch interview with An, 16, September 24, 2018.

<sup>60</sup> Human Rights Watch interview with Hung, 21, September 23, 2018.

Against the tide of anti-LGBT statements, even single instances of affirmative information were a relief. “When I was 18, I searched for information online. I thought I was sick,” explained Thuong, 23. “I googled ‘why does a girl like another girl?’ I found a website that said boys can love boys and girls can love girls. It made me relieved.”<sup>61</sup>

Nguyet, a 19-year-old lesbian, said finding affirmative information on the internet when she was younger was extremely helpful. “I just found stories online about girls who like girls. It wasn’t positive, outright telling me that this was OK, but it helped because it showed me this wasn’t something only I could think of,” she said. But the stories, while affirmative, were not as informative as an inclusive curriculum would have been. “It didn’t contain much actual knowledge,” Nguyet said. “And so I had many misunderstandings about gender and sexuality for a long time.”<sup>62</sup>

Even youth who would eventually identify themselves as queer said they came of age amidst intense stereotypes and misinformation about themselves and others. For example, 16-year-old Chinh said he misunderstood his fellow queer students until he found better information and came out himself. “I had a lot of stereotypes in my head and I joined my classmates in ridiculing the gay guy,” he said.<sup>63</sup>

## Verbal Harassment

[After I came out], some accepted it, some didn’t and thought LGBT is some disease, so they started to bully and isolate me. At first when I told my best friend, she was just surprised. But after she once told me “Why are you filthy gay kinds even alive?”

—Lieu, a 19-year-old bisexual woman, February 2019

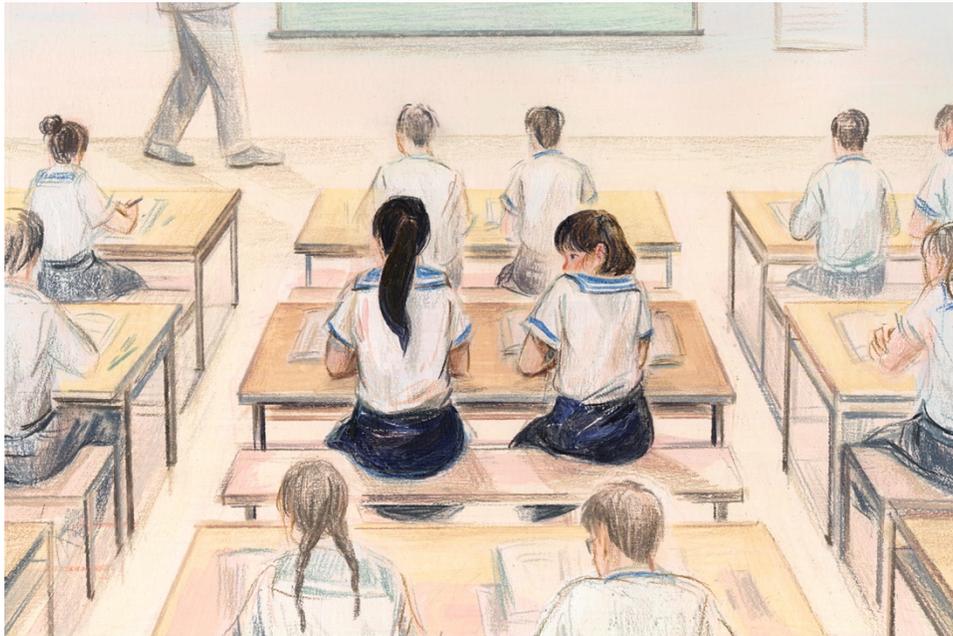
Verbal harassment colored the school lives of many of the LGBT students Human Rights Watch interviewed. In most cases, classmates singled out queer students whose expression violated gender norms—in particular, boys whose behavior was perceived as “too effeminate.”

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<sup>61</sup> Human Rights Watch interview with Thuong, 23, February 15, 2019.

<sup>62</sup> Human Rights Watch interview with Nguyet, 19, September 25, 2018.

<sup>63</sup> Human Rights Watch interview with Giang, 22, September 24, 2018.



**Thuong, 23**

When Thuong was a teenager, she wondered why she felt attracted to other girls. She searched for information online, asking “why does a girl like another girl?” and found a website that said it was possible for boys to love boys and girls to love girls. She was relieved. Then in college, she told another girl for the first time that she liked her. The girl told their classmates what Thuong had said, and they started telling Thuong she was “sick.” © 2020 Sally Deng for Human Rights Watch.

For example, Phuc, a 20-year-old gay man, said his high school classmates bullied him. “My classmates would always joke around about being,” he said. “They would call me those names directly. I was really introverted and had a feminine side. And my male friends would say I don’t play sports, I don’t act like a boy, so I’m a fag.”<sup>64</sup> Nguyễn, 17, described how the bullying he experienced was specifically linked to his effeminate behavior. “I was bullied in grades 2-5 because my name was ‘weird.’ Then in grade six the bullying shifted because people thought I was effeminate and because I played with girls a lot.”<sup>65</sup>

Phuc described how bullies would point out his gender non-conforming behavior, tell him to change it, and then use anti-gay slurs. He said:

They never say that I’m gay but they think I’m too much like a girl—that my hobbies and behavior is too girly. They tell me I should be a girl, and call me ‘faggot’ and would say ‘hey, girl’ when I walked by.<sup>66</sup>

Chinh, a 16-year-old bisexual boy, said he had never experienced any harassment himself even though he has disclosed his sexual orientation to several classmates. However, he recounted: “One of my classmates is gay and he was recently called a slur meaning prostitute because his voice is a little bit feminine.”<sup>67</sup> Khanh, a 22-year-old trans man, told Human Rights Watch: “I did see a lot of people in other classes get picked on all the time. They are usually boys that are a bit like girls, so it’s very easy for people to ridicule them.”<sup>68</sup>

For others, the experience of verbal harassment was a routine part of their lives. “At that time I thought as long as there was no physical violence, it wasn’t worth reporting to the teacher,” said Quy, a 23-year-old bisexual man. “Looking back, it was actually really bad. I just didn’t know that at the time—because it was part of my daily life.”<sup>69</sup>

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<sup>64</sup> Human Rights Watch interview with Phuc, 20, February 25, 2019.

<sup>65</sup> Human Rights Watch interview with Nguyễn, 17, February 15, 2019.

<sup>66</sup> Human Rights Watch interview with Phuc, 20, February 25, 2019.

<sup>67</sup> Human Rights Watch interview with Chinh, 16, September 24, 2018.

<sup>68</sup> Human Rights Watch interview with Khanh, 22, January 28, 2019.

<sup>69</sup> Human Rights Watch interview with Quy, 23, September 25, 2018.

## Physical Abuse

[The bullying] was mostly verbal but there was one time when I was beat up by five or six guys in eighth grade—just because they didn’t like how I looked.

— Đức, 22-year-old a gay man, September 2018

Lieu, a 19-year-old bisexual woman, told Human Rights Watch about her experience in high school in Ho Chi Minh City. In 10th grade, Lieu told her closest friend that she was bisexual, the term she identified with at the time. Her friend reacted poorly at first, then apologized. “Then she told the whole school about me,” Lieu said.

That disclosure of Lieu’s sexual orientation put her in significant danger. “In class, other people stopped hanging out with me,” she said. Her classroom was on the second floor, but when she walked in the courtyard below, classmates would throw water on her from above. “They hid my backpacks or sandals,” she said. “I played basketball, and there were times when guys deliberately threw the ball at my body or my head.” Others cut her books into pieces, and in one case her school uniform as well. Then, in 11th grade, classmates pushed Lieu from the second-floor terrace and she fell, breaking her arm and bruising badly. “When my parents saw the bruises and even when my arms broke, I said to them that was because of me playing basketball,” Lieu said.<sup>70</sup> Lieu’s father did not believe her, however, and visited the school under the guise of watching her play basketball, where he witnessed some bullying.

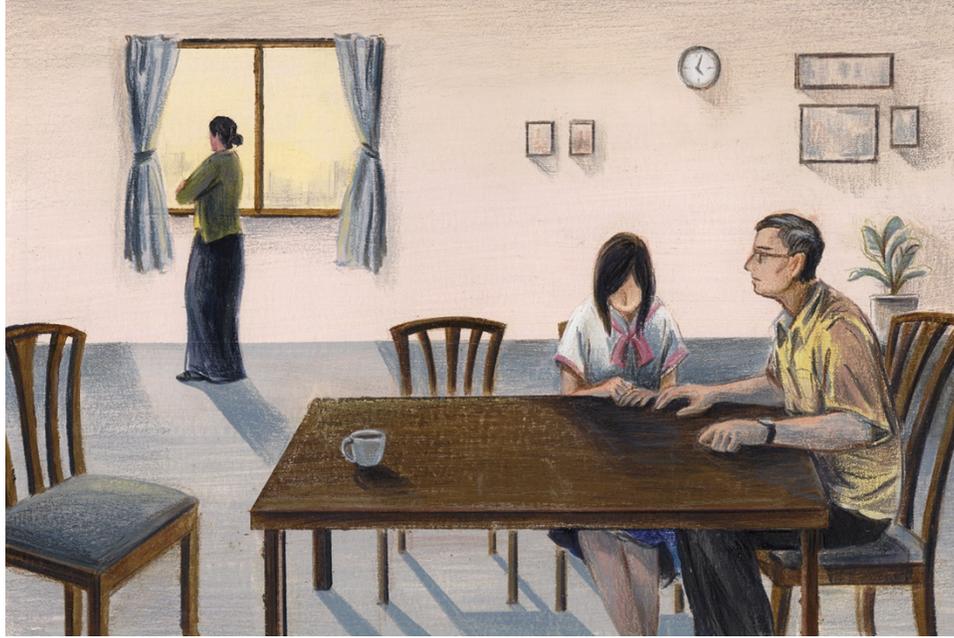
While physical violence appears to be rarer than verbal harassment, other interviewees reported to Human Rights Watch that they witnessed physical violence against classmates who were known or rumored to be queer.<sup>71</sup>

Unlike in Lieu’s case, where her parents were concerned about the violence she was experiencing at school, other interviewees reported their families were the perpetrators of violence themselves.

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<sup>70</sup> Human Rights Watch interview with Lieu, 19, February 16, 2019.

<sup>71</sup> Human Rights Watch interview with Giang, 22, September 24, 2018.



