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## Child Marriage in Tanzania

Bander Almohammadi, S.J.D.

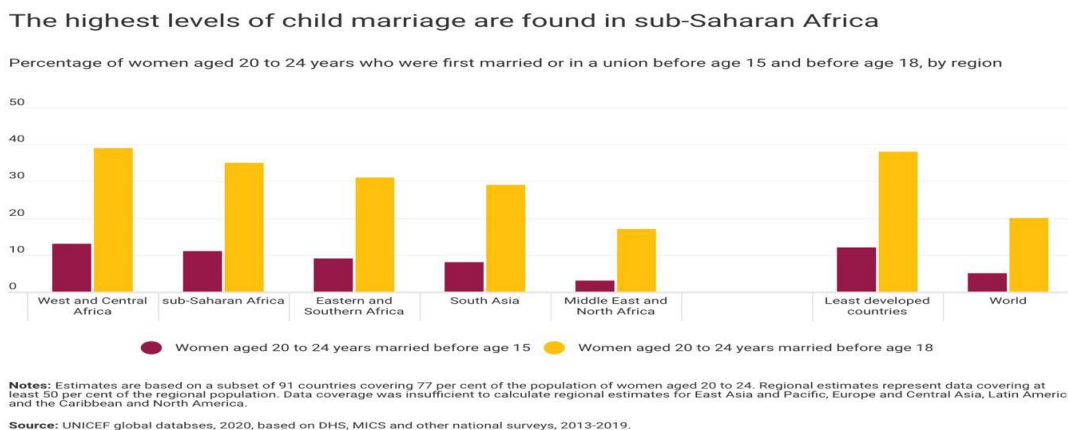
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### Abstract

Child marriage in Tanzania is a critical human rights issue in Tanzania and around the globe. This article focuses on the legal structure of Tanzania to show that Tanzania's Law of Marriage Act, Sections 13 and 17, enacted in 1971, violates its constitution and obligations in international human rights treaties and the Universal Declaration of Human Rights; mainly, they violate individuals' rights to equality, education, and their family's welfare. The reader will find that the legal and social structures within Tanzania are in conflict with global norms. In addition, the social structure that the government relies on to legitimize these sections of the Marriage Act continues to allow child marriage. This article resolves that child rights, precisely girls' rights, are inhibited through the enactment and continued application of the Law of Marriage Act, Sections 13 and 17. The article will conclude with some salient recommendations that assist Tanzania's government in resolving the issue.

**Keywords:** declaration of human rights, child marriage, ideology, culture, international treaties, Tanzania, United Nations.

According to a CNN 2018 report, “each year, 15 million girls are married before the age of 18” around the globe (Basu, 2018). It is estimated that by 2030, about 150 million girls will be married as children (Girls Not Birds, 2021). Further, according to UNICEF, the highest levels of child marriage in the world are in sub-Saharan African countries, as the following chart shows (UNICEF, 2021).



The chart shows that child marriage is more common in sub-Saharan African countries, including Tanzania. In Tanzania, the percentage of people married before the age of 18 years is 37 percent (SALC, 2019). The percentage is deemed so astronomical in the 21<sup>st</sup> century. Many

local and international organizations, such as Human Rights Watch, have urged the government of Tanzania to take significant steps to prevent child marriage. The lawmakers and leadership in Tanzania need to address this complicated issue in the coming years to provide the next generation with a better solution that safeguards the well-being of children.

### **Literature Review and Methodology**

The critical point in this article is whether Tanzania's Marriage Act sections (13) and (17) violate its own Constitution, the international human rights treaties, and the Universal Declaration of Human Rights that Tanzania is part of. The literature for this article focuses on the causes of child marriage in Tanzania as well as the citation of legal contexts for this cause. The article will illuminate some salient points that show that Tanzania's Marriage Act, sections 13 and 17, clearly violates Tanzania's Constitution, the Declaration of the Human Rights was adopted by the United Nations, and other treaties in the United Nations—and the human rights basic standards of living. This legal argument is supported by referring to and enumerating the Constitution of Tanzania and some of the treaties and universal human rights declarations that Tanzanians are part of. In addition, the argument will cite the outcome of one of the historical landslide cases affecting child marriage.

### **The Causes of Child Marriage in Tanzania**

In society, lawmakers have to consider the background of the culture to enact the law or amend the law or the constitution. This is part of the conundrum of Tanzanian child marriage. It is the problem of existing laws and desired cultural norms. Many reasons might cause a child to be married at an early age, but research shows that most of them fall into three categories: poverty, gender ideology, and culture.

#### **Poverty**

Many African countries struggle with poverty due to the lack of resources. Poverty is a driving factor in causing girls to marry too early in Tanzania (Forward, 2017, p.69). Families seek some poverty relief by getting their girls married early to alleviate future hardships they may encounter. For example, a 22-year-old Tanzanian female says, "I know that some parents marry off their daughters because of poverty and ignorance because they see that by marrying off their daughters early, they might be relieving some family burden" (Forward, 2017, p.58). Marriage is a source of income for low-income families (Forward, 2017, p.33). Families are given cows as a dowry for their girls; a cow is a source of income that helps them overcome some of the difficulties and challenges of daily life (Forward, 2017, p.33). Even though parents negotiate with the groom for how many cows or goats he will provide in exchange for marrying their young daughter, it is challenging to address the consequences of child marriage among people who fear the threat of poverty. To be more precise, many families struggle with living, and they have several children and try to get a cow or goat to keep up providing the necessities for their other children. They think it would be premature to get their girls married at an early

age, but they have no other choice. Therefore, they have their girls get married to get some food for their other children. They will not be convinced to change their norms or behavior due to the lack of necessity they need to keep themselves and their kids alive and secure some economic security offered by the dowry. However, no alternative option for providing for their families is available. Michele Gelfand explores the notion of fear as an attribute of poverty in her book “Rule Makers, Rule Breakers,” indicating how “the lower class see the world through a prism of threat” (Gelfand, 2018, p. 119).

### **Gender Ideology in Tanzania**

The complication of society in Tanzania results in a violation of women's dignity. One salient point that contributes to the lack of women's rights is gender ideology. Customary gender ideologies in many social orders are connected to social developments that depict men as the family leader, partially clarifying why men are paid higher wages and hold the substance of elected political offices (Dutt & Grabe, 2017, pp.309-324). In other words, some scholars such as Galtung describe that one type of gender ideology is patriarchy, which is “seen as the institutionalization of male dominance in vertical structures, with very high correlations between position and gender, legitimized by the culture” (Galtung, 1996, p.40). In addition, Dutt and Grabe (2017, p. 99) posit several complicating factors for women in Tanzanian society: (a) Women in a patriarchal society are consigned more often to the neglected homegrown circle, economically relying on male partners, and a higher vulnerability to intimate partner violence; (b) customary gender ideology identifies with “men's disproportionate power and control over women,” (p.99); (c) interviews and surveys led by different societies across five continents show that gender ideology predicts a large group of outcomes, including acknowledging violence against women and beliefs about women's viability as political pioneers; (d) The survey results show how ideology is incorporated into the values and perspectives that are essential for keeping a specific local area's norm and as an outline of the framework of the actual beliefs held by individuals in the community, and (e) gender ideology can be considered to function in a way that preserves primary disparities that detriment women. The gender ideology is highlighted because women in Tanzania have been deprived of their essential rights, such as education and participation in deciding what is best for them in their daily lives, by men who predominantly exercise their power over women. In addition, women have no right to participate in the political atmosphere to determine the best interests of women in Tanzania. As a result, historically, the government in Tanzania suppressed girls' rights, including but not limited to the right to education.

### **Culture**

Culture always plays an essential role in shaping society. Culture is one of the reasons people rely on to justify their behavior and actions. In Tanzania, people practice some traditions that influence society to accept the idea of child marriage. For instance, Avalos et al. (2015) explained that (a) families who let their daughters get married at an early age are deemed to

preserve the value of morality; (b) getting married early protects girls from committing adultery that shames their families; and (c) older husbands can be viewed as a method of guaranteeing that girls follow the cultural standard and not commit immoral behavior.

In a report by the Ministry of Health, Community Development, Gender, Elderly, and Children (2017), Another cultural factor found in regions of Tanzania that legitimizes child marriage is peer pressure. For example, “In Tabora, 33% of participants pointed out that peer pressure is a push factor for child marriage” (Forward, 2017, p.32). In Manyara and Coast, which are two regions in Tanzania, the percentage of child marriage is 23% and 20%; one woman interviewed in Manyara says about peer pressure, “When she sees that her friends have gotten married, she will see children, success and the good things that will be happening there. It may be that she is married within the neighborhood, so it may be that she sees the good things happening and she thinks that, if I’m married, I will be that” (Ministry of Health Report, 2017, p.32). Another girl says, “All my friends were getting married, and I was the only one who could remain single. So, I decided to marry so that I could do and talk about the same things with my friends, about families and children” (Ministry of Health Report, 2017, p.32).

Another tradition that leads to child marriage in Tanzania is what is called “samba,” when the family takes their daughter, who reaches 12 years of age, to the traditional healer to get traditional medicine to be able to attract men and then to wait for ten days to get married and celebrate a wedding ceremony (Ministry of Health Report, 2017, p.32). Thus, families try to make their daughters appealing to men for the purpose of arranging a marriage.

### **Consequences of Child Marriage:**

Based on the national survey conducted in 2017, the following consequences are the most damaging effects resulting from child marriage: “lost educational opportunity, economic insecurity and continued poverty, contracting HIV/AIDS or STIs, unable to have a career, teen pregnancy, miscarriage, maternal mortality, infant mortality, verbal abuse, physical and emotional abuse, sexual abuse, lack of autonomy, and psychological distress” (Ministry of Health Report, 2017, p.75).

### **Law of Marriage Act Violates the Constitution of Tanzania and Several International Treaties and Universal Declaration of Human Rights**

In 1971, Tanzania’s government enacted the Law of Marriage Act to regulate the marital relationships of Tanzanian citizens. One of the critical reasons the Tanzanian government passed the Marriage Act was to resolve the “choice of law” issue, which could occur when a dispute arose from different interpretations or applications of private law (Rwezaura, 1994). Avalos et al. (2015) provide a detailed view of this system: (a) The colonial occupation in sub-Saharan countries allowed the creation of plural legal systems. They existed essentially because Western law was understood to apply in the colonial states, including Tanzania, while simultaneously, the colonial authority conceded restricted acknowledgment of the existing indigenous framework of the law; (b) this overlap led to the creation of various laws within the territories of the sub-



Saharan states, which later merged into a single general set of indigenous laws; (c) Judges were obligated to decide the appropriate law relevant to a given transaction or dispute in complicated areas of private law; (d) most of the individuals for whom indigenous law was material were African, while Europeans and individuals of other cultures favored Western law; (f) Africans who embraced the Islamic faith likewise acquired an additional arrangement of law (other than African customary law) that courts could apply to them in certain circumstances; (g) Nevertheless, on the grounds of the impact of the social and economic revolution, including the influence of religion and the development of metropolitan, various Africans turned out to be incompletely consolidated into the Western system. For the above reason, Tanzania enacted the Law of Marriage Act that assists its citizens, despite their backgrounds and differences, in exercising their marital relationships within the Marriage Act.

Sections 13 and 17 of the Marriage Act articulate the minimum age of marriage for boys and girls. Section 13 states the following:

- (1) No person shall marry who, being male, has not attained the apparent age of eighteen years or, being female, has not attained the apparent age of fifteen years.
- (2) Notwithstanding the provisions of subsection (1), the court shall, in its discretion, have power, on application, to give leave for a marriage where the parties are, or either of them is, below the ages prescribed in subsection (1) if
  - (a) each party has attained the age of fourteen years; and
  - (b) the court is satisfied that there are special circumstances which make the proposed marriage desirable

A person who has not attained the apparent age of eighteen years or fifteen years, as the case may be, and in respect of whom the leave of the court has not been obtained under subsection (2), shall be said to be below the minimum age for marriage” (“The Law of Marriage Act,” 1971). Section 17 explicitly states that the girl under age 18 years shall obtain the consent of her father, mother. Or her guardian to get married” (“The Law of Marriage Act,” 1971).

### **Law of Marriage Act Violates the Constitution of Tanzania:**

Articles 12.1, 12.2, and 13.1 of the Constitution of Tanzania explicitly articulate the equality between males and females. Article 12 states that “(1) All human beings are born free, and are all equal. (2) Every person is entitled to recognition and respect for his dignity” (Equality of Human Beings Act, 1984, Art. 6; *The Constitution of the United Republic of Tanzania*, 1977).

Article 13 states that “(1) All persons are equal before the law and are entitled, without any discrimination, to protection and equality before the law” (The Constitution of the United Republic of Tanzania, 1977). The Constitution asserts in Article 13.5 that the government should not discriminate between people based on many factors, one of them is the factor of sex: “(5) For this Article, the expression ‘discrimination’ means to satisfy the needs, rights, or other requirements of different persons based on their nationality, tribe, place of origin, political opinion, colour, religion, sex, or station in life such that certain categories of people are regarded



as weak or inferior and are subjected to restrictions or conditions whereas persons of other categories are treated differently or are accorded opportunities or advantage outside the specified conditions...” (The Constitution of the United Republic of Tanzania, 1977).

Many treaties, such as the International Covenant on Economic, Social, and Cultural Rights, the Convention on the Rights of the Child, and the International Covenant on Civil and Political Rights, emphasize equal treatment among males and females. In addition, many political philosophers underline that equality is one of the fundamental justices that should be adopted and embedded within the global legislative statutory system. One of the eminent political philosophies is John Rawls, who underlines the two principles in his book “Theory of Justice.” His theory of Justice comes from the original position in the two principles of Justice (Rawls, 1999, p.53). The first principle states that “each person is to have an equal right to the most extensive” total system of the same fundamental liberties “compatible with a similar” system of liberty for all (Rawls, 1999, p.53). The second principle states that “social and economic inequalities are to” satisfy two conditions “(a) reasonably expected to be everyone’s advantage and (b) attached to positions and offices open to all (Rawls, 1999, p.53).

These two principles ought to be the solution to the problem of choice. Rawls’ (1999) original position is based on the veil of ignorance that states people in the original position do not know anything about specific identities. When someone makes his or her choice, “no one knows his or her place in society,” his or her “class position or social status,” his or her strengthened intelligence, or even his or her “natural assets and abilities” (Nozick, 2013, p. 189). The principles are selected “behind a veil of ignorance” (Nozick, 2013, p. 189). No one can make a decision favoring his or her side. All individuals will be in a similar situation. Hence, in the choice of principles, no one has an advantage or disadvantage in the outcome of a natural choice. Consequently, the principles of justice are fair and just (Nozick, 2013, p. 189). The Constitution of Tanzania is parallel to Rawls’s theory of justice. Girls have the same right of treatment as boys treated in Tanzania. It seems the issue with the government is the enforcement mechanism. The government does not want to enforce the Constitution and amend the Law of Marriage Act to be compatible with the Constitution. The government should not play the roles that make girls suffer from their original position of being female. No gender can take advantage of another gender just because of their natural assets and abilities. Girls have the right to choose whoever they want to be with for the rest of their lives. In addition, and most importantly, the government contradicts itself. The Constitution is crystal clear about treating everyone equally, regardless of gender. Thus, the government has an obligation to comply with its Constitution and enforce the decision of both the High Court and the latest decision in 2019 of the Court of Appeal and amend the minimum age to 18 years for girls in the same way as the minimum age for boys.

### **African (Banjul) Charter on Human and Peoples’ Rights**

Fifty-four member-nations of the African Union (1999) signed and ratified the African Charter on Human and People’s Rights. (African Commission on Human and People’s Rights,

2021). Tanzania signed and ratified the African Charter on Human and People's Rights in 1984. Compared to the Constitution of Tanzania, among other older regional constitutions, the Charter makes essential progress in African countries in promoting human rights. However, some African countries do not fully comply with the Charter, following their older practices and laws instead. Tanzania is one of those countries that violate the Charter. The Marriage Act in Tanzania violates Article (18)(3), which states, "the State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the women and the child as stipulated in international declarations and conventions" (25+ Human Rights Documents, 2005, p. 123). Tanzania violates Article 18.3 by differentiating the minimum age in marriage between males and females, as section 13 in the Law of Marriage Act articulates. There might be a logical reason when the law was written, but the logic is outdated or no longer exists. Article 18.3 refers to the child's rights in other international treaties and declarations.