### Lieu, 19

Lieu told her parents in grade 10 that she was bisexual. Her father was supportive, but quiet, and her mother was vocally against her daughter's sexuality. She also came out to her best friend at school, who then told the entire class. After that, classmates began to bully and isolate Lieu. Some threw water on her from a balcony, others cut her books and uniform with scissors. In 11th grade, classmates pushed Lieu from the second-floor terrace and she fell, breaking her arm. Lieu told her parents the injuries occurred while she was playing basketball, but her father did not believe her. He even followed her to school one day so he could witness the bullying himself. When he told the teacher what he had seen, she told the entire class to not treat Lieu that way, but never investigated what had happened. © 2020 Sally Deng for Human Rights Watch.

Seventeen-year-old Nguyễn told Human Rights Watch he was eager to figure out what his sexual attractions to other men meant, so he frequently sought pornography on the internet. “I was really interested in it, but I didn’t know how to delete my browser. So my parents found it,” he said. “My father beat me until I was bruised. He hit me with a metal broom until it broke. I forgot about it until I saw myself in the mirror a few days later and noticed the bruises.”<sup>72</sup> Later, when he tried to tell his parents that he was gay, Nguyễn’s mother shouted at him. “She threw things at me—a stereo speaker to my head, a spherical stone decoration too,” he said, adding that outbursts of shouting and violence occurred for several months. “I started having nightmares about my mother screaming at me—that she only had my father and my brother in her life.”<sup>73</sup>

## Pressure to Conform to Social Norms

Our friends and teachers say aggressive things about LGBT characters on TV, that’s why I don’t feel safe [in school]. They say things like [the LGBT characters] are not human, they’re strange, they’re abnormal. They mean that being gay is disgusting.

—Phuc, 20-year-old gay man, February 2019

As discussed earlier in this report, Vietnam has made considerable strides in recognizing the rights of LGBT people in recent years. Nonetheless, for many LGBT people, dominant social norms continue to circumscribe free expression of their sexual orientation and gender identity and undergird acts of violence and discrimination. In an article on family politics and LGBT identities in Vietnam, anthropologists Paul Horton and Helle Rydstrom explain the apparent paradox:

Dominant socio-cultural norms regarding sexualities have allowed for the normative and legal exclusion of same-sex sexualities in contemporary Vietnam, while at the same time opening up spaces for resistance, through subversive practices, parades and demonstrations, political lobbying, and changes to the Marriage and Family Law.<sup>74</sup>

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<sup>72</sup> Human Rights Watch interview with Nguyễn, 17, February 15, 2019.

<sup>73</sup> Human Rights Watch interview with Nguyễn, 17, February 15, 2019.

<sup>74</sup> Paul Horton and Helle Rydstrom, “Reshaping Boundaries: Family Politics and GLBTQ Resistance in Urban Vietnam,” *Journal of GLBT Family Studies* 15 (2019), accessed November 21, 2019, doi:10.1080/1550428X.2018.1518739.

Horton and Rydstrom argue that there is intense pressure to conform to “heteronormative expectations about maintaining the family.” They also emphasize that pressures to conform to patrilineal family structures are complex and not borne solely by the queer individual. They document a case in which a 25-year-old lesbian named Bui explained how her mother had suspected she was a lesbian based on her fashion choices and, before she ever disclosed her sexual orientation, her mother threatened to commit suicide if she ever came out publicly as gay. They wrote, “she told Bui she could cope with Bui’s sexual preference but not with how other people would talk about her.”<sup>75</sup> The scholars explained:

[P]arents may react negatively to their son or daughter coming out, not only because of their own views on sexuality and the importance of marriage, but also because of wider sociocultural norms and the negative implications it could have for the collective face of the family.<sup>76</sup>

In other articles based on ethnographic fieldwork, Horton documents how widespread perceptions of gender non-conformity influence students’ experiences of bullying, in particular how gay men reflect on the ways in which they concealed their non-conforming behaviors during their youth so as to avoid scrutiny and harassment.<sup>77</sup>

Lan Anh Thi Do, a professor at Vietnam National University, documented in a 2017 paper a case in which parents described how they identified and scrutinized “gay” behaviors in boys. She quoted a mother who said: “For teenage boys who are too weak and gentle, we will blame him as ‘bede’ [gay/girly/less masculine boys]... teenage boys should be strong so that they will not be attacked/persuaded by gay men...”<sup>78</sup>

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<sup>75</sup> Horton and Rydstrom, “Reshaping Boundaries: Family Politics and GLBTQ Resistance in Urban Vietnam.” Jacob Aronson has made a similar observation: “In the traditional Vietnamese worldview, strongly pervaded by neo-Confucian ideologies of family and filiation, it is virtually unimaginable that one might live life exclusively as a homosexual, because that would constitute a grave and unpardonable breach of filial obligations.” Aronson, *Homosex in Hanoi? Sex, The Public Sphere, and Public Sex*, pp. 203-221.

<sup>76</sup> Ibid.

<sup>77</sup> Paul Horton, “Recognizing Shadows: Masculinism, Resistance, and Recognition in Vietnam,” *International Journal for Masculinity Studies* 14 (2019), accessed November 21, 2019, doi:10.1080/18902138.2019.1565166; Paul Horton, “The Bullied Boy: Masculinity, Embodiment, and the Gendered Social-ecology of Vietnamese School Bullying,” *Gender and Education* 31 (2019): 3, accessed November 21, 2019, doi:10.1080/09540253.2018.1458076.

<sup>78</sup> Lan Anh Thi Do, “‘Hu Hong’ (Bad Thing): Parental Perceptions of Teenagers’ Sexuality in Urban Vietnam,” *BMC Public Health* 17 (2017): 266, accessed November 21, 2019, doi:10.1186/s12889-017-4133-y.

In a study of more than 2,600 sexual minority women and transgender men conducted by researchers at iSEE, ICS (a Vietnamese LGBT group), Johns Hopkins University, and Harvard University, the researchers concluded: “Overall, negative family treatment predicted poorer mental well-being and increased suicidality and smoking and drinking.” The paper recommended interventions both to improve family acceptance and help trans men and lesbian and bisexual women cope with family disapproval.<sup>79</sup>

Having a safe school environment is particularly important for LGBT youth who face rejection or harassment at home. Some students described to Human Rights Watch the strategies they used to stay safe at school. Those stories illustrate resilience and creativity, but they also demonstrate where schools need to take action. It is the school’s obligation to make the facility and its activities safe. Or, as iSEE put it in their 2016 report:

Since not [all] LGBT students are fortunate enough to be able to hold dialogues with faculties, educational authorities should be in charge and provide clear guidelines to ensure that a very basic requirement [is] that how students are clothed would not become a discrimination against LGBT people.<sup>80</sup>

### **Perspectives of LGBT Students**

When Ngoc, now 22, was in high school, he had begun transitioning and his appearance did not conform to the social norms of the female sex he had been assigned at birth. One day in 11th grade, his biology teacher called him up to her desk:

She wrote ‘boy’ and ‘girl’ with chalk on her table and asked me to choose one. She also asked why I cut my hair short. I realized she might not have the knowledge about sexual orientation and gender identity, but she saw that there’s a problem rising from the fact that I am LGBT.<sup>81</sup>

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<sup>79</sup> Trang Quynh Nguyen et. al., “Negative Family Treatment of Sexual Minority Women and Transmen in Vietnam: Latent Cases and Their Predictors,” *Journal of GLBT Family Studies* 11 (2015): 3, accessed November 21, 2019, doi:10.1080/1550428X.2014.964443.

<sup>80</sup> iSEE, “Is It Because I am LGBT?” [https://www.vn.undp.org/content/vietnam/en/home/library/democratic\\_governance/is-it-because-i-am-lbgt.html](https://www.vn.undp.org/content/vietnam/en/home/library/democratic_governance/is-it-because-i-am-lbgt.html).

<sup>81</sup> Human Rights Watch interview with Ngoc, 22, February 16, 2019.

Ngoc told Human Rights Watch he appreciated the teacher’s discreet approach, as opposed to calling him out in front of his classmates. “She realized this was a sensitive topic, and that she wanted to help me somehow,” he said. The intense social pressures he was already experiencing at school and at home due to his appearance, however, made him remain fearful. “At the moment she asked [me to pick boy or girl], I was worried about how to answer, because I was afraid that if I told the ‘wrong’ answer, she would tell my parents,” he said.<sup>82</sup>

A 17-year-old bisexual girl explained: “I think old, traditional gender roles need to change—like how a girl should always have a husband—and also double standards placed on men. But when I express my opinion, people tell me I am cocky.”<sup>83</sup>

Some interviewees explained how school officials explicitly enforced gender norms. For example, in Nguyễn’s case, his secondary teacher observed that he only played with girls, then reported this behavior to his parents and instituted punishment at school as well. He said:

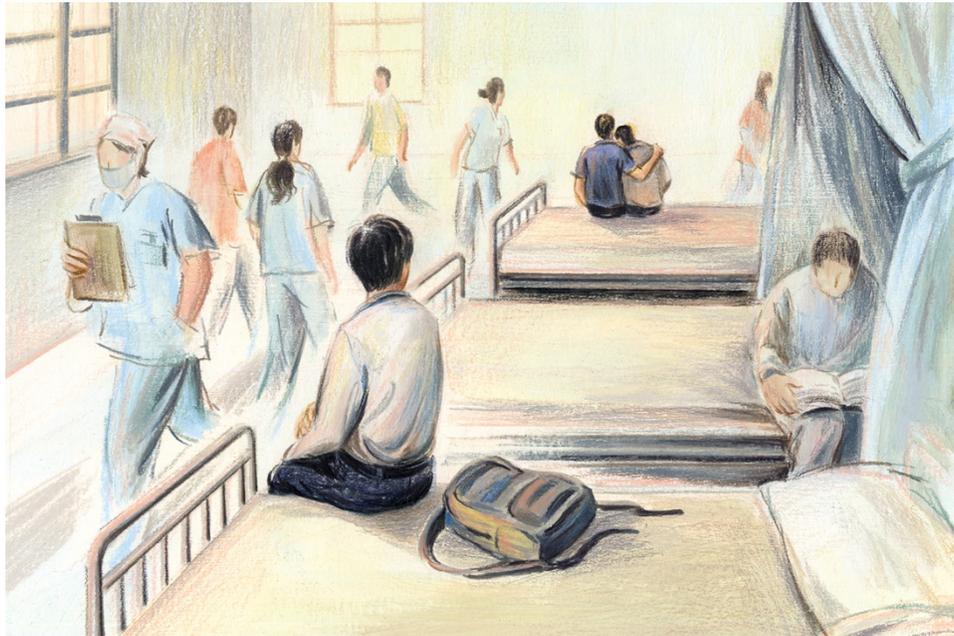
In secondary school, I only played with girls because I didn’t like how boys would only talk about girls and gaming. Girls were much more fun. My home room teacher noticed this and told my parents about it. My parents were upset, so the teacher assigned me to be the cleaner of the classroom for three months straight. I never got the small classroom jobs again, like wiping the chalk board. I always had to be the cleaner. Class ended at 5 p.m. and I had to stay there alone until 8 p.m. cleaning the classroom.<sup>84</sup>

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<sup>82</sup> Human Rights Watch interview with Ngoc, 22, February 16, 2019.

<sup>83</sup> Human Rights Watch interview with Men, 17, February 17, 2019.

<sup>84</sup> Human Rights Watch interview with Nguyễn, 17, February 15, 2019.



**Nguyễn, 17**

Throughout secondary school, Nguyễn did not identify with the term gay yet, but only played with his female classmates. His teacher reported this to his parents, who were upset. The teacher assigned him to clean the classroom after school for three months as punishment and he stayed every day after school alone until 8 p.m. to clean. One day when he was at a clinic for a check-up, Nguyễn saw a gay couple caring for each other. Seeing them supporting each other made him happy and hopeful. © 2020 Sally Deng for Human Rights Watch.

Cuc, an 18-year-old lesbian college student, explained that while some of her high school teachers had been supportive when she came out, even those who were superficially positive exhorted her to not be queer. “One of my favorite teachers who also likes me because I’m good at her subject (chemistry), talked to me one time [about my sexual orientation],” she said. “She told me ‘hey, you’re cute but is it true that you’re like that, that you like girls?’ She said it like it was somehow ridiculous [that I liked girls]...She was trying to redirect me, saying ‘real [straight] women are better,’” Cuc explained, adding that the teacher emphasized that her parents were likely to be unhappy she was not straight.<sup>85</sup>

Many of the LGBT students we spoke with felt palpable pressures to conform to social norms. For some, this meant never revealing their sexual orientation or gender identity to peers. Discretion purchased a modicum of safety. Twenty-one-year-old Diep said, “If a group of friends were chatting and someone mentioned LGBT people, others would stop that person and say, ‘Don’t talk about that, it’s disgusting.’ That’s why people never came out.”<sup>86</sup>

Hang, a 22-year-old bisexual woman, described how she protected herself, recalling her time in secondary and high school: “If I just act normally there would be no trouble. If I presented myself too much, I would be warned by other people in my school, but since I mostly kept to myself, it didn’t happen.”<sup>87</sup> A school counselor explained: “I’ve had teachers tell me, ‘Well, discrimination happens for a reason—kids who are strange are going to get treated strangely.’”<sup>88</sup>

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<sup>85</sup> Human Rights Watch interview with Cuc, 18, September 25, 2018.

<sup>86</sup> Human Rights Watch interview with Diep, 21, September 25, 2018.

<sup>87</sup> Human Rights Watch interview with Hang, 22, January 28, 2019.

<sup>88</sup> Human Rights Watch interview with school counselor, September 19, 2019.

## Impact of Bullying and Exclusion

I don't feel safe at school, because the view and mindset of other people on LGBT. I didn't get hurt physically, but I did suffer mentally. You have to be hurt when people tell you have a disease that frequently.

—Nhung, 17-year-old bisexual girl, January 2019

LGBT youth who face bullying and exclusion at school suffer a range of negative impacts. Interviewees told Human Rights Watch they felt stressed due to the bullying and harassment they experienced, and that the stress impacted their ability to study. Some students said the bullying they faced due to their sexual orientation or gender identity led them to skip or stay home from school. “This bullying affected me very much, especially my mental health,” said Trung, an 18-year-old trans man. “I didn't want to go to school and was so afraid of stepping inside the school gate.”<sup>89</sup>

Studies around the world consistently show that LGBT youth are at an elevated risk of adverse mental health outcomes, including depression, anxiety, substance abuse, and suicidality.<sup>90</sup> For example, government data in the United States from 2016, which has only recently recorded the specific experiences of LGBT youth nationwide, found that 8 percent of students who identified as lesbian, gay, or bisexual nationally experienced higher rates of depression and suicidality than their heterosexual peers.<sup>91</sup> Data showed that an alarming 42.8 percent of lesbian, gay, and bisexual youth respondents had seriously considered suicide in the previous year, and 29.4 percent had attempted suicide, compared with 14.8 percent of heterosexual youth who had seriously considered suicide in the previous year and 6.4 percent of heterosexual youth who had attempted suicide.<sup>92</sup> An academic study in the United States showed a disproportionate 40 percent of youth

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<sup>89</sup> Human Rights Watch interview with Trung, 18, February 15, 2019.

<sup>90</sup> Australian National LGBTI Health Alliance, “Snapshot of Mental Health and Suicide Prevention Statistics for LGBTI People,” July 2016, <https://lgbtihealth.org.au/wp-content/uploads/2016/07/SNAPSHOT-Mental-Health-and-Suicide-Prevention-Outcomes-for-LGBTI-people-and-communities.pdf> (accessed November 21, 2019); GLEN, “LGBTIreland: National Study of the Mental Health and Wellbeing of Lesbian, Gay, Bisexual, Transgender and Intersex People in Ireland,” 2016, [https://www.ilga-europe.org/sites/default/files/the\\_lgbtireland\\_report.pdf](https://www.ilga-europe.org/sites/default/files/the_lgbtireland_report.pdf) (accessed November 21, 2019).

<sup>91</sup> Centers for Disease Control and Prevention, US Department of Health and Human Services, “Sexual Identity, Sex of Sexual Contacts, and Health-Related Behaviors Among Students in Grades 9-12 – United States and Selected Sites, 2015,” *Morbidity and Mortality Weekly Report: Surveillance Summaries*, Vol. 65, No. 9, August 12, 2016, <http://www.cdc.gov/mmwr/volumes/65/ss/pdfs/s> (accessed November 21, 2019).

<sup>92</sup> Ibid.

experiencing homelessness identify as LGBT, due in large part to families rejecting their sexual orientation or gender identity.<sup>93</sup>

These analyses from elsewhere correspond with research findings in Vietnam. For example, a 2015 report by Save The Children and the Institute of Social and Medical Studies on homeless LGBT youth in Vietnam found that “discrimination, neglect, and abuse from their families were the main determinants to leave home and wished to find a more accepting community to be part of.”<sup>94</sup>

Some students told Human Rights Watch they skipped school to avoid bullying. For example, Due said: “One time a guy in my class—who already didn’t like me—told me, ‘if you come to school you’ll get beat up,’ so the next day I didn’t go to school.”<sup>95</sup> Trung, 18, spoke generally about his fear: “I didn’t feel safe going to school, because of all the bullying and pushing.”<sup>96</sup>

For others, like 17-year-old Hien, persistent bullying at school triggered a pattern of missing out on education. He said:

In secondary school I would skip class because I felt unsafe if I went to class. I knew that if I went, I would have to hear the homophobic ridicule, and it was better to just stay home. My grades suffered. The school week was six days and I stayed home at least three, and even when I went, I would skip certain classes because it was just too much. My parents noticed I was skipping school. They know I’m gay and thought I just didn’t fit in so I stayed home because of that. They didn’t know about the bullying.<sup>97</sup>

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<sup>93</sup> “94% of Homeless Youth Service Providers Report Serving LGBT Youth,” Williams Institute, July 12, 2012, <http://williamsinstitute.law.ucla.edu/press/press-releases/94-of-homeless-youth-service-providers-report-serving-lgbt-youth> (accessed November 21, 2019).

<sup>94</sup> Save the Children and Institute for Social and Medical Studies, *Being LGBT Young People in Vietnam: Life on the Streets and the Light through the Crack*, July 2015, [https://resourcecentre.savethechildren.net/sites/default/files/documents/lgbt\\_young\\_people\\_in\\_vietnam\\_-\\_save\\_the\\_childrens\\_report.pdf](https://resourcecentre.savethechildren.net/sites/default/files/documents/lgbt_young_people_in_vietnam_-_save_the_childrens_report.pdf) (accessed November 21, 2019).

<sup>95</sup> Human Rights Watch interview with Due, 22, September 24, 2018.

<sup>96</sup> Human Rights Watch interview with Trung, 18, February 15, 2019.

<sup>97</sup> Human Rights Watch interview with Hien, 17, September 26, 2018.

For most of the students Human Rights Watch interviewed, a desire to meet their parents' expectations that they attend school eclipsed their fear of attendance. Phuc, a 20-year-old gay man, explained: "People made fun of me a lot. I felt tired of it and didn't want them to do it anymore. But I always went to school in the end because I didn't want to disappoint my parents."<sup>98</sup>

## Lack of School Response to Cases of Abuse

Schools need to change— that is urgent. The reason my generation is against LGBT or confused by LGBT is because we were never taught anything different. It won't just help LGBT people— it will help all of us to be a better society.

—Mother of a gay son in Ho Chi Minh City

Almost all of the LGBT youth Human Rights Watch interviewed who had experienced bullying at school said they did not feel comfortable reporting it to school staff. This was sometimes because of overt, prejudiced behavior by the staff; in other cases, students operated on the assumption that it was unsafe to turn to the adults around them for help.

This is particularly telling because, in addition to formal curricula, schools typically provide a variety of resources to students: support from teachers, counselors, and other school personnel is a valuable asset, and should be available to guide LGBT youth as well as their non-LGBT peers. According to UNESCO, "support from teachers can have a particularly positive impact on LGBT and intersex students, improving their self-esteem and contributing to less absenteeism, greater feelings of safety and belonging and better academic achievement."<sup>99</sup>

"I had never thought about talking to the teachers about it," said Tuyen, 20. "I knew how the students reacted, and I was afraid that it would be worse with the teachers. I felt like

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<sup>98</sup> Human Rights Watch interview with Phuc, 20, February 25, 2019.