### **African Charter on the Rights and Welfare of the Child**

The African Charter on the Rights and Welfare of the Child (1999) emphasizes the notion of rights, freedom, and duties imposed on the African Unity towards the child's welfare. Article 2 of the treaty explicitly defines "the child" under this treaty as "any child below the age of 18 years" (African Charter on the Rights and Welfare of the Child, 1999, p. 9). Tanzania signed the Charter on October 23, 1998, and ratified it on March 3, 2003 (African Committee of Experts on the Rights and Welfare of the Child, 1999). However, despite the interceding 20 years during which policies and practices could have been updated to match this agreement, the Law of Marriage Act still violates the following articles of the Charter:

- Article 1 states that "Member of the Organization of African Unity, Parties to the present Charter shall recognize the rights, freedom, and duties enriched in this Charter...." (African Charter on the Rights and Welfare of the Child, 1999, p.8).
- Article 3 denotes the child's rights and freedoms (African Charter on the Rights and Welfare of the Child, 1999, p.9).
- Article 4 emphasizes the concept of the child's best interest (African Charter on the Rights and Welfare of the Child, 1999, p.9).
- Article 7 demonstrates that the child has the right to express his or her opinion without fear or obligation imposed upon them (African Charter on the Rights and Welfare of the Child, 1999, p.10).
- Article 11 accentuates the child's right to education (African Charter on the Rights and Welfare of the Child, 1999, p.11).
- Article 21 imposes an obligation against the States to protect the child from harmful social and cultural practices (African Charter on the Rights and Welfare of the Child, 1999, p.18).

### **Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa**

Tanzania became a participating party to and ratified the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa on March 3, 2007 (Tanzania, 2021). One of the most significant protocols encompassing all women's rights in Africa is binding to all members. Still, Sections 13 and 17 of the Law of Marriage Act violated Article 5 of the protocol, emphasizing that "women and men enjoy equal rights and are regarded as equal partners in marriage" (Maputo Protocol on Women's Rights in Africa, 2020).

### **The Convention on the Rights of the Child**

Tanzania signed the Convention of the Rights of the Child on June 1, 1990, and ratified it on June 10, 1991 (United Nations Human Rights Treaty Bodies, 2021). Even though the Convention does not explicitly state the right of marriage for children, including the minimum age of child marriage and discrimination between boys and girls, we can derive them from the language of some treaty articles. The following articles embed the right of marriage within their language. In addition, they prohibit discrimination between boys and girls. I will highlight the articles of this Convention that Tanzania violates.

#### **Article (1)**

Article (1) defines the meaning of child with the purpose of the treaty's provisions application. Article (1) states that "For the purpose of the present Convention, a child means every human being below the age of 18 years unless the law applies to the child, the majority is attained earlier" (25+ Human Rights Document, 2005, p.81). The following articles imply marriage rights as one of the child's fundamental rights.

#### **Article (2)(2)**

Article (2)(2) states that "state parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment based on the status, activities, expressed opinions..." (25+ Human Rights Document, 2005, p.81). Tanzania explicitly violates this article by differentiating the legal eligibility age of boys and girls in marriage.

#### **Article (3)(2)**

Article (3)(2) emphasizes states' duties to protect the child's interest. It is imperative to say that marriage rights are of interest to the child and that the State should consider this when enacting the law. Article (3)(2) says, "States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being..." (25+ Human Rights Document, 2005, p.81).

#### **Article (6)(2)**

Article (6)(2) states that "States Parties shall ensure to the maximum extent possible the survival and development of the child" (25+ Human Rights Document, 2005, p.81).

#### **Article (12)**

Article 12 emphasizes that "State Parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all manner affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child" (25+ Human Rights Document, 2005, p.82). Any child has the right to make the choice.

Article 12 gives the child the right to express their point of view regarding marriage. Hence, no one has the right to confiscate their rights in marriage or any necessary right that impacts the child's life.

#### **Article (19)**

Article 19 expands the child's protection to include any physical or mental injury. However, the Marriage Act in Tanzania gives full authority to the husband to abuse and hurt his wife at any time without any intervention from the government (Ezer et al., 2006). Article 19 explicitly states that "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardians(s) or any other person who has the care of the child" (25+ Human Rights Document, 2005, p.84).

#### **Article (24.3)**

Article 24.3 articulates that "State Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children" (25+ Human Rights Document, 2005, p.86).

A plethora of justifications for peoples' actions come from the practicing of traditions and cultures, including the cultural practice of child marriage. However, not all traditions serve the interests or welfare of children.

#### **Article (28)**

Article (28) expressly states, "States Parties recognize the right of the child to education, with a view to achieving this right progressively and on the basis of equal opportunity" (25+ Human Rights Document, 2005, p.86). One of the most pernicious results of the Marriage Act is that married girls are expelled from school once they become pregnant—even though, ostensibly, pregnancy is the desired outcome of marriage. This action by Tanzania's government violates the child's rights to education and equal opportunity. As noted in Ezer's report, "many interviewees specifically stated that child brides have difficulty completing their education and noted the adverse impact of not completing an education" (Ezer et al., 2006, p. 366).

#### **Article (32)**

Article 32.1 highlights the state's responsibility to protect the child from economic exploitation (25+ Human Rights Document, 2005, p.87). In Tanzania, some relatives, such as grandfathers, avail themselves of getting their young granddaughters married by asking the groom to give them sheep or cows in exchange for their granddaughter's marriage (Bridge Trade, 2017).

#### **Article (34)**

Article 34 accentuates that "States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse" (25+ Human Rights Document, 2005, p.87). When the coercion of a child to get married at an early age becomes the law, the child's protection becomes a violation of this article. The Marriage Act contradicts the purpose of this article to

protect a child's freedom from any sexual abuse that evolves as a result of getting married at a young age.

### **Article (36)**

Article 36 states that “State Parties shall protect the child against all other forms of exploitation prejudicial to any aspect of the child's welfare” (25+ Human Rights Document, 2005, p.88). As time goes on, the child's welfare fades away, and many burdens and hardships resulting from getting married early are imposed on girls that make their lives miserable.

The Marriage Act in Tanzania violates all the treaty articles mentioned above. We live in the twenty-first century, and many aspects of life have been changing. Hence, the government of Tanzania needs to be flexible with the changes and make their children's lives more prosperous and joyful.

### **International Convention on Civil and Political Rights**

Tanzania became a party to the convention and ratified it on June 11, 1976 (United Nations Human Rights Treaty Bodies, 2021). However, even though Tanzania ratified the convention, sections 13 and 17 of the Law of Marriage Act violated the following articles of the convention: Article 23.3 unequivocally states, “no marriage shall be entered into without the free and full consent of the intending spouses” (25+ Human Rights Document, 2005, p.21). Article 24 clearly articulates the protection of a child “as a minor on the part of his family, society, and the State” (25+ Human Rights Document, 2005, p.21).

### **International Convention on Economic, Social, and Cultural Rights**

Tanzania is one of the parties to the comprehensive International Convention on Economic, Social, and Cultural Rights, which was implemented on January 3, 1976 (25+ Human Rights Document, 2005, p.9). Tanzania ratified the convention on June 11, 1976 (United Nations Human Rights Treaty Bodies, 2021). Tanzania has not complied with its obligations to the convention, however, and in 2024, is still in violation of multiple sections of the convention, as follows:

- Article 1.1: People have the right to pursue social, economic, and cultural development (25+ Human Rights Document, 2005, p.9). Marriage is one of the social and cultural practices. Therefore, forcing girls to marry against the will below the age of 18 violates this article.
- Article 3 overtly ensures equal rights for both male and female genders in social, economic, and cultural dimensions (25+ Human Rights Document, 2005, p.10). Girls deserve to be treated with the same rights to autonomy as boys socially, economically, and culturally.
- Article 13.1–13.4 highlights the right to education (25+ Human Rights Document, 2005, p.12), but as noted above, married girls are expelled once pregnant. As the spouses of child brides are not under a legal obligation to refrain from intercourse with girls of school age,

the right of child brides to education is violated by the natural consequences of the standard cultural expectations of marriage.

### **Convention on the Elimination of All Forms of Discrimination Against Women**

This convention was the first to articulate the Bill of Rights for women exclusively. Tanzania signed this convention on July 17, 1980, and ratified it on August 20, 1985 (United Nations Human Rights Treaty Bodies, 2021). Sections 13 and 17 of the Law of Marriage Act violate articles 5 and 16 of this convention. Article 5 articulates that the state has an obligation to amend the social and cultural patterns of demeanor that suppress one sex (25+ Human Rights Document, 2005, p.47).

### **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights is an example of what is known as a “primary soft law” because although it is not legally binding or enforceable as a treaty, many binding treaties adopt provisions embedded in this declaration when determining their agreements. For instance, “The UN Declaration of Human Rights on the Rights of the Child...calls the Universal Declaration of Human Rights the ‘basis for its adoption’” (Hannum et al., 2011, p. 144).

Although it is not enforceable itself, Article 16 of the declaration is notable because, for the first time, the Court of Appeal in Tanzania, in the *Gyumi v. Attorney General* case, referred to the declaration in its reasoning for dismissing the case and upholding the High Court’s decision to nullify sections 13 and 17 of the Marriage Act. Article 16 articulates that no marriage is valid for participants of either gender, male or female, without the full consent of the intending spouses (Hannum et al., 2011, p. 6). To my knowledge, no other court in Tanzania has yet referred to the UDHR in any key cases.

### **Rebeca Z. Gyumi V. The Attorney General**

#### **Synopsis**

In Miscellaneous Civil Case No. 5 of 2016, Attorney Rebeca Gyumi appeared before the High Court of Tanzania to argue that sections 13 and 17 of the Law of Marriage Act were Unconstitutional (FB Attorneys, 2019). She claimed that the above sections violated Articles 12, 13, and 18 of the Constitution of the United Republic of Tanzania of 1977, as amended. Furthermore, Gyumi demanded the enactment of a declaration that, first, sections 13 and 17 of the Law of Marriage Act be considered null and void, obliterated from the statute, and, second, that the minimum age for girls to be married should be set at 18 years old. In 2016, the High Court ruled that sections 13 and 17 of the Law of Marriage Act violated the fundamental aspects of equality stated in Articles 12.1 and 13.1 of the Constitution and declared that sections 13 and 17 are unconstitutional (FB Attorneys, 2019). The High Court ordered that the government of Tanzania, through the Attorney General, comply with the Constitution and amend sections 13 and 17 to be compatible with the Constitution's wording within a year from



the decision date. The Attorney General appealed the High Court's decision to the Court of Appeal, which dismissed the appeal on October 23, 2019 (FB Attorneys, 2019).

### Conclusion

To sum up, this article shows that Tanzania's Marriage Act, sections 13 and 17, violate its constitution and its obligations in international human rights treaties and the Universal Declaration of Human Rights; mainly, they violate individuals' rights to equality, education, and their family's welfare, as I highlighted in this article.

The government of Tanzania should take significant steps to amend sections (13) and (17) of the Law Marriage Act and make it compatible with its constitution, the High Court decision, the Court of Appeal, and international treaties that the government of Tanzania ratified.

Alongside amending the law of marriage to be compatible with the Constitution, the government should implement welfare programs that help families overcome the economic hardships they encounter. As I mentioned above, one main reason for child marriage is poverty. This writer concludes that the government is obligated to alleviate poverty among its citizens.

Another resolution to the problem of child marriage in Tanzania is that the international community should put more pressure on the government of Tanzania to reform the law of marriage and protect girls from cultural and economic exploitation. One mechanism of pressure is to suspend any aid that Tanzania's government gets from the international community. For instance, in 2018, The European countries and the World Bank suspended all assistance to Tanzania due to its repressive policies that abuse human rights (Niba, 2018).

Finally, according to Human Rights Watch, the government, along with NGO(s), should adopt and implement programs that help increase awareness of the severe long-term consequences of child marriage. In addition, empower women to know their rights and obligations toward their community by having them participate in government legislation and decision-makers. Human Rights Watch proposed some significant proposals to help combat child marriage in Tanzania (No Way Out: Child Marriage and Human Rights Abuses in Tanzania, Human Rights Watch, 2016). First, the international community, through the United Nations, should urge the president of Tanzania to stop the expulsion of married and pregnant girls from school. Second, get pregnant girls access to secondary education. Third, enact the law that "criminalizes sexual violence in marriage." Fourth, implement a national plan that addresses child marriage and the consequences resulting from getting married at an early age by conducting survey and dialogue that involves children's rights groups, women, health professionals, and other providers along with the government to reform the law to the best interest of girls (No Way Out: Child Marriage and Human Rights Abuses in Tanzania, Human Rights Watch, 2016).

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## **America's Pregnancy Panopticon: The Effects of Digital Surveillance on Bodily Autonomy Post-Roe**

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### **Abstract**

On June 24, 2022, the U.S. Supreme Court decision in *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, a ruling that had safeguarded the constitutional right to abortion for nearly 50 years. This study asks how digital surveillance practices pose harm to people seeking reproductive healthcare in a post-*Roe* United States. It relies on 22 semi-structured interviews with experts across three sectors and aims to trace three pathways of harm: legal, ethical, and physical. While past studies have examined these harms separately, little research has been done to demonstrate how all three are interconnected. This study finds that while digital surveillance has led to cases of criminalization of abortion and other pregnancy outcomes, a more profound impact is the "chilling effect"<sup>1</sup> it has on people seeking reproductive healthcare across the country. This chilling effect discourages engagement with the formal healthcare system, increasing the scope and severity of the physical harm associated with this avoidance of care. Each step of this chain reaction is linked to many ethical concerns, most notably its disproportionate impact on marginalized communities. It is worth noting that not all harms detailed in this study began directly from the *Dobbs* decision, nor would they necessarily end in the case of its reversal. While undoubtedly exacerbated by *Dobbs* and the digital surveillance ecosystem, nearly all these harms are indicative of much more significant and more systemic nationwide issues, such as high maternal mortality and morbidity rates, income inequality, and surveillance capitalism, compounded by endemic racism in American policing. While illustrating the impacts of the egregious rights violations that are the *Dobbs* decision and its accompanying digital surveillance, this research falls within the broader academic literature on surveillance capitalism and bodily autonomy, and I hope that it will contribute to an enhanced understanding of the field of human rights.

*Keywords:* chilling effect, *Dobbs*, abortion, digital surveillance, human rights, bodily autonomy, *Roe v. Wade*

Following the overturn of *Roe v. Wade* with the *Dobbs* decision,<sup>2</sup> abortions are banned in 14 U.S. states, and approximately 22 million women and girls<sup>3</sup> of reproductive age live in states where abortion is either completely inaccessible or significantly restricted (United Nations, 2023). Numerous states have even banned abortion, with no exceptions for rape or incest (Batha, 2023).<sup>4</sup> Even prior to *Dobbs*, numerous economic, religious, cultural, and systemic barriers prevented people from accessing abortion care and will continue to do so even in states where abortion remains legal.

Following the *Dobbs* decision, law enforcement officials in states that have opted to criminalize abortion began relying on evidence obtained from digital surveillance to criminalize people for abortions and other pregnancy outcomes such as miscarriages and stillbirths (Sherman, 2022; Baldwin, 2022). The collection and sale of data by the data brokerage industry (primarily location data and web browsing history), in addition to the use of facial recognition technologies, automated license plate readers, and message history, can all be used to arrest, prosecute, and convict people in states where abortion is now considered a crime (Sherman, 2022).

This issue also poses significant physical and ethical concerns besides the legal ramifications. In the aftermath of the *Dobbs* decision, there were numerous cases of care being denied in the event of ectopic pregnancies, miscarriages, pediatric pregnancies, and other severe or potentially life-threatening scenarios. Moreover, those seeking other forms of reproductive healthcare (birth control, prenatal care, standard gynecological check-ups, etc.) could also face barriers to access and be at risk for surveillance (United Nations, 2023).

The overturn of *Roe v. Wade* and the use of digital surveillance to police people's bodies constitutes a gross violation of human rights,<sup>5</sup> and it is crucial to trace the specific pathways of harm enabled by these conditions better to understand the scope and severity of the violation. Since the extent of the repercussions of *Dobbs* and the ensuing digital surveillance has not yet been fully realized, this research asks how the use of digital surveillance tactics poses harm to people seeking reproductive healthcare in a post-*Roe* United States. Through the lens of this research question and its reliance on semi-structured expert interviews, this study aims to trace three pathways of harm: legal, ethical, and physical.

This study finds that while digital surveillance has led to instances of criminalization of abortion and other pregnancy outcomes, perhaps a more profound and widespread result of this criminalization is the chilling effect it has on engagement with the formal healthcare system, which increases the scope and severity of pregnancy-related physical harms due to avoidance of care.

I provide background information on the current U.S. privacy law framework, existing U.S. tech policy, and data privacy legislation. I then review relevant academic literature about surveillance capitalism and the emergence of bodily autonomy as a human right. I also explain how my research contributes to these existing scholarly conversations. Next, I explain the methods used, tactics employed for reducing bias, interview logistics, and limitations. I then discuss my findings by identifying key themes that emerged while tying each theme back to relevant academic literature. Lastly, I summarize my results and their potential for generalizability while identifying avenues for further research.