<sup>99</sup> UNESCO, "From Insult to Inclusion: Asia-Pacific Report on School Bullying, Violence and Discrimination on the Basis of Sexual Orientation and Gender Identity," 2015, <http://unesdoc.unesco.org/images/0023/002354/235414e.pdf> (accessed November 21, 2019), p. 58.

they would not help me.”<sup>100</sup> Đức told us his 8th grade classmates beat him up, leaving visible scratches, but he did not report it. He explained:

It happened at school but I don’t think the teachers knew. I didn’t tell them afterwards either because I was afraid that people would take it more seriously and pay more attention to me because of it. I also didn’t think reporting would change anything.<sup>101</sup>

Khanh, a 22-year-old trans man, described his experience being bullied in high school and how that had informed what he felt he could expect from adult staff in the school:

In high school, people suspected me because I walked like a boy. Other kids ridiculed me before the whole class and our teachers. My classmate called me ‘bede,’ ‘les.’ It happened right in the middle of the class, in front of everyone. The majority of the class was just silent and ignored it. When I got ridiculed like that, at first I felt angry and started talking back because they just kept on talking. After a while I just got sad and decided to stay silent. I didn’t pay any attention to the teachers because I thought they were just like the other people, if they knew they would just turn the other way and be silent.<sup>102</sup>

Or as Ngoc, a trans man who experienced bullying at school, explained:

I didn’t tell this to anyone because I couldn’t tell them the reason why I was being bullied. Honestly at my school, when two people fought, both of them got punished. So I didn’t tell anyone because I don’t want to get myself punished.<sup>103</sup>

Some students operated on the assumption that teachers knew the bullying was taking place but were unwilling to intervene. “Teachers probably knew it was happening but

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<sup>100</sup> Human Rights Watch interview with Tuyen, 20, January 30, 2019.

<sup>101</sup> Human Rights Watch interview with Đức, 22, September 24, 2018.

<sup>102</sup> Human Rights Watch interview with Khanh, 22, January 28, 2019.

<sup>103</sup> Human Rights Watch interview with Ngoc, 22, February 16, 2019.

didn't seem to do anything about," said Giang, reflecting a common sentiment from many of the students Human Rights Watch interviewed.<sup>104</sup> Others had direct experience of school officials neglecting to respond. In the case of 19-year-old Lieu, whose classmates broke her arms among other violent physical attacks, even her father's direct intervention with school staff was met with only lukewarm action. She explained:

My father told the teacher, but the teacher didn't do anything about it. He wanted me to switch schools, but I didn't agree because I just wanted to finish school and didn't want any changes. When my dad told my head teacher, she went to the class and asked everybody not to do it again. She never asked who did that to me. A week after my dad told the teacher about me getting bullied, he talked to my teacher again, and realized that making such a fuss is not a good way to go. I said to him that notifying the teacher would not do anything to solve the bullying. So he just tried to provide mental support for me to keep going to finish school.<sup>105</sup>

## Impact of a Supportive and Inclusive School Environment

I felt very safe in my high school. I also felt very lucky. While I was in school, I always thought that this was just a normal thing. But after I graduated and talking to other people, I realized my school was a very safe place.

—Tran, 22-year-old lesbian, January 2019

LGBT youth who reported receiving affirming, accurate information about sexual orientation and gender identity in school, or support from their peers or teachers, said the experience was edifying. It encouraged them to attend school more regularly and defend themselves in instances of misinformation or harassment.

Chau, a 16-year-old bisexual girl, told Human Rights Watch that her 9th grade sex education lessons featured discussions on LGBT topics. "The teacher said two guys or two girls can have children together, you can have children regardless of what kind of relationship you are in, so you don't need to be too worried about who you love," she

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<sup>104</sup> Human Rights Watch interview with Giang, 22, September 24, 2018.

<sup>105</sup> Human Rights Watch interview with Lieu, 19, February 16, 2019.

said.<sup>106</sup> Men, a 17-year-old bisexual girl, told Human Rights Watch: “In secondary school, my biology teacher talked to us about the fact that nowadays, gay couple marry and have kids is very normal.”<sup>107</sup>

Others were able to explore LGBT issues in their independent work. Tran, for example, said LGBT issues were frequently mentioned in classes when relevant and he was able to write a paper for his literature class about a same-sex couple. “Our Youth Union also had a short film contest focusing on LGBT rights, and the students were very interested and sent in a lot of submissions,” he said.<sup>108</sup>

Being able to recognize their experiences and learn about sexual orientation and gender identity helped LGBT youth feel safe at school. As Ngoc explained:

I found that when I had more knowledge, I was able to protect myself better. I was able to demand my teachers call me the correct pronoun...and the teachers would usually listen. I think empowering LGBT people for them to be able to protect themselves and change others is very important.<sup>109</sup>

A school counselor in Hanoi emphasized to Human Rights Watch that the LGBT youth who make it into her office can thrive with the right support. “I can give them books and talk to them about the facts about gender and sexuality, which helps against all of the negative and false information and then they tend to do well,” she said. “But most kids, even the ones who survive the self-doubt and self-hatred that keeps them from seeking counseling—they still struggle to access information. Even if they have a queer person in their life—and that’s very circumstantial if they do—it doesn’t mean they’re getting all the right information.”<sup>110</sup>

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<sup>106</sup> Human Rights Watch interview with Chau, 16, February 16, 2019.

<sup>107</sup> Human Rights Watch interview with Men, 17, February 17, 2019.

<sup>108</sup> Human Rights Watch interview with Tran, 22, January 29, 2019.

<sup>109</sup> Human Rights Watch interview with Ngoc, 22, February 13, 2019.

<sup>110</sup> Human Rights Watch interview with school counselor, September 19, 2019.

## II. Parent Organizing

“The only way not to lose them is to use love.”

—Father in Ho Chi Minh City

Hang became an activist because she was afraid of losing her son, Phong. Now in his 20s, when Phong was in high school his classmates bullied him about his “unmanly” behavior, causing him to become depressed. When Hang tried to talk to school officials about this issue, they responded by telling her that if her son stopped behaving improperly, the bullying would stop too.

Today, she is among a handful of volunteers with PFLAG-Vietnam, an organization whose name is an acronym meaning “Parents and Friends of Lesbians and Gays.”<sup>111</sup>

The first chapter of what is now PFLAG met in New York City in 1973 (the group was not named PFLAG until the 1980s) after an elementary school teacher’s gay son had been beaten and she wanted to advocate on his behalf. She organized other parents of queer children to support them and prevent violence against them. PFLAG affiliates—as well as organizations with a similar constituency and mission—have been incorporated in dozens of countries worldwide, including China, Myanmar, and Vietnam.<sup>112</sup>

In Vietnam, PFLAG remains an informal, unregistered effort, but volunteer parents have already begun to see results through their engagement with other parents of LGBT youth. In Hang’s work as a volunteer over the past five years, she has encountered parents of LGBT children with a range of views and beliefs. “Even a parent with a Ph.D. in psychology asked whether his [gay] son was really a man or if he was husband or wife in his relationship,” she said. “They also often want to blame themselves—they think they might have done something wrong raising the kid.”

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<sup>111</sup> Human Rights Watch interview with Hang, February 15, 2019.

<sup>112</sup> PFLAG, “International Family Groups,” <https://pflag.org/intlfamilygroups> (accessed November 21, 2019); OutRight Action International, “The Start of PFLAG Vietnam,” May 17, 2011, <https://outrightinternational.org/content/start-pflag-vietnam> (accessed December 3, 2019).

The paradigm can be daunting, Hang said: “They really ask us for methods to change the kid—whereas what we have to show them is how to change themselves.” PFLAG offers both private meetings with experienced volunteers and workshops where parents can meet in groups. Hang explained:

The workshops we run for parents have a sense of community among the participants—that they’re not going through this alone. It accelerates the process a lot compared to individual conversations.

PFLAG volunteers across Vietnam typically start by discussing basic terminology with new parents: terms such as sexual orientation and gender identity, for example. “This is seen as a very private matter,” Hang emphasized, adding that even the fact that an initial meeting is taking place should be seen as a sign of progress. “If parents agree to meet with me, they have in some way already started to accept their child.”

Tradition also features prominently in most discussions. “It’s a very basic notion in Vietnam that the main goal of the family is to reproduce,” said Hang. “The issue of having a child is not just for the immediate couple, it’s seen as a duty for the parents too. This creates enormous pressure for the family and they exert all of that pressure on the couple,” she said. A 2014 paper by the Institute of Development Studies noted:

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 ostracized. Women are also under pressure from duties and responsibilities as mothers and caregivers.<sup>113</sup>

“When parents are new to this, they think their children will be unhappy without the traditional family model,” said Hang. PFLAG tries to engage this desire of parents to see their children be happy. “We try to convince them by highlighting how their love and

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<sup>113</sup> Institute of Development Studies, “Negotiating Public and Legal Spaces: The Emergence of an LGBT Movement in Vietnam,” June 1, 2014, <https://www.ids.ac.uk/publications/negotiating-public-and-legal-spaces-the-emergence-of-an-lgbt-movement-in-vietnam> (accessed November 14, 2019).

support for their child can counteract all of the discrimination and horribleness that their kid will face in society,” Hang said.

PFLAG also tries to conduct presentations in schools, to demonstrate to teachers and youth that the adult generation accepts and understands LGBT people. However, they report, they are typically turned away.

“Most of the time we get rejected from the schools,” Hang said. “We hold teachers in very high moral standing in Vietnam. Teachers tell us they’re mostly concerned that parents will accuse teachers of teaching bad values and making the kids gay—so they don’t allow PFLAG in.”

And it is that specific nexus that needs to change urgently, Hang believes.

“Schools need to change—that is urgent,” she said. “The reason my generation is against LGBT or confused by LGBT is because we were never taught anything different.”

Thang, a PFLAG volunteer and father of a gay man, told Human Rights Watch he spent weeks crying quietly after his son came out to him in high school. “I knew I had to keep a strong face because he had an important exam and I wanted him to focus on that, but I was crying a lot,” he said.<sup>144</sup> He was deeply upset by his son’s homosexuality, and wanted to figure out a way to change him.

But for Thang, the choice was clear: “In that moment I had a choice. I never expected that my son could become a victim of my own hatred. And I knew if I continued thinking like that, I would lose my boy,” he said. “He’s a good person. The only way not to lose him was to use love.”

He first encountered parent-volunteers before PFLAG had formed its network, and the experience convinced him to become an activist himself.

“I’ll never forget meeting other parents for the first time,” he said. “It felt incredible not to feel alone any more. I can see the same in the other parents—that we all want companions on this journey.”

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<sup>144</sup> Human Rights Watch interview with Thang, February 15, 2019.

Thang's journey was a paradigmatic shift—from being overtly homophobic to embracing his gay child to actively encouraging other parents to do the same.

“When my son first came out, I was afraid of the discrimination he would have to face. At that time, everything that was slightly different was called *bede* by everyone,” he said. “And I was the one using that word as a slur, too. I was very homophobic and I knew how vicious it could be.”

In Thang's opinion, schools are becoming more open, but have a long way to go. He has done presentations for PFLAG in recent years in a handful of provinces where teachers have attended on their own volition, for example.

“Schools need to get better at this issue. We need more support for LGBT community groups so they can thrive,” he said.

### III. Human Rights Legal Standards

In its 2014 Universal Periodic Review (UPR) at the UN Human Rights Council, the government of Vietnam accepted its one recommendation related to sexual orientation and gender identity: “Enact a law to fight against discrimination which guarantees the equality of all citizens, regardless of their sexual orientation and gender identity.”<sup>115</sup>

In its 2019 UPR, Vietnam rejected recommendations to include sexual orientation and gender identity in the Labor Code and to legalize same-sex marriage. However, the government accepted recommendations to:

- Develop legislation against discrimination on the grounds of sexual orientation and gender identity.<sup>116</sup>
- Take further steps to ensure the protection of all vulnerable groups in society including lesbian, gay, bisexual, transgender and intersex persons.<sup>117</sup>
- Enact legislation to ensure access to gender affirmation treatment and legal gender recognition.<sup>118</sup>

In September 2019, the Prime Minister’s office issued an order specifying how various government agencies should implement Vietnam’s UPR recommendations.<sup>119</sup> The order included:

- Instructions to the Ministry of Justice to undertake: “Promulgating and implementing national action plans and programs to eliminate stigma and discrimination against women (to increase women’s participation in all fields and eliminate violence gender) and vulnerable groups...[including] LGBTI people.”
- Assigning to the Ministry of Health the responsibility to “examine legal gender recognition procedures without medical requirements” and to “allocate sufficient human and financial resources to implement effective plans, national action

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<sup>115</sup> United Nations Human Rights Council, Universal Periodic Review – Viet Nam, 2nd cycle, 2014, Recommendation 143.88, [https://lib.ohchr.org/HRBodies/UPR/Documents/Session18/VN/VietNam\\_Thematic\\_List\\_Recommendations.docx](https://lib.ohchr.org/HRBodies/UPR/Documents/Session18/VN/VietNam_Thematic_List_Recommendations.docx) (accessed November 14, 2019).

<sup>116</sup> United Nations Human Rights Council, Universal Periodic Review – Viet Nam, 3rd cycle, 2019, Recommendation 38.109, <https://lib.ohchr.org/HRBodies/UPR/Documents/Session32/VN/Recommendations.docx> (accessed November 14, 2019).

<sup>117</sup> Ibid, Recommendation 38.97.

<sup>118</sup> Ibid, Recommendation 38.93.

<sup>119</sup> Socialist Republic of Vietnam, Prime Minister’s Order No. 1252 / QD-TTg.

- programs to eliminate prejudice, discrimination toward vulnerable groups...[including] LGBTI people.”
- Assigning to the Ministry of Labor, Invalids, and Social Affairs the responsibility to “review and recommend improvements to legal standards to ensure equality between men and women, non-discrimination on the basis of gender (including LGBTI).”<sup>120</sup>

## The Right to Education

The right to education is guaranteed under various Vietnamese laws. Directives on how to ensure that right is realized by, for example, reducing school violence, are detailed in decrees from the Ministry of Education and Training. Vietnam’s 2016 Children’s Law states:

Article 16. Right to education, study and develop gifts:

1. Children have the right to education and learning to develop comprehensively and reach their full potential.
2. Children are equal in terms of learning and education.<sup>121</sup>

In its preliminary report to the UN Committee on the Rights of the Child for its upcoming review, the government of Vietnam emphasized:

The 2016 Law on Children incorporates and broadens the principles of the [Convention on the Rights of the Child], including the principles of “non-discrimination against children” and the prohibition of “stigma and discrimination against children on the ground of personal characteristics, family circumstances, sex, ethnicity, nationality, belief and religion.”<sup>122</sup>

Vietnam’s Law on Education stipulates in article 10 that “Learning is the right and obligation of every citizen” and that “Every citizen, regardless of ethnic origins, religions,

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<sup>120</sup> Socialist Republic of Vietnam, Prime Minister’s Order No. 1252 / QD-TTg.

<sup>121</sup> The National Assembly of the Socialist Republic of Vietnam, “Children’s Law,” 102/2016 / QH13, <https://luatvietnam.vn/lao-dong/luat-tre-em-2016-104818-d1.html> (accessed November 21, 2019).

<sup>122</sup> Government of the Socialist Republic of Vietnam, Fifth and Sixth State Report on Implementation of the Convention on the Rights of the Child, CRC/C/VNM/5-6, December 17, 2018, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fVNM%2f5-6&Lang=en) (accessed November 14, 2019), para. 24.

belief, gender, family background, social status or economic conditions, has equal rights of access to learning opportunities.”<sup>123</sup> In a 2017 decree, the Vietnamese government issued a decree on measures to prevent school violence. It included mandating that schools have “no gender stereotypes [or] discrimination” in classrooms and specified measures to support students who are at risk of violence, including:

- Prompt detection of both perpetrators of violence and those they may be targeting.
- Assessments of the risk of school violence so that preventative measures can be taken.
- Counseling with students who are at risk of violence to reduce that risk.<sup>124</sup>

In 2019, the Ministry of Education and Training issued a detailed directive regarding preventing school violence. However, it did not mention the specific vulnerabilities of various groups of students, including LGBT students.<sup>125</sup>

The right to education is protected in international law, notably in the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child, ratified by Vietnam in 1982 and 1990, respectively.<sup>126</sup> The Convention on the Rights of the Child specifies that education should be directed toward, among other objectives, “[t]he development of the child’s personality, talents and mental and physical abilities to their fullest potential,” “[t]he development of respect for human rights and fundamental freedoms,” and “[t]he preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.”<sup>127</sup> In its

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<sup>123</sup> The National Assembly of the Socialist Republic of Vietnam, “Law on Education,” No. 38/2005, June 14, 2005, <https://luatvietnam.vn/giao-duc/luat-giao-duc-2005-17474-d1.html> (accessed November 14, 2019).

<sup>124</sup> Socialist Republic of Vietnam, Decree No. 80/2017 / ND-CP, “Regulation on Environmentally-Friendly, Healthy, and Safe Schools, and Prevention of School Violence,” July 17, 2017, <https://luatvietnam.vn/giao-duc/ngghi-dinh-80-2017-nd-cp-chinh-phu-115705-d1.html> (November 14, 2019).

<sup>125</sup> Socialist Republic of Vietnam, Ministry of Education and Training, Directive 993/ CT-BGDĐT, “Directive on Enhancing the Classroom, Preventing School Violence in Education,” April 12, 2019, <https://luatvietnam.vn/giao-duc/chi-thi-993-ct-bgddt-2019-tang-cuong-giai-phap-phong-chong-bao-luc-hoc-duong-172063-d1.html> (accessed November 21, 2019).

<sup>126</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), art. 13; CRC, art. 28. In addition, the UNESCO Convention against Discrimination in Education, which Vietnam has not ratified, provides that states have an obligation to eliminate and prevent discrimination in education based on sex, among other grounds. Convention against Discrimination in Education, arts. 2, 3.

<sup>127</sup> Convention on the Rights of the Child, art. 29(1).

2012 review of Vietnam, the Committee on the Rights of the Child urged “the State party to ensure that all children in the State party effectively enjoy equal rights under the Convention without discrimination on any ground.”<sup>128</sup> As discussed below, United Nations treaty bodies have stated that non-discrimination references to sex are understood to include sexual orientation.<sup>129</sup>

LGBT students are denied the right to education when bullying, exclusion, and discriminatory policies prevent them from participating in the classroom or attending school. LGBT students’ right to education is also curtailed when teachers and curricula do not include information that is relevant to their development or are outwardly discriminatory toward LGBT people.

To make the right to education meaningful, schools should ensure that school curricula, interactions with school personnel, and school policies are non-discriminatory and provide information to LGBT youth on the same terms as their non-LGBT peers.<sup>130</sup>

The right to education includes the right to comprehensive sexual education,<sup>131</sup> which is lacking for LGBT youth in Vietnam. As the UN Special Rapporteur on the Right to Education

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<sup>128</sup> Committee on the Rights of the Child, “Concluding Observations: Vietnam 2012,” U.D. Doc. CRC/C/VNM/CO/3-4, August 22, 2012, para. 30.

<sup>129</sup> See, for example, UN Human Rights Committee, *Toonen v. Australia*, U.D. Doc. CCPR/C/50/D/488/1992 (April 4, 1994), where in reference to the International Covenant on Civil and Political Rights it noted “that in its view the reference to ‘sex’ in articles 2, paragraph 1, and 26 is to be taken as including sexual orientation” (para. 8.7). The Committee on Economic, Social and Cultural Rights (CESR) in its General Comment No. 22 on sexual health states “the right to sexual and reproductive health, combined with [other rights under the Covenant]... including the right to non-discrimination and equality between men and women, also requires States to ensure employment with ... protection from sexual harassment in the workplace and prohibition of discrimination based on ... sexual orientation, gender identity or intersex status.” UN Committee on Economic, Social and Cultural Rights, General Comment No. 22, The Right to Sexual and Reproductive Health, U.N. Doc. E/C.12/GC/22 (2016), para. 9.

<sup>130</sup> As the Committee on the Rights of the Child has noted, “[t]he effective promotion of article 29(1) requires the fundamental reworking of curricula to include the various aims of education and the systematic revision of textbooks and other teaching materials and technologies, as well as school policies.” Committee on the Rights of the Child, “The Aims of Education,” General Comment No. 1, U.N. Doc. CRC/GC/2001/1 (2001), para. 18.