## **Background Information**

### **The Right to Privacy: Domestic Legal Framework**

More than 150 national constitutions mention a right to privacy; however, the word 'privacy' is not found anywhere within the United States Constitution (Haydel, n.d.; Glancy,

1979). Some individual states, like California, Montana, and Washington, have adopted rights to privacy in their state constitutions, but no current federal legislation takes a comprehensive approach to privacy regulation. While the Fourth Amendment—which protects people against unreasonable searches and seizures by the government—is commonly discussed concerning digital surveillance, it largely does not apply when police use public funds instead of a court process. Law enforcement circumvents the Fourth Amendment by purchasing data from private companies instead of directly employing the surveillance tactics themselves (Hecht-Felella, 2021).

It is worth noting, however, that in some of the most prolific Supreme Court decisions, including *Roe v. Wade*, the Fourteenth Amendment (specifically the Due Process Clause) was relied upon to extend the right to privacy (Legal Information Institute, n.d.). This implied Fourteenth Amendment prohibition on undue government interference in people's private lives stems from the verbiage "...nor shall any State deprive any person of life, liberty, or property, without due process of law" (Legal Information Institute, n.d.). However, this implied Fourteenth Amendment right is separate from federal statutory law, which provides a right of action against private actors for intrusions of privacy (Kerry & Morris, 2020). Moreover, federal statutory law and the implied Fourteenth Amendment right differ from modern tort law, which includes four categories of privacy invasion: intrusion of solitude, public disclosure of private facts, false light, and appropriation (Prosser, 1960). The first category, intrusion of solitude, includes "physical or electronic intrusion into one's private quarters" (Prosser, 1960, p. 402) and is of particular relevance when examining the exploitation of people's private data to criminalize abortion and other pregnancy outcomes.

Lastly, the Health Insurance Portability and Accountability Act (HIPAA) is a set of federal regulatory standards that strives to safeguard patient privacy and confidentiality by defining the lawful use of protected health information. However, HIPAA laws do not protect the privacy of data collected by cell phones, apps, facial recognition technology, or search engines since these are not defined as 'covered entities' under the law (Institute of Medicine, 2009).

### **Existing U.S. Tech Policy and Data Privacy Legislation**

In the absence of any preexisting federal data privacy legislation like the EU's General Data Protection Regulation (GDPR), the U.S. has been able to employ intrusive digital surveillance tactics legally—and has been doing so long before *Dobbs*. When it comes to using this information to prosecute people seeking abortions, a warrant is still required for law enforcement to obtain data from corporations. However, they can easily bypass any policy or legal controls by purchasing the data (Franklin et al., 2021).

Following the Equifax data breach in 2017, which affected over 145 million US consumers, efforts to advance consumer privacy protections have failed to pass in Congress (Leonhardt, 2019). In 2018, California became the first U.S. state to pursue a policy promoting consumer data protection when it passed the California Consumer Privacy Act (de la Torre, 2018). However, without such protections existing at a federal level, the U.S. is still able to use

dragnet surveillance by harnessing consumer data to invade the privacy of people seeking reproductive healthcare across the country.

More critically, current U.S. technology policy faces the near-impossible task of keeping up with the rapidly evolving technological landscape. This policy also fails to address the increasing dangers the data brokerage ecosystem poses. This \$200 billion industry comprises individuals and corporations who profit from collecting and selling people's data (Brathwaite, 2023). The data brokerage ecosystem plays a discreet but very crucial role in surveillance capitalism (Reviglio, 2022). It has, at times, been the entity that bridges the gap between the data gathered, the court systems, and those being prosecuted for abortions or pregnancy outcomes after *Dobbs* (Bowman, 2022). While electronic communication service providers and remote computing services are subject to the Stored Communications Act (part of the Electronic Communications Privacy Act), data brokerage companies are not regulated under this federal legislation (Beckman, 2023).

The Federal Trade Commission (FTC)—whose primary responsibility is enforcing civil antitrust law to promote consumer protection—is also frequently referenced in conversations around data privacy. While the FTC has explored ways to crack down on commercial surveillance (Federal Trade Commission, 2022), its political sway and enforcement capabilities pale compared to the multi-billion-dollar data brokerage industry.

Ultimately, the lack of a clearly defined right to privacy in the U.S. Constitution, in combination with the absence of any federal data privacy legislation, has enabled the violation of the rights of people seeking reproductive healthcare following the overturn of *Roe v. Wade*.

## Literature Review

### Surveillance Capitalism

Surveillance capitalism is a concept that has arisen over the past two decades and stems from the field of political economics; it refers to corporations' profit-driven collection and commodification of personal data (Zuboff, 2019; Andrejevic, 2019). However, it is important to note that surveillance capitalism differs from state-sponsored digital surveillance. While state-sponsored surveillance refers to widespread, government-led vigilance often under the guise of 'national security' or 'law enforcement,' surveillance capitalism refers specifically to the private sector and how it amasses and optimizes user data to churn a profit (Banks, 2017; Lyon 2001, p. 2). The two, however, are closely related and often reinforce each other: The lines between state-sponsored surveillance and surveillance capitalism begin to blur when state governments, including the U.S., can bypass privacy and legal constraints by simply purchasing data from data brokers or issuing warrants to Google or Meta to obtain user information (Federal Trade Commission, 2014). However, despite this seemingly symbiotic relationship between Big Data and the government, a key feature of the surveillance capitalist industry is its desire to remain entirely separate from and unregulated by the government (Zuboff, 2020).

Ten years ago, tech moguls touted the freedoms and opportunities made possible by the internet, coining it "the world's largest ungoverned space" (Schmidt & Cohen, 2013, p. 27).

However, these once-anarchic spaces are now heavily controlled by the laws of surveillance capitalism. In examining Silicon Valley and the large corporations mining users' data to predict their behavior, Shoshana Zuboff posits that surveillance capitalism inherently undermines democracy and autonomy (Zuboff, 2019). This undermining of democracy was exemplified in the case of the Cambridge Analytica scandal,<sup>6</sup> which Acquisti et al. argue encapsulates the modern privacy problem and presents staggering consequences. However, they concede that these individual and societal repercussions are difficult to demonstrate or quantify (Acquisti et al., 2020). Similarly, scholars like Johnathan Cinnamon and Kuehn and Salter have also suggested that surveillance capitalism is inherently harmful to the public; however, they fail to define these 'harms concretely' and their tangible, real-life implications (Cinnamon, 2017; Kuehn & Salter, 2020). To address this gap in the existing literature, this research aims to uncover specifically what these harms are and to what extent they are manifested in the everyday lives of those being surveilled.

Acquisti et al. describe the current state of the American political economy as being bereft of any space for privacy as a lived human experience and support Zuboff's assertions that surveillance capitalism threatens autonomy (Acquisti et al., 2020). Acquisti et al. explain that because the benefits outweigh the costs, the surveillance capitalist market refuses to scale down its privacy-invasive practices despite collective public outrage. Mulligan et al. build on this work by demonstrating that these same conditions of outrage outlined by Acquisti et al. are also fostering a resurgence of interest in privacy among consumers to address these harms (Mulligan et al., 2020). However, Acquisti et al. acknowledge the difficulty in achieving desirable levels of privacy solely through individual action. This goes back to echo Zuboff's point that we are not the ones searching Google and using social media, but rather Google and social media are searching and using us (Zuboff, 2020).

In contrast to the scholars who admonish against the threats of surveillance capitalism, others tout its potential benefits and the resulting conceivable innovations. Scholars like Löfgren and Webster argue that surveillance capitalism presents avenues for societal optimization by serving as a gateway to the evolution of emerging technologies like smart cities (Löfgren & Webster, 2020). Similarly, Barrett et al. posit that Big Data can promote self-optimization (i.e., the Quantified Self) and even facilitate disease prevention by improving our understanding of environmental, social, and behavioral determinants of health in U.S. populations (Barrett et al., 2013). However, when examining the use of digital surveillance tactics to prevent the spread of COVID-19, Correia et al. questioned where the line should be drawn between public interest and privacy (Correia et al., 2021). I argue that in the absence of any U.S. federal data privacy legislation or even a comprehensive tech policy, corporate greed hinders the possible optimization of the current system to benefit the average person and will continue to do so. Without limiting policies already in place, 'public interest' quickly becomes 'corporate interest,' and the line between benefiting the public good and invading privacy becomes blurred. Ultimately, the unregulated surveillance capitalist system that rests on the foundation of an ill-



defined, highly debated right to privacy in the Constitution has enabled a government that now legally uses personal and intimate data to criminalize those seeking reproductive healthcare.

### **Bodily Autonomy as a Human Right**

While the surveillance capitalism industry poses many threats to the average internet user, a key area of focus in this study is its threat to bodily autonomy. The United Nations defines bodily autonomy as “the power and agency to make choices, without fear of violence or having someone else decide for [you]” (United Nations, 2021, p. 7). Scholars Beauchamp and Childress differentiate between the components of this definition as being two principal requirements for autonomy: agency (the capacity to take action intentionally) and liberty (independence from controlling influences) (Beauchamp & Childress, 2019). It is within the latter requirement that the relationship between the state and the body is of particular interest, as this is where the state has the potential to implement legal restrictions to curtail the right to bodily autonomy (Wicks, 2016, p. 4). Ultimately, the right to make decisions about sexual and reproductive health, a key facet of bodily autonomy, was violated by the *Dobbs* decision and continues to be violated by the ensuing digital surveillance measures being levied against people who can become pregnant, particularly as they attempt to exercise this right in seeking reproductive healthcare. This study seeks to define the tangible harms associated with this infringement on bodily autonomy.

Despite the fundamental nature of bodily autonomy as a human right, it has historically been highly contested, particularly within the context of abortion rights. Scholars like Carl Stychin claim that “a woman’s body is increasingly taken out of the reproduction equation to become an object of control rather than an autonomous self” (Stychin, 1998, p. 225). Within this debate on the autonomy of the unborn versus the autonomy of the pregnant person, Catriona Mackenzie acknowledges a counterargument which holds that the existence and welfare of a fetus is “morally and biologically inseparable from the woman in whose body it develops.” (Mackenzie, 1992, p. 136).

While the human right of bodily autonomy has been featured in scholarly conversation for decades, there is relatively little academic work connecting surveillance capitalism literature with literature on bodily autonomy within the context of the *Dobbs* decision due to the emerging nature of the issue. This study aims to bridge the gap between these two distinct and robust scholarly bodies of work by demonstrating how digital surveillance impacts bodily autonomy within the context of pursuing reproductive healthcare post-*Roe*.

## **Methodology**

### **Research Methods: Semi-structured interviews, Grounded Theory, and Constant Comparative Method**

This research answers the question of how the use of digital surveillance poses harm to people seeking reproductive healthcare in a post-*Roe* United States. To adequately trace the three pathways of harm, legal, ethical, and physical, I relied on 22 semi-structured expert interviews

with practitioners from three sectors.<sup>7</sup> I interviewed eight experts on digital surveillance or technology law/policy, nine U.S. legal experts specializing in sexual and reproductive health and rights (SRHR) or the criminalization of abortion, and five healthcare providers specializing in sexual and reproductive healthcare. I interviewed 13 initially sampled experts and used snowball sampling to identify nine additional participants based on early respondent suggestions.

Semi-structured interviews were the most appropriate methodology, as my research centered around an emerging issue and adopted an interpretivist and exploratory approach. This method allowed me to tailor specific questions to align with the expertise of each participant and ask supplementary questions to gain additional context (Magaldi & Berler, 2020).

I relied on inductive reasoning, specifically grounded theory, instead of a deductive process or pre-established hypothesis. Grounded theory was the most appropriate method as my research identified interpretivist accounts that emerged from each of the conversations with participants to provide the most holistic and comprehensive answer to my research question (Chun Tie et al., 2019).

In analyzing my data, I relied on the constant comparative method, sorting and organizing excerpts of data and comparing them to identify similarities and differences (Boeije, 2002).

### **Researcher Positionality and Reducing Bias**

Given the controversial political nature of this study, it is important to address my positionality as a researcher and how it factored into the tactics I used to reduce personal and participant bias. Recognizing that most adults in the U.S. stand either in favor of or against the right to abortion, I asked that each of the participants strive to answer the questions from their professional perspective as opposed to their political or religious perspective. While this is not a foolproof method for reducing bias, each participant appeared to give professional and evidence-based responses to the questions.

As a U.S.-born cisgender female of reproductive age, I am personally affected by the policies and problems outlined in this study. While recognizing my own bias on the subject, I am also leveraging my positionality to insert myself into a topic where I belong—one in which my interests are at stake. To address my personal bias, I decided to take an inductive approach instead of a deductive one by using grounded theory instead of a predetermined hypothesis. This approach allowed me to uncover fascinating aspects of the topic that I otherwise would not have considered.

### **Interview Preparation: Question Formulation and Sampling**

All participants recruited for the study were contacted via LinkedIn or my UCL email address. To ensure participants had a certain level of prior knowledge and expertise on the topic, each of my 40 initially identified target participants were experts whose names I had come across during my background research. However, due to a low response rate from this initial list of

prospective participants, I relied on LinkedIn to begin sampling others with similar titles and employers.

Recognizing that many of the prospective participants being sampled based on job title and employer appeared to be Caucasian and female presenting, I also tried to target participants whose names and appearances indicated that they might identify as a gender other than female or a race other than Caucasian.

When formulating my questions, I did so in three separate categories, coinciding with the different groups of experts I interviewed. I devised one set of questions tailored to those in the tech and digital surveillance fields, one set tailored to legal experts in SRHR and the criminalization of abortion, and one tailored to healthcare providers.<sup>8</sup> Each question set aims to understand this research's three core elements: the physical, ethical, and legal harms.

### **Interview Logistics and Safeguarding**

Before the interview, each participant was provided with a 1-page document outlining my research topic, research question, and study's general aims. Each participant also filled out UCL's participant consent form beforehand.

Ethics considerations were taken into account as I ensured that no undue psychological stress or anxiety was induced throughout the interview process. Since all participants took part in their professional capacity,<sup>9</sup> UCL ethics committee approval was not required. Additionally, no personal or sensitive data was collected from participants, therefore exempting the project from registering with UCL Legal Services. All participants have been anonymized and will be referred to as P1, P2, P3, etc., along with an anonymized description of their field and position to provide additional context.

Interviews were conducted via Zoom, and all data was housed securely according to the terms of the General Data Protection Regulation (GDPR). Each interview ranged from approximately 25-50 minutes, with an average length of 30 minutes. The interviews with participants who consented to be recorded were transcribed and uploaded to NVivo, a qualitative data analysis software. NVivo was a supplementary tool to help code specific terms and organize primary themes within the transcripts.

### **Limitations**

Despite efforts to diversify the participants sampled, a majority of those who agreed to participate were female and Caucasian presenting. While many of the participants discussed how the issue harms members of the BIPOC community (Black, Indigenous, and People of Color), the perspectives of experts from this community are underrepresented. Additionally, because a vast majority of the participants who responded work for nonprofit organizations, the perspectives of those working in the private sector or government are also underrepresented.

Due to word count restrictions, the way I have written about the impacts of this issue on marginalized communities is limited. Discussing multiple marginalized groups within the same

section is not intended further to marginalize them within the remit of this study but rather an attempt to include a discussion of each group referenced by participants, as all felt significant.

Additionally, due to demanding schedules, most participants could only allocate 30 minutes for an interview, whereas 45 or even 60 minutes would have been ideal. Despite these challenges, a sufficient sample size was interviewed, providing ample information to extrapolate interesting findings that clearly answer my research question.

## Findings

These findings demonstrate the interconnected nature of the effects of digital surveillance, the legal harms,<sup>10</sup> and physical harms in the context of the *Dobbs* decision while highlighting the underpinning ethical concerns about each. There was a high degree of consensus amongst participants suggesting that while digital surveillance has led to instances of criminalization of abortion and other pregnancy outcomes, perhaps a more profound and widespread result of this criminalization is the chilling effect it has on engagement with the formal healthcare system, which increases the scope and severity of the physical harms related to this avoidance of care.

This chilling effect occurs via two primary pathways. The first is when people seeking abortions and other forms of reproductive healthcare fear digital surveillance (and the associated risk of criminalization), so they avoid engaging with the formal healthcare system. This avoidance of care is also attributed to the fact that reports from hospital-based providers are one of the primary ways in which law enforcement is initially notified of a case relating to an abortion or pregnancy outcome. Evidence from digital surveillance can then be used to aid in this person's arrest or prosecution. The second pathway through which this chilling effect occurs is when people use the internet to search for information related to abortion, and they encounter misinformation or other search results that might dissuade them from seeking care.

One of the most common patterns that emerged was how participants across sectors referred to the emergent nature of the issue, given that we are just a year post-*Roe*, and it is uncertain how all of the harms might unfold. A majority of participants referenced the challenges to accessing abortion and other forms of reproductive healthcare even prior to the *Dobbs* decision. All participants agreed that *Dobbs* and the ensuing digital surveillance disproportionately impact marginalized communities. The groups most frequently referenced as experiencing these harms to a greater extent were people of a lower socioeconomic status and members of the BIPOC community. The groups less frequently referenced were incarcerated people, undocumented people, members of the LGBTQIA+ community, and people with disabilities.

These findings are laid out in three primary sections that detail (1) the harms resulting from digital surveillance, (2) the associated legal harms, and (3) the physical harms. While all three forms of harm are interconnected, it is essential to highlight the unique and separate impacts that each has, especially regarding their disproportionate impacts on marginalized communities and on minors, as each harm impacts each group differently. Each subsection

considers numerous associated ethical harms while relating the findings to relevant scholarly literature on digital surveillance and bodily autonomy.

### **“Technology Follows Us Wherever We Are”<sup>11</sup>**

#### ***The Data Brokerage Ecosystem: Our Fourth Amendment Right for Sale***

The digital surveillance mechanism most frequently referenced by participants across the board was the data brokerage industry (web history, location data, app data, social media data, etc.). Research on digital surveillance suggests that pregnant people are already more likely to be targeted by the data brokerage industry since expecting parents are valuable consumers; therefore, companies go to great lengths to identify them and secure them as customers (Conti-Cook, 2020). Five of the eight participants in the digital surveillance and technology law/policy category referenced the Fourth Amendment about this form of surveillance and how it largely fails to protect us against the data brokerage industry. “Every stroke of your mouse is commodified,” said P1, Technology Fellow, when describing the lucrative nature of the industry and how the government can circumvent the Fourth Amendment by paying companies to surveil citizens on its behalf. Surveillance capitalism literature echoes this idea by suggesting that commercial data brokers have essentially become arms of the government since they perform law enforcement functions (Hoofnagle, 2004). For example, P6, Foundation Deputy Project Director, referenced the ability of law enforcement to track travel to abortion clinics by “simply purchasing a big batch of location data and trying to figure out if any phones went from Texas to Illinois....this just reduces the friction that normally a warrant requirement or other legal processes would provide,” said P6.

Many participant responses reflected other ideas in surveillance capitalism literature, for example, the notion that people do not have complete control over their personal privacy in this digital era (Pinchot et al., 2018) since it is difficult to achieve desirable levels of privacy solely through individual action (Acquisti et al., 2020). P2, Foundation Legal Director, believes people should not be solely responsible for leaving a digital trail. This means that the average person should not have to be a security expert to avoid violating their privacy. P4, Nonprofit Founder and Director, added, “Data is something we radiate all the time...we make data all day long. I feel like it's a form of respiration. You wouldn't tell people to stop breathing, and you wouldn't charge them for air.” This point echoes P2's idea and acknowledges that while people can protect their digital privacy, the onus of responsibility should fall on corporations and the government, not on the average person whose data production is simply a byproduct of their daily lives.

P2 added that location data brokers often pay app developers to put in a location tracker as part of an app. Because most people do not read the fine print when downloading these apps, a person using it often has no idea that their location is being tracked. P6 added that this code installed by app developers allows the data to be directly exfiltrated to data brokers without being bundled and sold. This raises an important point posited by surveillance capitalism scholars that the more easily our data is collected and transferred, the greater the amount is readily available for use by law enforcement (Slobogin, 2008).

While the data that P2 and P6 referenced is technically anonymized, it is easy to link that data back to the individual from whom it was obtained. A recent study showed that 99.9% of Americans can be identified using a computer algorithm with just 15 attributes, such as gender, date of birth, or zip code (Kolata, 2019). The de-anonymization of this data is harmful because it allows for use by law enforcement to prosecute specific individuals.

Perhaps even more harmful than the accurate re-identification of this data is the potential for inaccurate re-identification. P5, a University Clinical Teaching Fellow, mentioned how data brokers have paid utility companies for people's names and addresses to package up with data sets to sell them for a higher profit (Cameron, 2023). They often do this before running any analyses to ensure the person's information accurately matches the data set it is assigned to. This practice could put people at risk of criminalization based on data that does not belong to them—a danger that academics in the surveillance field have warned about for some time (Pinchot et al., 2018).

All participants in the category of digital surveillance and technology law/policy experts agreed that this digital surveillance has a chilling effect on engagement with the healthcare system for people who fear being criminalized for their abortion or pregnancy outcomes. This finding supports much of what exists within digital surveillance literature, especially that suggests that people's sense of being surveilled causes them to restrict their digital behavior. Participants and surveillance scholars agree that this chilling effect is a form of self-censorship that undermines individual autonomy (Büchi, 2022).

### ***Other Digital Surveillance Mechanisms***

While all eight participants in the digital surveillance and technology law/policy category referenced data collected by the data brokerage industry, six of the eight participants also mentioned other forms of digital surveillance that are less frequently discussed about the criminalization of abortion after *Dobbs*. P7, a Nonprofit Founder, acknowledged that it takes months, sometimes years, to see how surveillance is deployed in practice. While the full extent of the impacts of these forms of surveillance is still unknown, it is important to highlight their use, as they indicate how surveillance measures evolve with technology over time—a topic digital surveillance scholars have dedicated ample time to examining (Zhang et al., 2023; Landwehr et al., 2023). For example, emerging technologies like predictive and generative AI pose an entirely new threat to privacy, as they have been proven to accurately predict patterns of behavior in pregnant people (Zakrzewski et al., 2022; Sherman, 2022).

These six participants cited the following forms of data as being cause for concern about the criminalization of abortion and other pregnancy outcomes: message history on social media platforms, text messages, automated license plate readers, facial recognition technology, purchase history, data from period tracker apps, home devices connected to the internet, ad trackers on Planned Parenthood websites, wearable device data, messages on encrypted apps like WhatsApp or Signal, and communications from video game platforms. Ultimately, this study

finds that commercial and government digital surveillance is pervasive and spans nearly every digital medium we are engaged in.

### ***Groups Disproportionately Impacted***

Participants seemed split down the middle when asked whether minors face any particular protections or harms regarding digital surveillance. Four of the eight participants in the digital surveillance and technology law/policy category stated that minors and adults are equally at risk. In contrast, the other four participants felt that minors were at a greater risk. P2, Foundation Legal Director, mentioned that there are supposed to be additional protections in place for people under 18. However, because they are frequently circumvented and poorly enforced, everyone is equally at risk. However, P4, a Nonprofit Founder and Director, acknowledged that most people assume children have no right to digital autonomy. This idea is an extension of a concept frequently found within bodily autonomy literature, which suggests that children face more significant challenges in exercising their autonomy and agency (Stettner et al., 2023; Johnson, 2022). For example, P7 argued that minors are more at risk because they have to worry not only about government surveillance but also parental surveillance. This participant gave the example of LGBTQIA+ youth who live with homophobic or transphobic parents who might try to interfere with their medical care and abortion seekers who live with anti-choice parents who might try to do the same. Ultimately, then, at least in situations like these, and potentially in others, minors face more significant threats to their ability to securely use electronics to access information and, subsequently, to access medical care.

When asked about the disproportionate impacts of digital surveillance on marginalized communities,<sup>12</sup> all eight participants in this category agreed that these surveillance practices disproportionately harm communities who are already over-policed, primarily communities of color. P3, Foundation Deputy Director, referenced the 'I have nothing to hide' attitude that many hold in response to the idea of digital surveillance and suggested that this is an expression of privilege only available to those who have nothing to fear from authorities. "Surveillance is an extension of power," said P3; it impacts marginalized communities similarly to other types of power. P3 referenced Amnesty International's "Ban the Scan" campaign in New York, which found that the NYPD's facial recognition technologies disproportionately surveil Black and Brown communities. P3 highlighted that, in addition to how it is collected, the unknowability of exactly how people's data is being used leads to a broader, societal-level chilling effect. This idea of surveillance as an extension of power is supported by digital surveillance literature on topics like panopticism in the digital age (Manokha, 2018) and surveillance as a strategy of social dominance (Green, 1999).

Similarly, P7 hinted at a similar idea as P3 by referencing other historically over-policed communities, such as Muslim communities, stating, "...as soon as abortion became a crime, all of these different forms of police infrastructure that we built up in the name of supposedly combating terrorism are now being weaponized against things like abortion or other aspects of medical treatment." Digital surveillance scholars argue that this use of dragnet surveillance is



harmful because it affects even those who were never intended to be targeted and is increasingly extending into more private corners of people's lives (Angwin, 2014).

Three participants in this category also mentioned that marginalized communities have historically faced difficulties accessing resources of all kinds. For example, P2 hypothesized that if someone of a lower socioeconomic status needs to travel out of state to receive abortion care but lacks the means, they may go online to search for organizations that could help fund their travel; in doing so, however, they are now leaving a digital trail. P2 also mentioned how people of lower socioeconomic status are more likely to download free versions of apps that often have fewer privacy protections than their paid counterparts.

Ultimately, because surveillance is an extension of power, it disproportionately affects already marginalized communities. Digital surveillance scholars would remind us, however, that the surge of resistance to mass surveillance did not come when marginalized groups were first targeted; it arose when average and elite members of society realized they were being surveilled as well (Franks, 2017).

### ***Beyond Digital Surveillance: Content Moderation and Fake Advertisements***

While digital surveillance hinders access by causing a chilling effect that discourages engagement with the healthcare system, the second pathway of this chilling effect occurs when people search for abortion-related content online and are met with information that might dissuade them from seeking care. Apart from digital surveillance, there have been numerous other cases in which technology is being leveraged to restrict abortion access. As outlined below, there have been attempts to suppress and moderate abortion-related content on social media following the *Dobbs* decision. Digital surveillance scholars would argue that digital surveillance and content moderation are closely related, as social media platforms and search engines often reflect the values of law enforcement by advancing surveillance and even reshaping criminal investigations (Bloch-Wehba, 2021). This content moderation is particularly concerning given the increasing rate Americans seek medical advice online (Conti-Cook, 2020).

P4, Nonprofit Founder and Director, gave an example of the second pathway for this chilling effect: someone runs an internet search on "abortion in {insert state}," and the information that comes up first is news articles on people criminalized for abortion. Essentially, not only do people have reason to fear conducting an abortion-related internet search that puts them at risk of criminalization, but this search could also yield misleading information or other results that chill access to care.

P8, Foundation Reproductive Rights Fellow, who examines suppression of abortion-related content on TikTok, describes how content that is not in violation of community guidelines is being taken down. This participant gave numerous examples of posts being taken down and cited as "violent or graphic content," including a Planned Parenthood affiliate posting a message on Facebook in solidarity with abortion seekers and a person who reshared a New York Times article on misoprostol. When accurate and informative content is deleted, it increases the risk of disinformation or misinformation coming up first. This suppression of

information is especially harmful to youth, as a recent study showed that many young people first turn to TikTok to search for information instead of using a more traditional search engine (Huang, 2022).

Perhaps even more shocking is the fact that Google earned more than \$10 million in the past two years by allowing advertisements from more than 188 fake abortion clinic websites that attempt to dissuade people from seeking abortion care. People searching “abortion clinics near me” on Google found results that directed them to “pregnancy crisis centers” that attempt to talk them out of seeking abortions or that even provided medically inaccurate information. Estimates suggest these ads were clicked over 13 million times (Korn, 2023).

Access to accurate information is a crucial component of informed decision-making, and in bodily autonomy literature, informed decision-making is a key pillar of autonomy (Ursin, 2009). If people seeking reproductive healthcare of any kind cannot make fully informed decisions regarding their care, not only does this violate their right to bodily autonomy, but it can also lead to dangerous physical repercussions like those outlined in the final section.

## **Legal Harms**

### ***Criminalization of Abortion and Pregnancy Outcomes***

When discussing the criminalization of abortion, six of the nine participants in the legal category (specializing in SRHR and abortion criminalization) mentioned that much of the post-*Roe* legislation has directly targeted healthcare providers as opposed to abortion seekers. P14-17, Nonprofit Legal Team, mentioned that this has primarily been due to the work of advocates who have carved out exemptions for abortion seekers and attempted to make it “politically unpalatable for lawmakers to include provisions criminalizing the pregnant person.” However, P14-17 mentioned that regardless of these efforts, there have not been cases of providers criminalized post-*Roe*, but plenty of patients have been criminalized. Because abortion seekers have been criminalized more frequently, regardless of the legislation in place, the chilling effect is compounded.

More than half of the participants in this category referenced the fact that people were criminalized for abortions and pregnancy outcomes even prior to *Dobbs*. The cases they cited involved primarily people of color and occurred through a complete misuse of the criminal legal system by a prosecutor who relied on old or inapplicable laws. Two cases of criminalization were cited most frequently by participants. One was the case of Latice Fisher, who, prior to *Dobbs*, was charged with second-degree murder after suffering a stillbirth when police found she had searched for abortion information on the internet (Zakrzewski, 2022). The other case frequently referenced occurred after *Dobbs* when a mother and daughter in Nebraska were sentenced to jail on charges of illegal abortion after police obtained their private Facebook messages discussing abortifacients (Mansoor, 2023). While there have been numerous similar cases, it is important to note that prosecutions like these have not been happening in large numbers, even following the *Dobbs* decision. When asked about the rates of prosecutions, four of the nine participants used the term ‘early days’ when referring to the legal harms of *Dobbs*.

These participants expressed that because we are only a year post-Roe, the full extent to which these legal harms might unfold is uncertain, especially as the legal landscape continues to change rapidly.

P9, Foundation Senior Staff Attorney, says that because there has been such significant backlash in response to *Dobbs*, it could be that legislators and law enforcement are treading lightly in its immediate aftermath. P9 hinted that she feared the relatively low number of prosecutions could be 'the calm before the storm.' However, it reiterated that predicting the nature of future legal harms is nearly impossible.

Participants suggested that criminalization of abortion and other pregnancy outcomes can occur in several ways. All participants in this category agreed that the primary avenue for reporting to law enforcement is a direct alert given by either a healthcare provider or someone in the abortion seeker's social circle (e.g., a friend, family member, or neighbor). If law enforcement receives a report, they may pressure the person (sometimes while still in the hospital) to turn over their mobile device by threatening harsh legal consequences or even threatening to call Child Protective Services (CPS) to take away their children. Communities of color are particularly at risk for this kind of treatment by law enforcement, which is inarguably harmful, as any digital evidence obtained from searching their devices can be used against them in prosecution. Even if law enforcement does not request or obtain access to their mobile device, their data can still be purchased, subpoenaed, and used against them.

While these two pathways for criminalization most often begin within the confines of the formal healthcare system, even people who avoid the system entirely when seeking abortion care are still at risk of criminalization. P14-17, Nonprofit Legal Team, cautioned that the more barriers people face to clinic-based care, the more likely they are to seek out self-managed abortions as an alternative. Although the medical community acknowledges that self-managed abortions with abortifacients are incredibly safe, this practice has a history of criminalization, especially within marginalized communities. If/When/How, a legal nonprofit conducted a study that revealed that, between 2000 and 2021, there were 61 cases of people criminally investigated or arrested for allegedly ending their pregnancies. Of these cases, 56% were people living in poverty, 11% were minors, and a homicide consideration was two times more frequent in cases involving people of color (Huss et al., 2022).

It is worth noting that even cases of criminalization that do not result in conviction cause staggering harm. Records searches used by employers can show an arrest regardless of whether the person was formally charged. Even misdemeanor charges can result in someone losing their job or having difficulty finding work, especially those in low-wage work like childcare and home medical assistance (If/When/How, n.d.). This criminalization can also lead to people being ostracized from their communities, shamed by their families, and even being deported or losing custody of their children. These harms demonstrate that people do not have to be incarcerated to be stripped of their autonomy and dignity since decisions surrounding work and family are some of the critical pillars of bodily autonomy referenced in academic literature (Mackenzie, 2001).

### ***Disproportionate Impacts on Marginalized Communities<sup>13</sup>***

Overall, participants agreed that criminalization has the most significant impact on groups of people who are already subject to state surveillance, over-incarceration, and over-policing (particularly Black and Brown communities). P9, Foundation Senior Staff Attorney, pointed out that many of the states banning abortion also have the most restrictive voting laws and gerrymandered congressional districts; they are the same states that are disproportionately where people of color, in particular Black people, are living and voting. It is even more challenging for this group to 'vote their way out of it' as many would advise people living in abortion-ban states to do, P9 said.