<sup>131</sup> CESR has found that “the right to sexual and reproductive health, combined with the right to education (articles 13 and 14) and the right to non-discrimination and equality between men and women (articles 2 (2) and 3), entails a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate.” CESR, General Comment No. 22, The Right to Sexual and Reproductive Health, U.N. Doc. E/C.12/GC/22 (May 2, 2016), para. 9. See also Committee on the Rights of the Child, General Comment No. 20, The Implementation of the Rights of the Child During Adolescence, U.N. Doc. CRC/C/GC/20 (December 6, 2016), paras. 59-60 (concluding that all adolescents, including LGBT youth, should have access to comprehensive sexual and reproductive health education).

has explained: “The right to education includes the right to sexual education, which is both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights.”<sup>132</sup>

A curriculum that only presents and gives students information on heterosexual sex inside of marriage “normalizes, stereotypes, and promotes images that are discriminatory because they are based on heteronormativity; by denying the existence of the lesbian, gay, transsexual, transgender and bisexual population, they expose these groups to risky and discriminatory practices.”<sup>133</sup>

To ensure the right to education is respected, the Committee on the Rights of the Child has said that sexuality education provided by schools:

[S]hould include self-awareness and knowledge about the body, including anatomical, physiological and emotional aspects, and should be accessible to all children, girls and boys. It should include content related to sexual health and well-being, such as information about body changes and maturation processes, and designed in a manner through which children are able to gain knowledge regarding reproductive health and the prevention of gender-based violence, and adopt responsible sexual behavior.<sup>134</sup>

This information should not be provided only to heterosexual, cisgender students. Schools should also provide LGBT students with relevant content to ensure they enjoy the right to education without discrimination. Comprehensive sexuality education “must be free of prejudices and stereotypes that could be used to justify discrimination and violence against any group,”<sup>135</sup> and “must pay special attention to diversity, since everyone has the

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<sup>132</sup> UN Human Rights Council, Report of the United Nations Special Rapporteur on the Right to Education, Vernor Muñoz, U.N. Doc. A/65/162, July 23, 2010, para. 19.

<sup>133</sup> *Ibid.*, para. 69.

<sup>134</sup> Committee on the Rights of the Child, General Comment No. 15, The Right of the Child to the Enjoyment of the Highest Attainable Standard of Health, U.N. Doc. CRC/GC/15 (April 17, 2013), para. 60.

<sup>135</sup> UN Human Rights Council, Report of the United Nations Special Rapporteur on the Right to Education, Vernor Muñoz, U.N. Doc. A/65/162, July 23, 2010, para. 63.

right to deal with his or her own sexuality without being discriminated against on grounds of sexual orientation or gender identity.”<sup>136</sup>

## Violence and Bullying

Under international human rights law, children are entitled to protection from all forms of violence.<sup>137</sup> Children who are especially likely to face violence, including bullying, should receive specific attention and protection from the state. As the Committee on the Rights of the Child, the UN body that monitors implementation of the Convention on the Rights of the Child, has noted, “[g]roups of children which are likely to be exposed to violence include, but are not limited to, children ... who are lesbian, gay, transgender or transsexual.”<sup>138</sup> The committee has repeatedly described bullying, harassment, and violence against LGBT youth as violations of children’s rights,<sup>139</sup> and emphasized that “[a] school which allows bullying or other violent and exclusionary practices to occur is not one which meets the requirements of article 29(1),” the convention’s provision specifying the aims of education.<sup>140</sup>

The Committee on the Rights of the Child has identified steps that governments should take to protect children from bullying, harassment, and other forms of violence. These include challenging discriminatory attitudes that allow intolerance and violence to flourish,<sup>141</sup> establishing reporting mechanisms,<sup>142</sup> and providing guidance and training for teachers and administrators to know how to respond when they see or hear about incidents of violence.<sup>143</sup> When taking these steps, the committee has stressed that children themselves should be involved “in the development of prevention strategies in

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<sup>136</sup> *Ibid.*, para. 23.

<sup>137</sup> Convention on the Rights of the Child, art. 19.

<sup>138</sup> Committee on the Rights of the Child, General Comment No. 13, The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13 (April 18, 2011), para. 72(g).

<sup>139</sup> Committee on the Rights of the Child, Concluding Observations: Sweden, U.N. Doc. CRC/C/SWE/CO/5, March 6, 2015, para. 15; Committee on the Rights of the Child, Concluding Observations: the Bolivarian Republic of Venezuela, U.N. Doc. CRC/C/VEN/CO/3-5, October 12, 2014, para. 27.

<sup>140</sup> Committee on the Rights of the Child, “The Aims of Education,” 2001, para. 19.

<sup>141</sup> Committee on the Rights of the Child, General Comment No. 13, The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13 (April 18, 2011), para. 47(a)(i).

<sup>142</sup> *Ibid.*, para. 49.

<sup>143</sup> *Ibid.*, paras. 50-51.

general and in school, in particular in the elimination and prevention of bullying, and other forms of violence in school.”<sup>144</sup>

### *LGBT-Inclusive Anti-Bullying Policies*

Bullying prevention policies that include explicit protections for LGBT students are necessary to fulfill human rights obligations. Research also shows that LGBT-inclusive bullying prevention policies improve students’ sense of safety. For example, one study in the United States that analyzed data from more than 7,000 students found that those LGBT youth who attended school in a district with an LGBT-inclusive anti-bullying policy felt safer at school than LGBT youth who attended school in a district with no bullying policy or with a bullying policy that failed to mention sexual orientation and gender identity.<sup>145</sup> Long-term experience elsewhere has revealed the importance of enumeration. For example, GLSEN, an NGO in the United States that has conducted surveys of school climates for LGBT students since 1999, strongly recommends that anti-bullying policies enumerate specific categories of vulnerable students, and specifically LGBT students.<sup>146</sup>

In recent years, governments around the world have been making policy changes that protect LGBT youth at school. In 2015, 55 ministers of education signed UNESCO’s Call for Action on homophobic and transphobic violence. The declaration commits those governments to monitoring the prevalence of homophobic and transphobic bullying in schools, providing students with information about harmful gender-based stereotypes, training school personnel, and taking steps to make schools safe for LGBT youth.<sup>147</sup> Two countries that signed the document as they developed LGBT-inclusive policies are Japan and the Philippines.

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<sup>144</sup> Ibid., para. 63.

<sup>145</sup> Ryan Kull et al., “Effectiveness of School District Antibullying Policies in Improving LGBT Youths’ School Climate,” *Psychology of Sexual Orientation and Gender Diversity* 3:4 (2016): 407-415, accessed November 21, 2019, doi: 10.1037/sgd0000196.

<sup>146</sup> GLSEN, “Model District Anti-Bullying & Harassment Policy,” 2019, [http://www.glsen.org/sites/default/files/Enumeration\\_o.pdf](http://www.glsen.org/sites/default/files/Enumeration_o.pdf) (accessed November 21, 2019).

<sup>147</sup> UNESCO, “Call for Action by Ministers: Inclusive and Equitable Education for All Learners in an Environment Free from Discrimination and Violence,” November 2016, <http://unesdoc.unesco.org/images/0024/002462/246247E.pdf> (accessed November 21, 2019).

## Japan

In March 2017, the government of Japan updated its Basic Policy for the Prevention of Bullying to mandate that schools should prevent bullying of students based on their sexual orientation or gender identity by “promot[ing] proper understanding of teachers on...sexual orientation/gender identity as well as mak[ing] sure to inform on the school’s necessary measures regarding this matter.”<sup>148</sup> The policy followed a 2015 directive from the Ministry of Education, Culture, Sports, Science, and Technology (MEXT) regarding transgender students and a 2016 MEXT guidebook for teachers about LGBT students.<sup>149</sup> The guidebook instructed teachers on several topics, including:

- Clarification of the definitions of “sexual orientation” and “gender identity” and encouraging teachers not to confuse them.
- Acknowledgment of social prejudices against LGBT people in Japan and how they can result in workplace discrimination. In addition, the Guidebook states: “it is important that teachers stop having prejudices and gain a better understanding of this issue.”
- Considering the possibility of sexual orientation and gender identity topics being included in lessons.<sup>150</sup>

## The Philippines

In recent years, lawmakers and school administrators in the Philippines have recognized that bullying of LGBT youth is a serious problem, and designed interventions to address it. In 2012, the Department of Education (DepEd), which oversees primary and secondary schools, enacted a Child Protection Policy designed

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<sup>148</sup> “Japan: Anti-Bullying Policy to Protect LGBT Students,” Human Rights Watch news release, March 24, 2017, <https://www.hrw.org/news/2017/03/24/japan-anti-bullying-policy-protect-lgbt-students>.

<sup>149</sup> Ministry of Education, Culture, Sports, Science, and Technology (MEXT), Government of Japan, “Regarding the Careful Response to Students with Gender Identity Disorder,” April 30, 2015, [http://www.mext.go.jp/b\\_menu/houdou/27/04/1357468.htm](http://www.mext.go.jp/b_menu/houdou/27/04/1357468.htm) (accessed November 21, 2019).

<sup>150</sup> MEXT, “Guidebook for Teachers Regarding Careful Response to Students related to Gender Identity Disorder as well as Sexual Orientation and Gender Identity,” April 1, 2016, [http://www.mext.go.jp/b\\_menu/houdou/28/04/1369211.htm](http://www.mext.go.jp/b_menu/houdou/28/04/1369211.htm) (accessed November 21, 2019).

to address bullying and discrimination in schools, including on the basis of sexual orientation and gender identity.<sup>151</sup>

In 2013, Congress passed the Anti-Bullying Law, with implementing rules and regulations that enumerate sexual orientation and gender identity as prohibited grounds for bullying and harassment. The implementing rules and regulations for the law explain that the term “bullying” includes “gender-based bullying,” which “refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI).”<sup>152</sup>

### Cambodia

Beginning in 2020, Cambodian students from age 13 will receive lessons inclusive of sexual orientation and gender identity. Yung Kunthearith, deputy director of the education ministry’s department of health studies, clarified the change was “about equality.” He said: “We want our children to be aware of these issues and know that no one should be discriminated against in school or any part of life.”<sup>153</sup> Civil society groups began working with the Ministry of Education to train teachers on LGBT issues in 2017.<sup>154</sup>

LGBT youth activists in Vietnam are eager to see the government institute similar policies and protocols, but cite a history of being sidelined when they have tried. “We always get told ‘not now’ or ‘this is too sensitive right now,’” an activist in Hanoi told Human Rights Watch. “Or at some meetings, even with fellow youth leaders, LGBT will be on the agenda and then it just gets ignored.”<sup>155</sup>

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<sup>151</sup> Department of Education, Government of the Philippines, “DepEd Child Protection Policy,” DepEd Order No. 40, May 14, 2012, sec. 3J, <http://www.deped.gov.ph/orders/do-40-s-2012> (accessed November 21, 2019).

<sup>152</sup> Implementing Rules and Regulations of Republic Act No. 10627, “Implementing Rules and Regulations of Republic Act No. 10627, Otherwise Known as the Anti-Bullying Act of 2013,” Official Gazette, September 12, 2013, sec. 3(b)(1), <http://www.officialgazette.gov.ph/2013/09/12/republic-act-no-10627>.