P10, Foundation Initiative Director, also recognized the unique harms faced by marginalized communities and added that incarcerated people in abortion ban states physically cannot leave the state to obtain an abortion elsewhere. P10 added that anyone who has ever been involved in the criminal justice system is at greater risk of surveillance, thus further chilling their engagement with the healthcare system.

P12, a Nonprofit Legal Fellow, highlighted these disproportionate harms for undocumented people. Especially in a state like Texas, which has some of the most restrictive abortion laws and is situated on an international border, people in immigration facilities are often unable to receive abortion care. Even undocumented people who are not in facilities are sometimes faced with immigration checkpoints situated 100 miles from the border, making travel to receive care extremely difficult, said P12. Ultimately, communities underserved by the criminal legal system are typically the same communities underserved by the healthcare system.

### **Physical Harms**

All five of the healthcare providers interviewed agreed that when people are dissuaded from seeking abortion care due to fears of digital surveillance and criminalization, the physical harm is staggering. Even those who are not seeking abortions are often discouraged from pursuing other forms of care due to concerns about surveillance. Additionally, participants mentioned that other forms of reproductive healthcare, like appointments for birth control or standard gynecological checkups, are also less accessible now, even in states where abortion is legal, as the healthcare system is becoming overburdened by those traveling from abortion-ban states to seek care.

When asked what they believed to be the most profound physical harm resulting from the *Dobbs* decision and the ensuing digital surveillance, forced pregnancy was the most frequent response. P19, Medical Federation Program Manager, said, "The risk of pregnancy is somewhere between 15 and 20 times greater than the risk that might come from having an abortion...no one talks about the risk of blood clots during pregnancy, or the multitude of other potential complications," P19 added. "The reality is that people should not be forced to put their body into that position unless it's something they're willing to do," P19 said. P19's idea challenges the notion frequently found in bodily autonomy literature, which holds that the commodification of

reproduction has historically stripped people of their bodily autonomy during pregnancy (Ophardt, 2023).

When discussing access to abortion care from the lens of digital surveillance, three of the digital surveillance experts and two of the healthcare providers mentioned their concerns about the digitization of health records and the ease with which these records can cross state lines. While the healthcare providers agreed that digital health records are incredibly useful for continuity of care, they fear how they might be weaponized after *Dobbs*. For example, P21, Foundation Associate Medical Director, explained that if a patient living in Texas had traveled out of state to seek an abortion and then returned to Texas for a routine physical, their physician could see that they had sought an abortion and report them to law enforcement. This is yet another example of the harms that occur when policy cannot keep up with technological advancements.

All five participants used the terms “chaos” or “confusion” when describing the current state of healthcare providers attempting to interpret the latest changes to the law. This confusion is compounded by the harsh legal penalties (like jail time and loss of license) for providers who violate these laws. All participants agreed that these challenges in interpreting the law have an adverse and sometimes dangerous impact on patients. Three participants mentioned the dangers of physicians waiting for patients to deteriorate significantly before treating them. P22, Foundation Associate Medical Director, mentioned that there have been numerous cases of doctors waiting for patients with ectopic pregnancies or ruptured membranes to go into septic shock before they treat the dangerous pregnancy, as there is uncertainty around when an abortion is considered medically necessary or lifesaving. Ultimately, legal experts and healthcare providers agreed there is very little legal precedent to understand these challenges. Furthermore, these dangerous pregnancy complications are exacerbated by the fact that people may have been delaying seeking care to begin with (or avoiding it entirely) due to fear that their digital trail might incriminate them by leading law enforcement to believe they attempted to end their pregnancy.

All participants in this category agreed that minors face disproportionate challenges in the case of unwanted pregnancies. P22 mentioned that adolescent pregnancies carry greater risks of complications, and many of them are results of rape or incest. The barriers that minors face in accessing clinic-based care (need for consent from a parent, pursuing judicial bypass, lack of access to money or transportation, etc.) restrict their ability to make fully informed decisions that could prevent unnecessary risks. For example, P22 described that a consultation with a physician is helpful in the case of someone with anemia who might be encouraged to have a surgical abortion as opposed to a medication abortion to avoid excessive bleeding. This stresses the idea that access to accurate information is a crucial component of informed decision-making—a key pillar of bodily autonomy (Ursin, 2009).

The impact of *Dobbs* and the associated digital surveillance has been so profound that it has also restricted access to healthcare more broadly, including non-reproductive healthcare. P18, University Professor of Medicine, spoke about the impact of *Dobbs* on physicians' ability to

provide cancer treatment in a timely manner. Since treatments like radiation and chemotherapy can be harmful to a fetus, people living in states with abortion restrictions may be forced to delay treatments until later in their pregnancy or after they have given birth. Two other participants in this category referenced the fact that when a patient comes in for abortion care, it is often a starting point for diagnosing other comorbid health conditions such as high blood pressure or anemia. This is especially true for people who may not have health insurance or experience other barriers to accessing healthcare. For example, P20, a Foundation Chief Medical Officer, described how the U.S. has systematically and structurally restricted resources from certain groups based on factors like race, income, and place of residence. These groups that P20 described, therefore, have worse health outcomes in pregnancy and also bear the most burden of the financial impacts of continuing a pregnancy they do not feel prepared for. Ultimately, these are the same groups that now face the most significant barriers to seeking abortion care, are the most heavily surveilled, and are the most underserved by the criminal legal system.

In all, the physical impacts of the *Dobbs* decision and associated digital surveillance are profound and, in some cases, deadly. They undoubtedly violate the right to bodily autonomy, especially for minors and members of marginalized communities, and they leave physicians fearful of their legal safety.

## Conclusion

### Summary of Findings

This study finds that digital surveillance and the risk of criminalization have a chilling effect on engagement with the formal healthcare system, which increases the scope and severity of the physical harm related to this avoidance of care. Numerous other patterns emerged during conversations with the 22 participants who highlighted other key themes within this issue, mainly:

- Pervasive digital surveillance permeates nearly every digital medium we engage with, and content suppression measures on major social media platforms and search engines.
- Disproportionate impacts on marginalized communities, particularly members of the BIPOC community and people of a lower socioeconomic status.
- Legal harms: cases of criminalization of abortion and other pregnancy outcomes based on findings from digital surveillance, criminalization of self-managed abortions, opaque legal landscape confusing healthcare providers, harsh legal penalties dissuading providers from giving proper care.
- Physical harms: adverse impacts on maternal mortality and morbidity, life-threatening risks in the case of ectopic pregnancies or other complications, avoidance of seeking prenatal care, restricted access to cancer treatments and other kinds of nonreproductive healthcare, restricted ability to consult physicians to make fully informed healthcare decisions.

- A multitude of other underlying ethical concerns: disproportionate impacts on minors, violations of bodily autonomy, forced pregnancy, invasions of privacy, criminalization of people who have suffered miscarriages and stillbirths, and barriers to accessing other forms of reproductive and nonreproductive healthcare.

### **Generalizability and Recommendations for Further Research**

While this study detailed the legal, ethical, and physical repercussions of digital surveillance on bodily autonomy post-*Roe*, it did not include a thorough discussion of the mental health impacts of the issue. Further research is necessary to uncover the extent of these psychological ramifications, including some of the issues that were referenced by participants, such as feelings of divisiveness within communities and families, sentiments of distrust between patients and healthcare providers, and even feelings of paranoia and isolation or suicidal ideations.

This research can also be extended to examine the impacts of digital surveillance on other forms of bodily autonomy, such as the bodily autonomy of sex workers and members of the LGBTQIA+ community. With the recent spikes in anti-LGBTQIA+ legislation, attacks on gender-affirming healthcare, and reports of violence against sex workers, it is crucial to look at the impacts of digital surveillance on these groups.

Further quantitative endeavors are necessary to continue tracking the number of arrests, prosecutions, and convictions of pregnancy outcomes linked to evidence obtained from digital surveillance in the years that follow the *Dobbs* decision. Moreover, as the 2024 Presidential election approaches, further research is needed to predict how an anti-choice President in office could further exacerbate these issues. Additionally, as AI continues to permeate our daily lives, more time should be dedicated to assessing how various AI tools may play a role in facilitating digital surveillance and content suppression.

In sum, the harms outlined in this study are nothing short of devastating, but they are only the beginning. Further research is needed to determine how policymakers, voters, corporations, and human rights advocates can work to ensure that people's private data is not weaponized to police their bodies and that autonomy and privacy are valued for all people.

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## **Appendix A: Participant List**

### **Digital surveillance experts and technology law/policy experts (8)**

- P1 (Foundation Technology Fellow)
- P2 (Foundation Legal Director)
- P3 (Foundation Deputy Director)
- P4 (Nonprofit Founder and Director)
- P5 (University Clinical Teaching Fellow)
- P6 (Foundation Deputy Project Director)
- P7 (Nonprofit Founder)
- P8 (Foundation Reproductive Rights Fellow)

### **Legal professionals specializing in SRHR or criminalization of abortion (9)**

- P9 (Foundation Senior Staff Attorney)
- P10 (Foundation Initiative Director)
- P11 (Law Center Senior Counsel)

- P12 (Nonprofit Legal Fellow)
- P13 (Nonprofit Legal Advisor)
- P14-17 (Nonprofit Legal Team)

### **Healthcare providers (5)**

- P18 (University Professor of Medicine)
- P19 (Medical Federation Program Manager)
- P20 (Foundation Chief Medical Officer)
- P21 (Foundation Associate Medical Director)
- P22 (Foundation Associate Medical Director)

## **Appendix B: Interview Questions**

Questions varied slightly within each category as they were tailored to the expertise of each participant. All participants were asked to begin by providing a brief overview of their background and area of expertise. At the end of each interview, all participants were asked the following two questions:

- Is there anything important that you would like to add or that I might be missing?
- Is there anyone else you think I should speak to about this topic?

### **Questions for digital surveillance and technology law/policy experts**

- How is the use of digital surveillance harming people seeking reproductive healthcare following the *Dobbs* decision?
- Through what mediums does this digital surveillance most commonly occur? Are there any channels that people should be particularly wary of?
- Do we have any way of measuring how widespread this digital surveillance is (both nationwide and in states where abortion access is restricted)?
- After the *Dobbs* decision, we've seen legislation that targets healthcare providers or people assisting someone else in getting an abortion. Are there different surveillance risks for this category of people as opposed to the abortion seekers themselves?
- How does this digital surveillance impact marginalized communities differently?
- Do youth under 18 face any particular protections or harms when it comes to digital surveillance?
- What should we be on the lookout for in terms of new and emerging technologies that might further exacerbate this issue?

### **Legal professionals specializing in SRHR or criminalization of abortion**



- Due to the rapidly changing legal landscape and fears of future legal consequences, some healthcare providers are confused as to cases in which abortions are considered medically necessary or lifesaving. Should these providers be concerned for their own legal safety?
- Do you think the legal harms of *Dobbs* fall disproportionately on marginalized communities?
- Do people under 18 face any particular legal protections or harms?
- How is data gathered from digital surveillance used to criminalize people seeking reproductive healthcare?
- Should someone who suffers a miscarriage or stillbirth in an abortion ban state be concerned for their own legal safety?
- Anti-abortion legislation has tended to target healthcare providers and those aiding someone in seeking abortion instead of the people seeking abortions themselves. What are the different legal risks for these two groups?
- Some healthcare providers feel they must report certain pregnancy outcomes to law enforcement. Are they legally required to do this, and if so, in what scenarios?
- How are people who choose to self-manage their abortions at risk of criminalization? Are they at a lesser risk than if they were to engage with the formal healthcare system?
- Since it's still just a year post-*Roe*, is there any way to predict what trends we might see in terms of rates of prosecution for abortions and pregnancy outcomes?

### Healthcare providers

- Medically speaking, upon physical examination, how easy is it to differentiate if someone had a miscarriage or an abortion? Should women who have miscarriages in states where abortion is illegal be concerned for their legal safety?
- Some healthcare providers feel they must report certain pregnancy outcomes to law enforcement. Are they legally required to do this, and if so, in what scenarios?
- In what ways has the *Dobbs* decision impacted maternal mortality and morbidity?
- Do you think a fear of surveillance and ensuing legal repercussions has caused people to delay seeking care in the event of a miscarriage or ectopic pregnancy?
- Some people have chosen to forgo prenatal care in an attempt to avoid surveillance. What are some of the physical risks of not seeking regular prenatal care?
- Can you discuss the particular physical harms that minors and adolescents face in the event of an unwanted pregnancy?
- How has the *Dobbs* decision led to a climate of fear and confusion among healthcare providers?
- How have practitioners experienced uncertainty about the circumstances under which abortion is medically necessary or lifesaving?
- Has the ability for practitioners to counsel patients as they normally would be restricted by this decision?



- Do you think the physical harms of *Dobbs* fall disproportionately on marginalized communities?
- Has the *Dobbs* decision led to a restricted access of other forms of reproductive healthcare?
- Has the *Dobbs* decision led to a restricted access nonreproductive healthcare?

### Glossary

**‘Abortifacient’** refers to any substance used to terminate a pregnancy. The most common are mifepristone and misoprostol (Encyclopedia Britannica, 2023).

**‘Big Data’** refers to the collection of massive, complex data sets by organizations that can be mined for information and used in predictive modeling (Botelho, 2022).

**‘Chilling effect’** is a phrase typically used in legal contexts to refer to discouraging the legitimate exercise of rights by the threat of legal sanction (Townend, 2023).

**‘Dragnet surveillance’**—also referred to as mass surveillance or ‘untargeted surveillance’—refers to the employment of surveillance tactics that target broader swaths of the population as opposed to specified targets (The Intercept, 2022).

**‘Ectopic pregnancy’** is a condition that occurs when a fertilized egg grows outside a person’s uterus. It is often life-threatening if left untreated, and the only treatment is abortion (Mayo Clinic, n.d.).

**‘Judicial bypass’** is a legal process that can be pursued by people under 18 wherein a judge decides that one parent does not need to give their permission to a doctor for the minor to have an abortion (Guttmacher Institute, 2023).

**‘Medical abortion’** or ‘medication abortion’ refers to the use of abortifacients to bring about abortion (Redford, 2022).

**‘Self-managed abortion (SMA)’** refers to the management of one’s abortion, often outside of the formal healthcare system. The self-managed use of mifepristone and misoprostol is recommended by the World Health Organization (Huss et al., 2022).

### About the Author

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<sup>1</sup> Refer to Glossary.

<sup>2</sup> The terms '*Dobbs* decision' and 'post-Roe' are used interchangeably throughout this study.

<sup>3</sup> While this issue affects primarily women and girls, it also affects trans and nonbinary people and anyone who can become pregnant. To avoid using gendered language, this study will use terms like 'pregnant people' and 'those seeking reproductive healthcare.'

<sup>4</sup> This is a relatively new and emerging issue that continues to evolve in real-time. All information is accurate and up to date as of submission, but is subject to change based on new developments.

<sup>5</sup> These issues violate a number of human rights outlined in international treaties and conventions including, but not limited to the rights to life, health, autonomy, bodily integrity, privacy and equality, information, and freedom from torture or other ill-treatment (Amnesty International, 2023).

<sup>6</sup> In the time leading up to the 2016 Presidential elections, the Trump campaign hired Cambridge Analytica, a British political consulting firm, that harvested the data of nearly 87 million Facebook users (without consent) which it used for psychological and political profiling to predict and influence voter behavior (Chang, 2018).

<sup>7</sup> See Appendix A: Participant List.

<sup>8</sup> See Appendix B: Interview Questions.

<sup>9</sup> The views expressed by participants in this study do not necessarily reflect the views of the organizations they are associated with.

<sup>10</sup> 'Legal harms' in this case are defined as harm to people due to poor laws

<sup>11</sup> Quotation from P7, Nonprofit Founder

<sup>12</sup> See section 4.5 Limitations, paragraph 2.

<sup>13</sup> See section 4.5 Limitations, paragraph 2.

## **Current Evidence on Tourism Problems and Entrepreneurship Development in Vietnam: A Systematic Review**

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### **Abstract**

This paper is a systematic review of empirical research on “tourism problems and entrepreneurship development” in the context of Vietnam. Its significance and urgency rest upon a prolonged and immense decline in Vietnam’s tourism revenue due to COVID-19 pandemic restrictions and its stagnation of tourism recovery. The systematic review methodology provides rigorous procedures to achieve reliable and accurate results. Besides evaluating and identifying gaps in existing studies, tourism problems are discussed, and coherent resolutions are provided. As a result, a holistic picture of current studies and relevant approaches to tourism entrepreneurship development in Vietnam is projected.

*Keywords:* development, entrepreneurship, problems, systematic review, tourism, Vietnam

Tourism is a social, cultural, and economic event that occurs when people leave for places that are not their current residences. The trips may be for personal or business reasons (UNWTO, 2024). These travelers engage in activities related to their goals and spend money on those trips and activities to meet their needs and wants, such as transportation, accommodation, food and beverage, entertaining activities, etc. For this reason, tourism entrepreneurship is indispensable, as it serves as a means to fulfill the needs of travelers (McIntosh et al., 1995). Tourism entrepreneurs transform locally accessible resources into tourism products to meet the demands of travelers (Koh & Hatten, 2008). Local entrepreneurship has been recognized as a significant factor in local individuals' job creation and income generation. According to Stainton (2023), tourism entrepreneurship may be categorized into six main groups: tourist boards, transport services, accommodation services, conferences and events, attractions, and other tourism services. Because of its crucial role in local economic development, tourism entrepreneurship is promoted and endorsed by the Vietnamese government. It has also occupied a dominant role in the country’s economic growth (Tung, 2020).

In 2019, the tourism value accounted for over 9.2% of Vietnam's economy's total GDP (gross domestic product) (Vietnam News Agency, 2020). The national lockdown in response to the COVID-19 pandemic resulted in a drastic decline in tourism revenue. As the country had completely reopened its border to international travel in early 2022 (Reuters, 2022), Vietnam welcomed merely 18% of its pre-pandemic tourists (Barnes, 2023), falling behind its regional neighbors, who gained a 25% tourism rebound in 2020 (Barnes, 2023). Additionally, Vietnam

failed to accomplish its goal of becoming a comparable competitor in Southeast Asian tourism in 2020 (Vietnam Government Portal, 2023).

Tung (2020) assessed the tourism conditions in Vietnam via the SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis and concluded that Vietnam's tourism-related products and services lacked diversity due to inadequate creativity and innovation skills. As a result, Vietnam's tourism products and services lacked attractive attributes to induce purchasing. In addition, Vietnam had a considerably low rate of return visitors due to the low standard of tourism services and pollution problems (Gregg & Vinh, 2016; Tuan et al., 2018; Nguyen et al., 2019; Tung, 2020). Unpleasant environments significantly contributed to visitors' hesitation to revisit for vacation and eventually encouraged them to consider other countries as future destinations (Mai & Huynh, 2014).

Such dissatisfactory and underperformed outcomes prompt an immediate reaction to resolution development. Public and private tourism stakeholders have been searching for effective solutions. Tourism organizations in Vietnam have signed international treaties with fifty countries around the world for cooperation in promoting and developing tourism entrepreneurship and tourism-related activities in Vietnam (Socialist Republic of Vietnam, 2023). The country aims to accomplish the global standards of tourism based on the GSTC criteria of sustainable development (Global Sustainable Tourism Council, 2022), by 2030 (Vietnam Government Portal, 2023).

Human resources are the locus of management and thus have a crucial role in tourism success (Sotiriadis & Varvaressos, 2016). For this reason, tourism development can be achieved through effective entrepreneurship education (Daniel et al., 2017), which encourages participants to develop skills necessary for solving real-world problems (Gregg & Vinh, 2016). Tourism education, formal and non-formal tourism-related training, must take into account the existing challenges faced by tourism stakeholders in order to formulate relevant approaches to resolution and development. Consequently, research on empirical evidence must be executed to identify existing challenges and formulate relevant resolutions.

The researchers were motivated by the necessity and urgency of Vietnam's tourism development to review the literature on *empirical studies* of Vietnam's tourism published between 2014 and 2023 inclusive. To attain the most realistic, relevant, reliable, and applicable knowledge, this study aims to evaluate the characteristics of existing empirical studies (Bouchrika, 2024) and identify the nexus between tourism problems and entrepreneurship development. A systematic review methodology is implemented as a rigorous and reliable means to accomplish the research objectives (Snyder, 2019), culminating in directions for future research and tourism entrepreneurship development in Vietnam.

### **Methodology**

This systematic review examines the empirical studies of tourism problems and entrepreneurship development in Vietnam that have been published within the past ten years to answer the following questions:

- a) What were the characteristics of the existing studies in terms of publication years, research methods, and research locations?
- b) What was the nexus between tourism problems and entrepreneurship development in different tourism contexts?

To ensure the quality of the review process, the systematic review guidelines of the Cochrane Research Institute (2023) and the Joanna Briggs Institute (2023) were applied as the framework of this study. Therefore, the review process in this study consists of seven steps, as follows: (1) defining research questions and objectives; (2) determining research selection criteria; (3) creating research instruments; (4) searching for relevant articles; (5) assessing the research quality; (6) extracting relevant data; and (7) analyzing and synthesizing data and reporting results.

### **Research Instruments**

After research questions and objectives had been defined, inclusion criteria were determined, and then three research instruments were created to facilitate the systematic review process and ensure its high quality. A research screening form (RSF) was developed in coherence with the research objectives. A critical appraisal form (CAF) was adapted from the research appraisal guidelines of the Joanna Briggs Institute (2020) and Cavaleri et al. (2018) (See *Appendix A*). The research questions and objectives created a data extraction form (DEF). Then, the content validity of each instrument was assessed for the Index of Item Objective Congruence (IOC) (Turner & Carlson, 2003), resulting in a high level of content validity (IOC score between 0.67 and 1.00) (Phonphotthanamat, 2022).

### **Search Strategy**

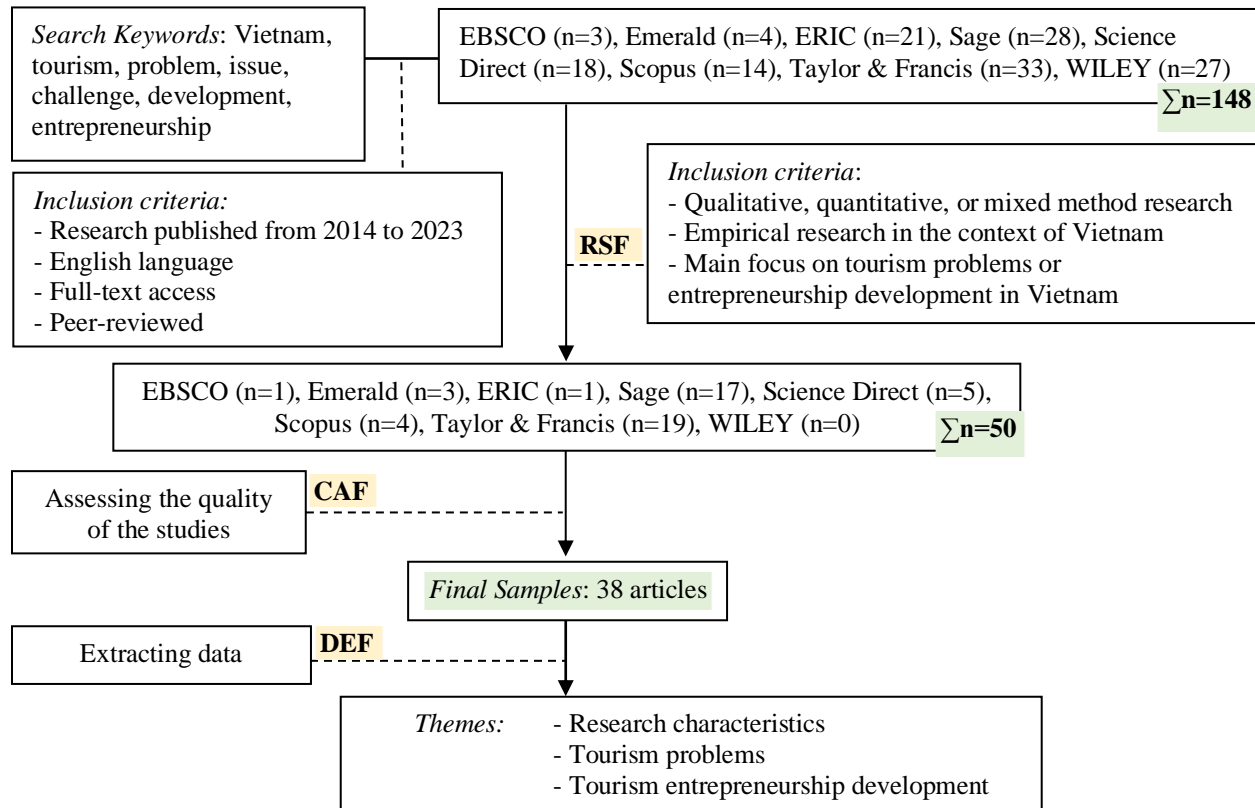
The search strategy is illustrated in *Figure 1*. The following search string was used to search for the relevant research articles: “Vietnam” AND “tourism” AND (“problem” OR “issue” OR “challenge” OR “development” or “entrepreneurship”). The articles were searched from eight academic journal databases relating to social science: EBSCO, Emerald, ERIC, Sage Journals, Science Direct, Scopus, Taylor & Francis, and WILEY. To maintain the quality of the review, the search only involved English-language, full-text-accessed, and peer-reviewed articles published from 2014 to 2023 (Shapiro Library, 2023). These criteria are available options on advanced search engines for digital databases.

### **Selection Criteria**

As illustrated in *Figure 1*, searching articles from online databases resulted in 148 articles with the removal of duplicates. After implementing the research screening form (RSF) for literature screening, 50 articles remained. The study had to be (1) qualitative, quantitative, or mixed-methods research; (2) an empirical study in the context of Vietnam (Bouchrika, 2024); and (3) focused on tourism problems or entrepreneurship development in Vietnam. Two researchers were involved in the selection process to avoid selection bias. Then, the critical

appraisal form (CAF) was applied to evaluate each article. Two researchers executed the assessment individually, then the results were compared individually. The researchers discussed any discrepancies until a consensus was reached. As a result, a total of 38 articles were selected for data extraction (see *Figure 1*).

**Figure 1**  
*Search Strategy of the Literature Review*



Note. RSF = Research Screening Form; CAF = Critical Appraisal Form; DEF = Data Extraction Form

## Data Extraction

To facilitate the data extraction, each of the 38 articles was coded according to the database and alphabetical order of title (see *Appendix B*). The content analysis was implemented during the data extraction process. The data extraction form (DEF) was employed to extract relevant data (see *Figure 1*) systematically. The DEF consists of two main sections. The first section concerns the general information of each study, including the researchers' names, publication year, journal title, database, research type, and research methodology. The second section includes research location, research samples, tourism problems, and tourism entrepreneurship development. To minimize bias and ensure the high quality of the study, the data extraction process was executed by two researchers individually, and then the results were compared one by one. The researchers discussed any discrepancies by conducting face-to-face discussions until a consensus was reached.

All data were analyzed to answer two research questions: (1) What were the characteristics of the existing tourism studies in terms of publication years, research methods, and research locations? and (2) What was the nexus between tourism problems and entrepreneurship developments in different tourism contexts in Vietnam?

To answer the first research question, the distribution of the studies' publication years was analyzed. The research approaches of the selected studies were organized according to the mode of inquiry (Troy, 2023) into three main categories: qualitative research, quantitative research, and mixed-methods research. The research locations were divided according to the geographical regions of Vietnam: the northern region, central region, southern region, and overall country (Vietnam Tourism, 2011). As for the second research question, tourism problems and entrepreneurship development were categorized based on types and forms of tourism entrepreneurship and destination (Stainton, 2023; Nongsiej & Shimray, 2017; McIntosh et al., 1995; Konakoglu & Kurdoglu, 2018).

## Results

### Research Characteristics

The distribution of the publication years of the 38 selected articles is illustrated in *Figure 2*. The number of empirical studies concerning tourism issues and entrepreneurship development increased dramatically from 2019 to 2020 and then declined significantly in 2021. The number remained stable until 2022 and then rebounded sharply in 2023.

**Figure 2**

*Distribution of Publication Years of the Selected Studies*

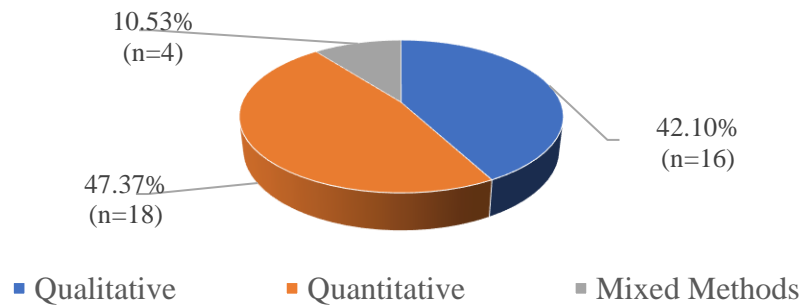


Note: All articles are identified in Appendix B

Studies of tourism problems and entrepreneurship development were conducted using different research methods. *Figure 3* shows that either qualitative or quantitative research

methods were employed in most studies. However, there were more quantitative studies (47.37%) than qualitative studies (42.10%), with approximately a 5.27% difference. On the contrary, the mixed-methods approach accounted for only 10.53% of the selected studies published during the past ten years (from 2014 to 2023).

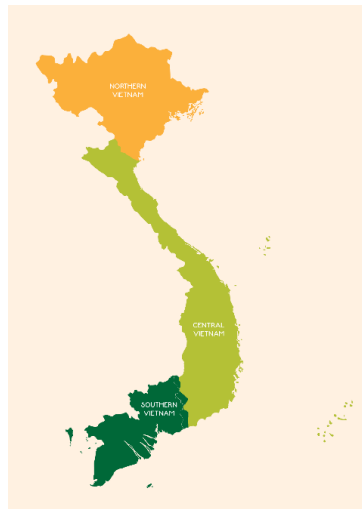
**Figure 3**  
*Research Methods*



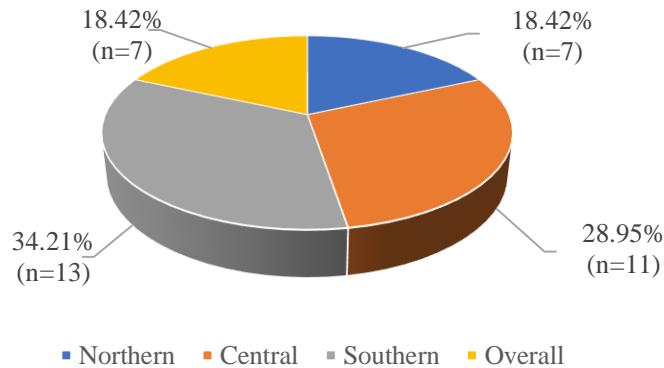
Note. n = The number of articles

As for the research locations, the context of the selected studies was categorized according to the physical geography of Vietnam: the northern region, central region, southern region, and overall country (see *Figure 4*). *Figure 5* shows that most selected studies (34.21%) were concerned with tourism problems and entrepreneurship development in the country's southern region. In comparison, the studies of tourism in the central region came in second at 28.95%, with approximately a 5.26% difference between the two. According to *Figure 5*, the studies concerning the northern region and the overall country shared equal proportions at 18.42%.

**Figure 4**  
*Regions of Vietnam (Vietnamtour, 2022)*





**Figure 5***Research Locations in Vietnam**Note.* n = The number of articles**The Nexus of Tourism Problems and Entrepreneurship Development****Table 1***Summary of the Studies Assessing Tourism Problems and Entrepreneurship Development*

Code	Research Methods		Research Locations			Data	
	Qualitative	Quantitative	Northern	Central	Southern	Problems	Development
SG2		x			x		x
SG3	x				x	x	x
SG4	x		x	x	x	x	x
SD1		x	x	x	x		x
TF10	x			x		x	x
TF13	x	x	x			x	x
SG7		x	x	x	x		x
SG10		x	x			x	x
SD4		x	x	x	x		x
TF2		x		x			x
TF12	x			x		x	x
SG8	x				x	x	x
SC3		x			x	x	x
SC1	x			x		x	x
TF5	x				x	x	x
SD2		x	x			x	x
TF17	x	x			x	x	x
SG1	x	x	x	x	x		x
TF3		x			x	x	x
TF9	x				x	x	x
SG6	x				x	x	x
TF11		x			x		x
EM2		x		x		x	x
TF15		x		x		x	x

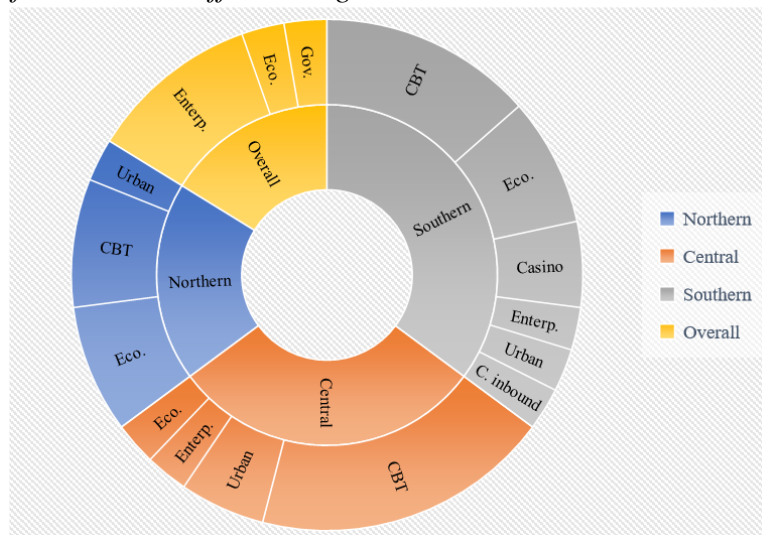
SD3		X			X	X	X
EM1	X			X		X	X
SG5	X	X			X		X
SC2	X			X			X
TF4	X			X			X
EB1		X	X			X	X
TF14		X			X		X
TF1		X	X	X	X		X
TF6		X	X			X	X
TF16	X		X			X	X
TF8		X		X		X	X
ER1	X		X	X	X	X	X
TF7	X			X			X
SG9	X		X			X	X

*Table 1* presents the research methods, research locations, and primary focuses of the 38 selected studies. All articles (100%) examined the tourism entrepreneurship development in Vietnam, whereas only 25 articles (65.79%) investigated the tourism problems. In other words, there were 13 studies of tourism development without examining tourism problems (Nguyen-Viet & Nguyen, 2023; Hoang et al., 2023; Nguyen et al., 2023; Nguyen et al., 2023; Phu & Thu, 2022; Thuy et al., 2020; Viet, 2020; Nguyen et al., 2019; Ngo et al., 2019; Ngo et al., 2018; Mai et al., 2018; Tuan, 2017; Trinh & Ryan, 2015).