<sup>153</sup> Matt Bloomberg, “Cambodia to teach LGBT+ issues in schools to tackle discrimination,” *Reuters*, December 10, 2019, <https://www.reuters.com/article/us-cambodia-lgbt-education/cambodia-to-teach-lgbt-issues-in-schools-to-tackle-discrimination-idUSKBN1YE1RK> (accessed January 13, 2020).

<sup>154</sup> Cristina Maza, “Lessons in LGBT: Cambodia Brings Gay Rights Into the Classroom,” *NewsDeeply*, June 28, 2017, <https://www.newsdeeply.com/womenandgirls/articles/2017/06/28/lessons-in-lgbt-cambodia-brings-gay-rights-into-the-classroom> (accessed January 13, 2020).

<sup>155</sup> Human Rights Watch interview with Hue, 24, September 19, 2019.

## Right to Health

### *Safety from Bullying*

Bullying, exclusion, and discrimination generate physical and mental health risks that threaten the right to the highest attainable standard of health for LGBT youth. The Committee on the Rights of the Child has expressed concern about the health consequences of bullying, including suicide, and has urged governments to “take the necessary actions to prevent and prohibit all forms of violence and abuse, including sexual abuse, corporal punishment and other inhuman, degrading or humiliating treatment or punishment in school, by school personnel as well as among students.”<sup>156</sup>

### *Health Information*

In 2018, Vietnam’s Ministry of Education and Training issued a directive instructing teachers how to counsel students.<sup>157</sup> The directive instructs teachers to:

- a) Understand the necessity of counseling for students; understand the nature, content, form, principle and procedure of counselling jobs for students;
- b) Apply correctly the procedure and common principles to carrying out counseling and provide guidance to students so they can solve their own concrete problems; apply a number of methods and techniques to learn and assess psychological difficulties of students and form counseling plans to help students to solve their personal problems;
- c) Be ready to listen and learn in order to provide objective assessment of students; acquire ability to guide and help students when they encounter problems that need to be solved.<sup>158</sup>

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<sup>156</sup> Committee on the Rights of the Child, General Comment No. 4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, U.N. Doc. CRC/GC/2003/4 (July 1, 2003), para. 17.

<sup>157</sup> Socialist Republic of Vietnam, Ministry of Education and Training, “Promulgating the Program of Mentoring Capacity Improvement for General Teachers to Provide Counseling for Students,” Decision 1876 / QĐ-BGDĐT, May 21, 2018, <http://vanban.pgdngochoi.kontum.edu.vn/van-ban-dieu-hanh/quyet-dinh-1876qd-bgdtdt-ban-hanh-chuong-trinh-boi-duong-nang-luc-tu-van-cho-giao-vien-pho-thong-lam-cong-tac-tu-van-cho-hoc-sinh> (accessed November 14, 2019).

<sup>158</sup> Socialist Republic of Vietnam, Ministry of Education and Training, “Promulgating the Program of Mentoring Capacity Improvement for General Teachers to Provide Counseling for Students,” <http://vanban.pgdngochoi.kontum.edu.vn/van-ban-dieu-hanh/quyet-dinh-1876qd-bgdtdt-ban-hanh-chuong-trinh-boi-duong-nang-luc-tu-van-cho-giao-vien-pho-thong-lam-cong-tac-tu-van-cho-hoc-sinh> (accessed December 3, 2019).

One of the mandatory practices for teachers mentioned in the directive is “counseling on gender and reproductive health.” It is important that the government use this opportunity to make the implementation of the directive inclusive of LGBT students.

The UN special rapporteur on the right to education noted in 2010 that sexuality, health, and education are “interdependent rights,” explaining that “we must be able to look after our health, deal positively, responsibly, and respectfully with our sexuality, and must therefore be aware of our needs and rights.” Specifically, the special rapporteur warned against sex education programs that are based exclusively on heterosexual relationships, because “by denying the existence of the lesbian, gay, transsexual, transgender and bisexual population, they expose these groups to risky and discriminatory practices.”<sup>159</sup> The International Covenant on Economic, Social and Cultural Rights recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” The Convention on the Rights of the Child reinforces that children enjoy this right, and states that, in pursuit of that goal, governments will “ensure that all segments of society, in particular parents and children, are informed [and] have access to education,” and will “develop preventive health care, guidance for parents and family planning education and services.”<sup>160</sup>

The Committee on the Rights of the Child has said that “[i]n order to fully realize the right to health for all children, States parties have an obligation to ensure that children’s health is not undermined as a result of discrimination, which is a significant factor contributing to vulnerability,” including discrimination on the basis of “sexual orientation, gender identity and health status.”<sup>161</sup>

The significant shortcomings of sexuality education in Vietnam schools undermine the right to health for all students, but particularly LGBT students. The United Nations Sustainable Development Goals (SDGs) are a development agenda whose focus is to ensure that “no one is left behind,” including a promise to ensure inclusive and quality

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<sup>159</sup> Report of the Special Rapporteur on the Right to Education, U.N. Doc. A/65/162, July 23, 2010. According to the special rapporteur, “In order to be comprehensive, sexual education must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality without being discriminated against on grounds of sexual orientation or gender identity.”

<sup>160</sup> Convention on the Rights of the Child, arts. 24(1), (2)(e)-(f).

<sup>161</sup> Committee on the Rights of the Child, General Comment No. 13, The Right of the Child to Freedom from All Forms of Violence, U.N. Doc. CRC/C/GC/13 (April 18, 2011), para. 8.

education for all. As a UN member state, the government of Vietnam has endorsed this series of global sustainable development commitments, including the commitment to ensure universal access to sexual and reproductive health care services.<sup>162</sup> In its 2018 SDG review, the government of Vietnam acknowledged that despite investments in education, “The national education system remains unsynchronized” and “school material and technical bases are both lacking and out dated.”<sup>163</sup>

The Committee on the Rights of the Child has explained that youth are “vulnerable to HIV/AIDS because their first sexual experience may take place in an environment in which they have no access to proper information and guidance.”<sup>164</sup> Omitting information about same-sex activity and transgender identity from sexuality education curricula undermines LGBT students’ right to health. To ensure their rights are respected, the committee has said that governments must “refrain from censoring, withholding, or intentionally misrepresenting health-related information, including sexual education and information, and... ensure children have the ability to acquire the knowledge and skills to protect themselves and others as they begin to express their sexuality.”<sup>165</sup>

### *Ending the Pathologizing of Homosexuality*

The American Psychiatric Association (APA), which sets global standards for mental health diagnostics in its Diagnostic and Statistical Manual (DSM), removed the diagnosis for homosexuality from the DSM in 1973.<sup>166</sup> The World Health Organization removed homosexuality from its International Classification of Diseases (ICD) in 1990.<sup>167</sup>

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<sup>162</sup> United Nations, “Sustainable Development Goals,” <https://sustainabledevelopment.un.org> (accessed November 21, 2019).

<sup>163</sup> Government of the Socialist Republic of Vietnam, National Report at the United Nations Conference on Sustainable Development (Rio+20), <https://sustainabledevelopment.un.org/content/documents/995vietnam.pdf> (accessed November 14, 2019), p. 39.

<sup>164</sup> Committee on the Rights of the Child, General Comment No. 3, HIV/AIDS and the Rights of the Child, U.N. Doc. CRC/GC/2003/1 (2003), para. 1.

<sup>165</sup> *Ibid.*, para. 13.

<sup>166</sup> Gidi Rubenstein, “The Decision to Remove Homosexuality from the DSM: Twenty Years Later,” *American Journal of Psychotherapy* 49:3 (1995): 416-427, accessed November 21, 2019, doi:10.1176/appi.psychotherapy.1995.49.3.416.

<sup>167</sup> World Health Organization, *The ICD-10 Classification of Mental and Behavioural Disorders*, <http://www.who.int/classifications/icd/en/bluebook.pdf?ua=1> (accessed November 21, 2019).

In the wake of DSM and ICD reforms, international mental health bodies and a growing number of national mental health professional associations and health ministries around the world have developed non-discrimination policies with regard to treatment for LGBT people. These include national mental health organizations in Turkey, Lebanon, Hong Kong, Thailand, India, South Africa, Brazil, the Philippines, and Argentina.<sup>168</sup> For example, the World Psychiatric Association (WPA) stated in 2016 that “it has been decades since modern medicine abandoned pathologizing same-sex orientation and behavior.”<sup>169</sup>

### India

The Indian Medical Association, in a submission to the Supreme Court, stated that they were: “seriously concerned that homosexuality is looked upon as a disorder” and affirmed that “psychiatrists also need to do our real job — treating emotional distress among those who need it. These would include helping lesbian, gay, bisexual, transgender (LGBT) groups in communicating with their families, building supportive networks, helping in disclosure and handling depression and anxiety just like they would in any other person who seeks help.”<sup>170</sup>

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<sup>168</sup> See Turkish Psychological Association Ethics Code, April 18, 2004; Statement from the Lebanese Psychiatric Society Executive Committee, July 2013, <http://static1.squarespace.com/static/52567f12e4b02768cf839a59/t/567bd7c8a128e603ba937910/1450956744013/LPS+homosexuality+-+revised+2015.pdf> (accessed November 14, 2019); Division of Clinical Psychology, Hong Kong Psychological Society, “Position Paper for Psychologists Working with Lesbian, Gay, and Bisexual Issues,” August 1, 2012; Department of Mental Health, Ministry of Public Health, Kingdom of Thailand, “Issuing an Academic Affirmation on Homosexuality,” January 29, 2002; Clinical Practice Guideline in Management of Gender Dysphoria and Transsexualism 2009, Royal College of Psychiatrists of Thailand, September 18, 2009; T.S. Sathyanarayana Rao and K.S. Jacob, “Homosexuality and India,” *Indian Journal of Psychiatry* 54:1 (2012): 1-3; “Homosexuality Not an Illness: Health Professionals to SC,” *Indian Express*, February 16, 2011, <http://archive.indianexpress.com/news/homosexuality-not-an-illness-health-professionals-to-sc/750770> (accessed November 14, 2019); Psychological Association of the Philippines, “Statement of the Psychological Association of the Philippines on Non-Discrimination Based on Sexual Orientation, Gender Identity and Expression,” [https://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/pap\\_2011\\_lgbt\\_nondiscrimination\\_statement.pdf](https://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/pap_2011_lgbt_nondiscrimination_statement.pdf) (accessed November 14, 2019); Psychological Society of South Africa, “Sexual and Gender Diversity Position Statement,” final draft of June 7, 2013; Brazil Federal Council of Psychology, Resolution 001/99 (Mar. 22, 1999), [http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999\\_1.pdf](http://site.cfp.org.br/wp-content/uploads/1999/03/resolucao1999_1.pdf) (original text in Portuguese) (accessed November 14, 2019); and Government of Argentina, National Mental Health Law, Law No. 26657, Chapter 2, Article 3, Official Gazette of the Argentine Republic, Year CXVIII, No. 32,041 (December 3, 2010).