The selected studies were categorized into different research settings and forms of tourism to illustrate the nexus of tourism problems and entrepreneurship development. A summary table of the 38 studies concerning tourism problems and entrepreneurship development in different contexts is presented comprehensively in *Appendix C*. Proportion of the studies is illustrated in *Figure 6*.

**Figure 6**

*Types and Forms of Tourism in Different Regions*



As shown in *Figure 6*, most of the 38 selected studies (39.48%) were concerned with community-based tourism in Vietnam. Most of the studies were undertaken in the contexts of Central Vietnam (18.42%), Southern Vietnam (13.16%), and Northern Vietnam (7.90%), respectively. The studies on ecotourism shared the second-largest proportion at 21.06%. Most of the studies were concerned with ecotourism in the northern (7.90%) and southern (7.90%) regions. The urban-tourism studies were conducted mostly in the central region (5.26%). Approximately 2.63% of similar studies were conducted in the northern and southern regions. As for southern Vietnam, there was a large proportion of the studies concerning casino tourism (5.26%) and a small percentage of the studies on tourism enterprises (2.63%) and Chinese inbound tourism (2.63%). The studies of tourism in the overall country were conducted across multiple fields. The majority of the studies (10.53%) were undertaken in order to investigate tourism enterprises, whereas a small proportion of the studies were about government (2.63%) and education (2.63%).

The nexus of tourism problems and entrepreneurship development was categorized according to the types and forms of tourism. *Table 2* presents a comprehensive summary of community-based tourism (CBT) data. A total of six articles discovered problems relating to property development in CBT. The property value and cost of living increased significantly in tourism areas. Moreover, the development caused environmental issues and stimulated the dread of a distorted perception of cultural and traditional identity. Resolutions were to promote local awareness of the benefits of tourism and to underline the practice of sustainable development. In addition, sufficient local involvement in every stage of tourism development was proposed as a resolution (Duong et al., 2023; Mai et al., 2014; Quang et al., 2022; Quyen & Tuan, 2022; Ngo et al., 2018; Nguyen et al., 2019).

The inadequacy of entrepreneurial knowledge and skills, especially in finance and marketing, was another major issue in community-based tourism. The selected studies discovered that the local stakeholders lacked financial knowledge and skills, limiting access to institutional funds. In addition, especially in a remote community, insufficient access to banking was related to technological means (Luan et al., 2023; Hong et al., 2021; Quyen & Tuan, 2022). Inadequate investment affected product quality and weakened the competitive capabilities of local entrepreneurship. Therefore, entrepreneurship education and skills training were resolutions presented in the selected studies (Hong et al., 2021; Quyen & Tuan, 2022; Viet et al., 2020).

As shown in *Table 2*, cultural and traditional identity were another concern in community-based tourism. The traditional heritage has both benefits and disadvantages for tourism. An emphasis on cultural and traditional development in tourism was a resolution to increased revenue (Ngo et al., 2019; Trinh & Ryan, 2015; Viet et al., 2020; Viet et al., 2020). Nonetheless, it challenges visitor-local relationships due to cultural and traditional differences (Nguyen et al., 2023; Phu & Thi Thu, 2022; Nguyen-Viet & Nguyen, 2023). Moreover, cultural and traditional identity were related to the issue of gender inequality. Quang et al. (2023) found that female entrepreneurs were overwhelmed by the gender-related expectation to fulfill their duties as the family's caregivers as well as financial providers. Ecotourism was another major

form of tourism investigated in the selected studies. An extensive summary of ecotourism problems and entrepreneurship development is presented in *Table 3*. The ecotourism problems discovered in the studies shared substantial similarities with those in community-based tourism. Environmental concerns (Huong & Lee, 2017; Conga & Chip, 2020; Quang et al., 2022; Huong et al., 2020) and a lack of entrepreneurship knowledge and skills (Quang et al., 2022; Huong et al., 2020; Thuy et al., 2020) were prominent. Inadequate investment, insufficient income generation, and ineffective destination management were present (Hoang et al., 2018; Pham, 2020; Phan et al., 2021).

**Table 2**

*Community-based Tourism Problems and Entrepreneurship Development in Vietnam*

Aspects	Data		Authors
	Problems	Development	
Community-Based Tourism	Increase of real-estate value, environmental problems, insufficiency of local involvement, fear of cultural and traditional misunderstanding	Increase in local involvement, Elicitation of concerns with sustainable development and social and environmental responsibility, and local benefits	Duong et al. (2023), Mai et al. (2014), Quang et al. (2022), Quyen & Tuan (2022), Ngo et al. (2018), Nguyen et al. (2019)
	Lack of financial knowledge and skills, limited access to bank credits, lack of facilities and effective technology	Financial education, increase of bank credits for homestay tourism, technological improvement of banking access	Luan et al. (2023), Hong et al. (2021), Quyen & Tuan (2022), Viet et al. (2020)
	Cultural differences between the locals and visitors	Cultural education for visitors to increase mutual understanding, development of authentic experience, and friendly community	Nguyen et al. (2023), Phu & Thi Thu (2022), Nguyen-Viet & Nguyen (2023)
		Increase in food safety, safety improvement	Phu & Thi Thu (2022), Viet et al. (2020)
		Segmentation and on-line marketing, standardization of product quality and price, emphasis on local identity	Ngo et al. (2019), Trinh & Ryan (2015), Viet et al. (2020), Viet et al. (2020)
	Women's pressure as caregivers and money-makers	Collaboration of stakeholders, partnership accountability, increase in government roles in marketing	Ngo et al. (2018), Nguyen et al. (2019)
		Promotion of gender equality and women's empowerment	Quang et al. (2023)

The second major issue in community-based tourism was the inadequacy of entrepreneurial knowledge and skills, especially in finance and marketing. The selected studies discovered that the local stakeholders lacked financial knowledge and skills, resulting in limited access to institutional funds. In addition, especially in a remote community, insufficient access to banking was related to technological means (Luan et al., 2023; Hong et al., 2021; Quyen & Tuan, 2022). Inadequate investment affected product quality and weakened the competitive capabilities of local entrepreneurship. Therefore, entrepreneurship education and skills training were resolutions presented in the selected studies (Hong et al., 2021; Quyen & Tuan, 2022; Viet et al., 2020).

As shown in *Table 2*, cultural and traditional identity was the third main issue in community-based tourism. The traditional heritage has both benefits and disadvantages for tourism. An emphasis on cultural and traditional development in tourism was a resolution to increased revenue (Ngo et al., 2019; Trinh & Ryan, 2015; Viet et al., 2020). Nonetheless, it presented challenges to visitor-local relationships due to cultural and traditional differences (Nguyen et al., 2023; Phu & Thi Thu, 2022; Nguyen-Viet & Nguyen, 2023). Moreover, cultural and traditional identity were related to the issue of gender inequality. Quang et al. (2023) found that female entrepreneurs were overwhelmed by the gender-related expectation to fulfill their duties as the family's caregivers as well as financial providers.

Ecotourism was another major form of tourism investigated in the selected studies. An extensive summary of ecotourism problems and entrepreneurship development is presented in *Table 3*. The ecotourism problems discovered in the studies shared substantial similarities with those in community-based tourism. Environmental concerns (Huong & Lee, 2017; Conga & Chip, 2020; Quang et al., 2022; Huong et al., 2020) and a lack of entrepreneurship knowledge and skills (Quang et al., 2022; Huong et al., 2020; Thuy et al., 2020) were prominent. Inadequate investment, insufficient income generation, and ineffective destination management were present (Hoang et al., 2018; Pham, 2020; Phan et al., 2021).

**Table 3**

*Ecotourism, Urban Tourism, Casino Tourism, and Chinese Inbound Tourism*

Aspects	Data		Authors
	Problems	Development	
Ecotourism	Shortage of fresh water on islands	Increase in effectiveness of water management	Phan et al. (2021)
	Benefits to only a small number of local stakeholders, inability to generate sufficient income	Increase in local participation and entrepreneurship education, diversification of income avenues	Hoang et al. (2018), Pham (2020)
	Lack of investment and local participation, inadequacy of regional collaboration, concerns	Increase in local awareness of tourism benefits, focus on sustainable development with environmentally friendly goods	Huong & Lee (2017), Conga & Chip (2020), Quang et al.

	with environmental damage, and lack of sustainable development	and services, with international standards	(2022), Huong et al. (2020)
	Lack of skills to diversify agriculturally attractive products and services, low quality of products and services, ineffectiveness of marketing	Diversification of products and services, cultural and traditional identity development, relevant education and training, improvement of the key and fundamental elements	Quang et al. (2022), Huong et al. (2020), Thuy et al. (2020)
Urban Tourism	Concerns with negative images caused by street vendors	Effective destination management, elicitation of empathy toward street vendors	Truong (2017), Mai et al. (2018)
	Pollution, insufficiency of cultural and traditional promotion	Cultural identity development, sustainable development, SME development, collaboration of stakeholders	Truong (2019), Suntikul et al. (2016), Mai et al. (2018)
		Quality control of products and services, increase in tourist safety and fairness	Mai et al. (2018)
Casino Tourism	Resistance of locals due to rising cost of living and pollution, alcohol and drug problems, social problems including prostitution	Increase in local involvement, improvement of local benefits, effective destination management, sustainable development, government's strategic plans	Nguyen et al. (2021), Lee et al. (2020)
Chinese Inbound Tourism	Concerns with negative social impacts	Increase in the awareness of social responsibilities and sustainable development, government's transparency	Gao et al. (2021)

As shown in *Table 3*, entrepreneurship education (Hoang et al., 2018; Pham, 2020), stakeholders' collaboration (Hoang et al., 2018; Pham, 2020), and sustainable development (Huong & Lee, 2017; Conga & Chip, 2020; Quang et al., 2022; Huong et al., 2020) were suggested as resolutions to the ecotourism problems. Increasing local involvement in every tourism development stage was suggested as a vital approach to ecotourism success. As for urban tourism problems and entrepreneurship development, pollution (Truong, 2019; Suntikul et al., 2016; Mai et al., 2018), city images (Truong, 2017; Mai et al., 2018), and tourists' safety and satisfaction (Mai et al., 2018) were major concerns. Government policies concerning security, product quality, price control, and effective destination management were proposed as resolutions. Similarly, in casino tourism and Chinese inbound tourism, the development of government policies was crucial for solving environmental and social problems (Nguyen et al., 2021; Lee et al., 2020). Corporate social responsibility and the government's transparency were essential to developing casino and foreign inbound tourism (Gao et al., 2021) (see *Table 3*).

According to the results of the studies investigating tourism overall in Vietnam, tourism entrepreneurship involves various groups of stakeholders (Stainton, 2023; Nongsiej & Shimray, 2017). The studies showed that the COVID-19 restrictions had a negative impact on tourism businesses. A significant decrease in tourism revenue triggered a chain reaction for which most

stakeholders were unprepared (Quang et al., 2020; Hoang et al., 2023). Resolutions suggested in the studies involved a transition from the international market focus to the domestic market one and the preparation of emergency funds in advance (Quang et al., 2020; Hoang et al., 2023). Additionally, the government's supportive policies regarding institutional funds, taxation, and financial aid, as well as online marketing and promotion (Nguyen et al., 2023; Hoang et al., 2023), were proposed as resolutions (Nguyen et al., 2023; Quang et al., 2020; Hoang et al., 2023) (see Table 4).

**Table 4**

*Tourism Problems and Entrepreneurship Development in Enterprise, Government, and Education*

Aspects	Data		Authors
	Problems	Development	
Enterprise	Limitation of funds, human resources, technology, and facilities	Leadership development for stakeholders	Cong & Thu (2020)
	Decrease of income during and after COVID-19, employee layoffs	Increase of revenue from domestic tourists, emergency budgets for the future, government's aids	Quang et al. (2020), Hoang et al. (2023)
		Promotion of corporate social responsibility and sustainable development	Tuan (2017)
		Use of virtual reality (VR) for marketing	Hoang et al. (2023)
		Online influencers (travel vlogs) for marketing	Nguyen et al. (2023)
Government		Increase in security, development of tourism-support policies concerning finance and taxation	Nguyen et al. (2023)
Education	Ineffective work-integrated learning models due to a lack of governmental support	Collaboration of stakeholders in strategic planning and vocational training	Khuong (2016)

As shown in *Table 4*, the study results indicated that tourism enterprises struggled with inadequate capital resources and skilled professionals (Cong & Thu, 2020). The selected studies suggested that entrepreneurship education and training, especially for leadership development, were the resolutions (Cong & Thu, 2020; Khuong, 2016). However, the current work-integrated models of vocational training need extensive improvement, as Khuong (2016) discovered some issues related to the insufficient involvement of the government. The studies indicated that increased stakeholder engagement was essential to sustainable development in Vietnam (Tuan, 2017; Khuong, 2016).

## Discussion

A total of 38 empirical studies on tourism problems and entrepreneurship development were reviewed to answer research questions leading to the findings of study gaps and current evidence. As a result, the research questions reflect two major themes.

### Study Characteristics

This review indicates that publications of empirical studies on tourism and development gradually increased from 2014 to 2016 and remained stable until 2019. In 2020, the number of publications rose rapidly to over 80%. This incident might be a reaction to a drastic decline in tourism revenue due to COVID-19 restrictions starting at the beginning of 2020 (Anh, 2020; Quang et al., 2020). However, the publications declined sharply by 50% in the following year and remained stable for two years. The number of publications drastically rebounded, reaching over 80% in 2022. Similarly, the occurrence might be a response to the reopening of international travel to Vietnam at the beginning of 2022 (Reuters, 2022; Hoang et al., 2023).

This review categorizes the studies of tourism problems and entrepreneurship development into three groups based on the mode of research inquiry (Troy, 2023). The results show that most selected studies employed qualitative or quantitative research methods. A total of 4 articles (10.53%) from the 38 selected studies implemented a mixed-methods approach. This finding suggests that there is a crucial need for more mixed-methods studies. Using both qualitative and quantitative methods in a study allows researchers to offset the limitations of each method and thus facilitates more accurate research results (Community Engagement Program, 2024).

This review divides the research locations of the selected studies according to the country's geographical regions (Vietnam Tourism, 2011). Most of the selected studies (63.16%) were conducted in the context of central and southern Vietnam. Nonetheless, the review results show that the studies concerning community-based tourism shared the largest portion, 39.47% (15 articles), and ecotourism studies were the second largest, 20.05% (8 articles). Both forms of tourism share specific characteristics, such as environmental and cultural sustainability and community development (Mtapuri & Giampiccoli, 2018). The phenomenon implies that there are widespread concerns with sustainable tourism development in Vietnam (Duong et al., 2023; Quang et al., 2022; Quyen & Tuan, 2022; Nguyen et al., 2019; Ngo et al., 2018; Mai et al., 2014).