<sup>169</sup> World Psychiatric Association, “WPA Position Statement on Gender Identity and Same-Sex Orientation, Attraction, and Behaviours,” March 21, 2016, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5032493> (accessed November 14, 2019).

<sup>170</sup> “Homosexuality not an Illness: Health Professionals to SC,” *Indian Express*, <http://archive.indianexpress.com/news/homosexuality-not-an-illness-health-professionals-to-sc/750770>.

## Thailand

In 2002, Thailand’s Ministry of Public Health stated that “persons loving the same sex are not considered mentally abnormal or in any way ill.”<sup>171</sup> In 2009, the Royal College of Psychiatrists of Thailand stated: “[Homosexuality]...is encountered in both sexes, that is, men who like men (gay) and women who like women (lesbianism), and individuals who like both sexes (bisexualism); this state is not a psychiatric illness.”<sup>172</sup>

## Hong Kong

The Hong Kong Psychological Society stated that, “Psychologists understand that homosexuality and bisexuality are not mental illnesses.”<sup>173</sup>

## The Philippines

The Psychological Association of the Philippines (PAP) declared: “decades of scientific research have led mental health professional organizations worldwide to conclude that lesbian, gay and bisexual orientations are normal variants of human sexuality” and that “PAP aligns itself with the global initiatives to remove the stigma of mental illness that has long been associated with diverse sexualities and to promote the wellbeing of LGBT people.”<sup>174</sup>

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<sup>171</sup> Department of Mental Health, Ministry of Public Health, Kingdom of Thailand, “Issuing an Academic Affirmation on Homosexuality,” January 29, 2002.

<sup>172</sup> Royal College of Psychiatrists of Thailand, “Clinical Practice Guideline in Management of Gender Dysphoria and Transsexualism 2009,” September 18, 2009.

<sup>173</sup> Division of Clinical Psychology, Hong Kong Psychological Society, “Position Paper for Psychologists Working with Lesbian, Gay, and Bisexual Issues,” August 1, 2012.

<sup>174</sup> Psychological Association of the Philippines, “Statement of the Psychological Association of the Philippines on Non-Discrimination Based on Sexual Orientation, Gender Identity and Expression,” *Philippine Journal of Psychology* 44:2 (2011): 229-230,

[https://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/pap\\_2011\\_lgbt\\_nondiscrimination\\_statement.pdf](https://pages.upd.edu.ph/sites/default/files/ejmanalastas/files/pap_2011_lgbt_nondiscrimination_statement.pdf) (accessed November 21, 2019).

## Gender Equality

As documented in this report, many of the human rights violations LGBT youth face are undergirded by gender stereotypes. The government has an obligation to institute policies that eliminate gender stereotypes in society.

Vietnam's 2006 Gender Equality Law strictly prohibits "gender discrimination in all forms." The law contains a reference to gender stereotypes, which it calls "gender preconceptions." It states:

Gender preconception is negative and partial attitude, acknowledgement and assessment of the characteristics, position, role and capacity of man or woman.<sup>175</sup>

It is a violation of the law to "disseminat[e] textbooks that contains gender preconception" and if one is found to be "Impeding, inciting or forcing other people not to participate in the activities of health education for gender preconception reasons."

The UN Office of the High Commissioner for Human Rights defines gender stereotypes as:

[A] generalised view or preconception about attributes or characteristics, or the roles that are or ought to be possessed by, or performed by women and men. A gender stereotype is harmful when it limits women's and men's capacity to develop their personal abilities, pursue their professional careers and make choices about their lives.<sup>176</sup>

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<sup>175</sup> The National Assembly of the Socialist Republic of Vietnam, "The Law on Gender Equality," Law No.73/2006/QH11, November 29, 2006, <https://www.ilo.org/dyn/travail/docs/934/Law%20on%20Gender%20Equality%202006.pdf> (accessed November 21, 2019).

<sup>176</sup> Office of the United Nations High Commissioner for Human Rights, "Gender Stereotyping," <https://www.ohchr.org/EN/Issues/Women/WRGS/Pages/GenderStereotypes.aspx> (accessed November 14, 2019).

Article 5 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) states that:

States Parties shall take all appropriate measures: (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.<sup>177</sup>

In its 2015 review of Vietnam, the CEDAW Committee noted with concern, “that discriminatory gender biases and stereotypes are perpetuated in education materials” and recommended that the government “Adopt comprehensive strategic measures to tackle the root causes of gender inequality and modify the deeply entrenched discriminatory gender stereotypes.”<sup>178</sup>

In a 2016 policy paper, the United Nations Population Fund (UNFPA) urged Vietnam to eliminate “any stereotyped concept of the roles of men and women at all levels and in all forms of education by...the revision of textbooks and school programs and the adaptation of teaching methods.”<sup>179</sup>

In a joint General Comment issued in 2014, the CEDAW Committee and the Committee on the Rights of the Child explained that:

Childhood, and early adolescence at the latest, are entry points for assisting both girls and boys and supporting them to change gender-based attitudes and adopt more positive roles and forms of behaviour in the

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<sup>177</sup> Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, ratified by Vietnam 1982.

<sup>178</sup> CEDAW, “Concluding Observations, Vietnam,” CEDAW/C/VNM/CO/7-8, July 29, 2015, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f7-8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fVNM%2fCO%2f7-8&Lang=en) (accessed November 14, 2019), para. 17.

<sup>179</sup> United Nations Population Fund (UNFPA), *Using International Human Rights Norms and Standards to Strengthen Vietnam’s Legal Framework on Population*, December 2016, [https://vietnam.unfpa.org/sites/default/files/pub-pdf/PD\\_Policy%20paper\\_using%20interl%20HR\\_norms%20%26%20standards%20to%20strengthen%20VNM%20legal%20framework%20on%20population\\_printed%20in%202016\\_ENG.pdf](https://vietnam.unfpa.org/sites/default/files/pub-pdf/PD_Policy%20paper_using%20interl%20HR_norms%20%26%20standards%20to%20strengthen%20VNM%20legal%20framework%20on%20population_printed%20in%202016_ENG.pdf) (accessed November 14, 2019).

home, at school and in wider society. This means facilitating discussions with them on social norms, attitudes and expectations that are associated with traditional femininity and masculinity and sex and gender-linked stereotypical roles...<sup>180</sup>

As documented in this report, gender stereotypes and expectations of what “normal” behavior in boys and girls should be can drive bullying and exclusion at schools, and undergird non-inclusive school materials. While sexual orientation and gender identity are not enumerated in Vietnam’s Gender Equality Law, United Nations treaty bodies have stated that non-discrimination references to sex should be understood to include sexual orientation.<sup>181</sup> Furthermore, other governments have shown that gender equity legislation can provide an opportunity for policies that include LGBT people. For example, Thailand’s 2015 Gender Equality Act was the first national legislation in Southeast Asia to specifically protect against discrimination on the grounds of gender expression. The law specifically prohibits any means of discrimination if someone is “of a different appearance from his/her own sex by birth”—a vital legal tool for protecting transgender people.<sup>182</sup>

Vietnam’s Gender Equality Act lays the groundwork for ending gender stereotypes and including protections for sexual orientation and gender identity in that process. The government should take comprehensive action in that regard, both by implementing policies that interpret the existing law to protect against sexual orientation and gender identity-based discrimination, and by amending the existing law to make specific reference to sexual orientation and gender identity.

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<sup>180</sup> Joint general recommendation No. 31 of the Committee on the Elimination of All Forms of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on Harmful Practices, CEDAW/C/GC/31-CRC/C/GC/18, November 14, 2014, para. 67.

<sup>181</sup> See, for example, UN Human Rights Committee, *Toonen v. Australia*, U.D. Doc. CCPR/C/50/D/488/1992 (April 4, 1994), para. 8.7, where in reference to the International Covenant on Civil and Political Rights it noted “that in its view the reference to ‘sex’ in articles 2, paragraph 1, and 26 is to be taken as including sexual orientation.” The Committee on Economic, Social and Cultural Rights in its General Comment No. 22 on sexual health states “the right to sexual and reproductive health, combined with [other rights under the Covenant]... including the right to non-discrimination and equality between men and women, also requires States to ensure employment with ... protection from sexual harassment in the workplace and prohibition of discrimination based on ... sexual orientation, gender identity or intersex status.” UN Committee on Economic, Social and Cultural Rights, General Comment No. 22, The Right to Sexual and Reproductive Health, U.N. Doc. E/C.12/GC/22 (2016), para. 9.

<sup>182</sup> Government of Thailand, Gender Equality Act, B.E. 2558, <https://www.hrw.org/news/2015/09/21/thailand-gender-equality-act> (accessed November 21, 2019).

## **IV. Acknowledgments**

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## “My Teacher Said I Had a Disease”

### Barriers to the Right to Education for LGBT Youth in Vietnam

Lesbian, gay, bisexual, and transgender (LGBT) youth in Vietnam face stigma and discrimination at home and at school. Many experience verbal harassment and bullying, which in some cases leads to physical violence. Teachers are often untrained and ill-equipped to handle cases of anti-LGBT discrimination. Their lessons too often uphold the widespread myth in Vietnam that same-sex attraction is a “mental disorder.”

“My Teacher Said I Had a Disease” documents how pervasive inaccurate information about sexual orientation and gender identity in Vietnamese schools contributes to bullying and exclusion of LGBT youth. LGBT youth suffer a range of negative impacts, including heightened stress that affects their ability to study, and skipping or staying home from school to avoid ill-treatment.

In recent years, the Vietnamese government has made pledges to recognize the rights of LGBT people. However, tangible progress has lagged behind the promises. Human Rights Watch calls on the Ministry of Education and Training to include information about LGBT people in the curriculum and prevent violence and discrimination against LGBT students, and the Ministry of Health to clarify that same-sex attraction is not a disease.

*(above) Illustration based on student testimony that some teachers in Vietnamese schools say that same-sex attraction is a disease.*

*(front cover) Illustration based on student testimony about sexual orientation-based bullying and harassment in a Vietnamese school.*

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