Overall, the review results concerning the characteristics of the selected studies indicate that mixed-methods research should be promoted as a means of empirical-evidence studies to achieve a more accurate result. Additionally, there is a need for more studies on tourism in the northern region and the overall country in order to acquire a more holistic understanding of tourism in Vietnam. Since the recovery of tourism in Vietnam is behind its regional neighbors (Barnes, 2023), more tourism research and development should be upheld in order to accomplish the country's vision of global-standard tourism in 2030 (Vietnam Government Portal, 2023).



### **The nexus of tourism problems and entrepreneurship development in Vietnam**

This systematic review provides analyzed and synthesized data on tourism problems and entrepreneurship development in different contexts in Vietnam. The study results show empirical evidence of key tourism problems and coherent resolutions, which facilitate effective development. This study discovers that major challenges in Vietnam's tourism were chain-reaction problems relating to (1) financial issues, (2) social and environmental concerns, (3) ineffective entrepreneurship, and (4) insufficient collaboration among stakeholders. As for the financial issues, a shortage of tourism investment was a consequence of limited financial knowledge and banking access, especially in community-based tourism. As the locals had inadequate financial knowledge, especially in accounting, they could not provide sufficient financial evidence required for tourism loans. Relevant education and effective training were proposed as resolutions for improving online banking technology (e.g., Luan et al., 2023; Hong et al., 2021; Quyen & Tuan, 2022; Cong & Thu, 2020). Moreover, insufficient financial knowledge led to a decrease in tourism revenue, another major concern, which in turn linked to a shortage of investment. This phenomenon turned into a chain of financial problems. Nonetheless, marketing innovation such as a domestic tourism focus and online marketing (e.g., travel vlogs and virtual reality) was advised as resolutions (Hoang et al., 2023; Quang et al., 2020; Hoang et al., 2023), as well as the government's supportive policies and aids (Nguyen et al., 2023).

As awareness of sustainable development grows along with community-based tourism and ecotourism, issues concerning cultural and traditional identity, social benefits, and environmental conservation are dominant in empirical research (Duong et al., 2023; Mai et al., 2014; Quang et al., 2022; Quyen & Tuan, 2022; Ngo et al., 2018; Nguyen et al., 2019). The movement is aligned with the promotion of sustainable development by the UNWTO (2024), as Vietnam has collaborated with international organizations for tourism development (Socialist Republic of Vietnam, 2023). A focus on sustainable development and ecotourism is beneficial to tourism development as it has become an essential part of marketing strategy (Cristobal-Fransi et al., 2020; Kiralova, 2015) and creates new business opportunities with regard to green tourism.

Another dominant theme of tourism issues discovered in this review is ineffective entrepreneurship due to a lack of relevant entrepreneurship education, affecting underperforming outcomes of tourism development in Vietnam (Khuong, 2016; Cong & Thu, 2020). Two dimensions of entrepreneurship need attention: entrepreneurship as a set of skills contributing to success and a growth process (Diandra & Azmy, 2020; Ratten, 2023). Entrepreneurs are people who transform resources into valuable tourism products (e.g., goods and services) (Stainton, 2023). They are human resources, the locus of management, and have a crucial role in tourism success (Sotiriadis & Varvaressos, 2016). Relevant entrepreneurship education (Hong et al., 2021; Quyen & Tuan, 2022; Viet et al., 2020) and collaboration of all stakeholders (Khuong, 2016) were proposed as the resolutions. Entrepreneurship development can be achieved through

effective education (Daniel et al., 2017), encouraging participants to develop skills necessary for solving real-world problems (Gregg & Vinh, 2016).

The insufficient collaboration of tourism stakeholders extensively generated a chain reaction of tourism problems (Quang et al., 2022; Huong et al., 2020; Thuy et al., 2020). Stainton (2023) classified tourism stakeholders into six groups based on their main responsibilities: tourist boards, transport services, accommodation services, conferences and events, attractions, and other tourism services. They are equally essential to tourism success, and thus, they should be equipped with relevant entrepreneurial skills, including collaboration. The involvement of all stakeholders facilitates an increase in tourism performance as everyone works in unison toward mutual goals (Ngo et al., 2018; Nguyen et al., 2019).

Overall, this review of the nexus of tourism problems and entrepreneurship development in Vietnam proves beneficial to the country's tourism development. The results show realistic and up-to-date conditions that can serve as valuable guidelines for tourism development (e.g., resolution, strategic and action plans, policies, etc.). Individual tourism entrepreneurs may find the review results beneficial, as do tourism organizations. In addition, in response to the Industry 4.0 movement, future research on tourism should be concerned with digital transformation. There was a total of 4 articles (Nguyen et al., 2023; Hoang et al., 2023; Ngo et al., 2019; Quyen & Tuan, 2022), or approximately 10.53%, of the selected studies investigating aspects of digital transformation. Nonetheless, merely two articles (Nguyen et al., 2023; Hoang et al., 2023) had a technological and digital focus. Therefore, more empirical studies on digital transformation in tourism should be undertaken.

### **Conclusion**

This review of empirical studies on tourism problems and entrepreneurship development in Vietnam is a response to a significant and urgent need for resolutions to the prolonged, immense decline of tourism revenue and the stagnation of tourism recovery. The findings identify research gaps in existing studies and provide directions for future research. In addition, this review illustrates the nexus of tourism problems and entrepreneurship development and provides relevant suggestions for future development.

First, this paper analyzes 38 empirical studies published from 2014 to 2023 focusing on tourism problems and entrepreneurship development. The majority of the selected studies employed either a qualitative or quantitative approach. Therefore, future research may consider implementing mixed methods to achieve a more accurate result. Moreover, most of these studies were conducted within the contexts of Vietnam's southern and central regions. Thus, future research may target tourism in the northern region and the overall country to acquire a more holistic understanding of the tourism situation. Second, this study sheds light on the nexus of tourism problems and entrepreneurship development to project relevant approaches to tourism development. The study results presented a chain reaction of problems and resolutions to tourism development. Relevant entrepreneurship education and promotion of stakeholder engagement are promising resolutions to existing tourism problems, while sustainable development has proven

vital to tourism success. Nonetheless, forthcoming research may focus on digital transformation and disruption in tourism to prepare for Industry 4.0 challenges.

### Study Limitations and Recommendations

This study has a few limitations. First, the review was not exhaustive; only articles in the English language were selected. Therefore, a Vietnamese researcher should be included in a future literature review relating to Vietnam. The Vietnamese researcher can overcome a language barrier and significantly contribute to a more reliable result. Second, a comparison of tourism situations before and after the COVID-19 pandemic is not a focus of this review. Since the pandemic was a significant disruption, understanding the distinctiveness of its effects on tourism entrepreneurship might contribute to a more effective resolution to tourism development. It is therefore suggested that a systematic review of the COVID-19 disruption in Vietnam's tourism should be undertaken in future studies.

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**Appendix A. Critical Appraisal Form**

Author .....Year.....Code.....			
		Yes	No
1	It states research problems/questions and the study's significance.		
2	The research questions and variables are congruous with the research objectives.		
3	The methodology is congruous with the research objectives		
4	Concepts and theories are consistent with the research topic.		
5	Appropriate samples were selected and in accordance with the research methodology.		
6	An appropriate method of data collection was used and in consistence with the research questions/objectives.		
7	Data analysis and data presentation are appropriate with the objectives.		
8	Discussion is consistent with the findings.		
9	Conclusions are drawn from the analysis and discussion of the findings.		
10	It states recommendations based on the research findings.		
Overall appraisal: Include ( ) Exclude ( ) Note.....			

\*The article with at least one 'No' mark is excluded.

\*Adapted from Joanna Briggs Institute (2020) and Cavaleri et al. (2018)

### Appendix B. List of the Selected Studies

EB1	Hoang, T. H., Rompaey, A. V., Meyfroidt, P., Govers, G., Vu, K. C., Nguyen, A. T., . . . Vanacker, V. (2018). Impact of Tourism Development on the Local Livelihoods and Land Cover Change in the Northern Vietnamese Highlands. <i>Environment, Development and Sustainability</i> , 22, 1371–1395. <a href="https://doi.org/10.1007/s10668-018-0253-5">https://doi.org/10.1007/s10668-018-0253-5</a>
EM1	Truong, V.-A. T. (2019). Applying the Zaltman Metaphor Elicitation Technique on Understanding Place Image: Danang – the Livable City of Vietnam in the Minds of Students. <i>Journal of Asian Business and Economic Studies</i> , 27(2), 153-173. <a href="https://doi.org/10.1108/JABES-02-2019-0013">https://doi.org/10.1108/JABES-02-2019-0013</a>
EM2	Cong, L. C., & Thu, D. A. (2020). The Competitiveness of Small and Medium Enterprises in The Tourism Sector: The Role of Leadership Competencies. <i>Journal of Economics and Development</i> , 23(3), 299-316. <a href="https://doi.org/10.1108/JED-06-2020-0080">https://doi.org/10.1108/JED-06-2020-0080</a>
ER1	Khuong, C. T. (2016). Work-Integrated Learning Process in Tourism Training Programs in Vietnam: Voices of Education and Industry. <i>Asia-Pacific Journal of Cooperative Education</i> , 17(2), 149-161. Retrieved from <a href="https://www.researchgate.net/publication/303437677_Work-integrated_learning_process_in_tourism_training_programs_in_Vietnam_Voices_of_education_and_industry">https://www.researchgate.net/publication/303437677_Work-integrated_learning_process_in_tourism_training_programs_in_Vietnam_Voices_of_education_and_industry</a>
SC1	Hong, L. P., Ngo, H. T., & Pham, L. T. (2021). Community-Based Tourism: Opportunities and Challenges a Case Study in Thanh Ha Pottery village, Hoi An city, Vietnam. <i>Cogent Social Sciences</i> , 7, 1 - 12. <a href="https://doi.org/10.1080/23311886.2021.1926100">https://doi.org/10.1080/23311886.2021.1926100</a>
SC2	Ngo, T., Lohmann, G., & Hales, R. (2019). Integrating the Third Way and Third Space Approaches in a Post-Colonial World: Marketing Strategies for the Business Sustainability of Community-Based Tourism Enterprises in Vietnam. <i>Current Issues in Tourism</i> , 1-36. <a href="https://doi.org/10.1080/13683500.2019.1694494">https://doi.org/10.1080/13683500.2019.1694494</a>
SC3	Quyen, L. T., & Tuan, T. H. (2022). Tourism Impacts of Poverty Alleviation on Ethnic Households: Comparing Difference Between Cham, Khmer, Chinese Ethnic Households in An Giang Province, Vietnam. <i>Internal Journal of Professional Business Review</i> , 7(4), 1-22. <a href="https://doi.org/10.26668/businessreview/2022.v7i4.e527">https://doi.org/10.26668/businessreview/2022.v7i4.e527</a>
SD1	Hoang, S. D., Dey, S. K., Tuckova, Z., & Pham, T. P. (2023). Harnessing the Power of Virtual Reality: Enhancing Telepresence and Inspiring Sustainable Travel Intentions in The Tourism Industry. <i>Technology in Society</i> , 75, 1-10. <a href="https://doi.org/10.1016/j.techsoc.2023.102378">https://doi.org/10.1016/j.techsoc.2023.102378</a>
SD2	Phan, T. D., Bertone, E., Pham, T. D., & Pham, T. V. (2021). Perceptions and Willingness to Pay for Water Management on A Highly Developed Tourism Island Under Climate Change: A Bayesian Network Approach. <i>Environmental Challenges</i> , 5, 1-12. <a href="https://doi.org/10.1016/j.envc.2021.100333">https://doi.org/10.1016/j.envc.2021.100333</a>
SD3	Pham, T. T. (2020). Tourism in Marine Protected Areas: Can It be Considered as an Alternative Livelihood for Local Communities? <i>Marine Policy</i> , 115, 1-7. <a href="https://doi.org/10.1016/j.marpol.2020.103891">https://doi.org/10.1016/j.marpol.2020.103891</a>
SD4	Nguyen, H. M., Phuc, H. N., & Tam, D. T. (2023). Travel Intention Determinants During COVID-19: The Role of Trust in Government Performance. <i>Journal of Innovation &amp; Knowledge</i> , 8, 1-8. <a href="https://doi.org/10.1016/j.jik.2023.100341">https://doi.org/10.1016/j.jik.2023.100341</a>
SJ1	Thuy, V. T., Tuu, H. H., Llosa, S., & Hoang Doan Phuong Thao, H. D. (2020). An Application of Tetraclass Model for Evaluating Ecotourism Service Quality in Vietnam. <i>Tourism and Hospitality Research</i> , 20(3), 300–316. <a href="https://doi.org/10.1177/1467358419867741">https://doi.org/10.1177/1467358419867741</a>
SJ2	Nguyen-Viet, B., & Nguyen, S. V. (2023). Authentic Experience, Place Attachment, and Behavioral Intention: Vietnamese Religious Tourism. <i>SAGE Open</i> , 1-14. <a href="https://doi.org/10.1177/21582440231216193">https://doi.org/10.1177/21582440231216193</a>

SJ3	Quang, T. D., Tran, N. P., Sthapit, E., Nguyen, N. T., Le, T. M., Doan, T. N., & Thu-Do, T. (2023). Beyond the Homestay: Women's Participation in Rural Tourism Development. <i>Tourism and Hospitality Research</i> , 0(0), 1–16. <a href="https://doi.org/10.1177/14673584231218103">https://doi.org/10.1177/14673584231218103</a>
SJ4	Hoang, T. G., Nguyen, A. V., Ngo, V. M., & Nguyen, H. H. (2023). Current Obstacles, Contemporary Practices, and Potential Solutions for Recovery in Vietnam Tourism after the COVID-19 Pandemic: Tour Operators' Perspectives. <i>Tourism and Hospitality Research</i> , 0(0), 1–17. <a href="https://doi.org/10.1177/14673584231151897">https://doi.org/10.1177/14673584231151897</a>
SJ5	Nguyen, T. Q., Long, N. T., & Nguyen, T.-L. (2019). Impacts of Corporate Social Responsibility on the Competitiveness of Tourist Enterprises: An Empirical Case of Ben Tre, Vietnam. <i>Tourism Economics</i> , 25(4), 539–568. <a href="https://doi.org/10.1177/1354816618805318">https://doi.org/10.1177/1354816618805318</a>
SJ6	Huong, L. H., Thuy, B. L., & Linh, N. T. (2020). Promoting Participation in Local Natural Resource Management through Ecological Cultural Tourism: Case Study in Vam Nao Reservoir Area, An Giang Province, Vietnam. <i>Journal of Asian and African Studies</i> , 55(6), 863–879. <a href="https://doi.org/10.1177/0021909620935426">https://doi.org/10.1177/0021909620935426</a>
SJ7	Nguyen, P. M., Pham, X. L., & Truong, G. N. (2023). The Influence of Source Credibility and Inspiration on Tourists' Travel Planning Through Travel Vlogs. <i>Journal of Travel Research</i> , 1-16. <a href="https://doi.org/10.1177/004728752312065">https://doi.org/10.1177/004728752312065</a>
SJ8	Quang, T. D., Nguyen, H. V., Vo, T. V., & Nguyen, M. H. (2022). Tour Guides' Perspectives on Agrotourism Development in The Mekong Delta, Vietnam. <i>Tourism and Hospitality Research</i> , 0(0), 1-19. <a href="https://doi.org/10.1177/14673584221089733">https://doi.org/10.1177/14673584221089733</a>
SJ9	Mai, N. T., Rahtz, D. R., & Shultz II, C. J. (2014). Tourism as Catalyst for Quality of Life in Transitioning Subsistence Marketplaces: Perspectives from Ha Long, Vietnam. <i>Journal of Macromarketing</i> , 34(1), 28-44. <a href="https://doi.org/10.1177/0276146713507281">https://doi.org/10.1177/0276146713507281</a>
SJ10	Luan, D. X., Hai, T. M., An, D. H., & Thuy, P. T. (2023). Transformation of Heritage into Assets for Income Enhancement: Access to Bank Credit for Vietnamese Community-Based Tourism Homestays. <i>International Journal of Rural Management</i> , 19(3), 339–360. <a href="https://doi.org/10.1177/09730052221101671">https://doi.org/10.1177/09730052221101671</a>
TF1	Tuan, L. T. (2017). Activating Tourists' Citizenship Behavior for the Environment: The Roles of CSR and Frontline Employees' Citizenship Behavior for the Environment. <i>Journal of Sustainable Tourism</i> , 26(7), 1178-1203. <a href="https://doi.org/10.1080/09669582.2017.1330337">https://doi.org/10.1080/09669582.2017.1330337</a>
TF2	Phu, T. N., & Thi Thu, H. N. (2022). Assessment of tourism service quality for traditional craft villages in Da Nang city, Vietnam. <i>Cogent Social Sciences</i> , 8, 1-19. <a href="https://doi.org/10.1080/23311886.2022.2108636">https://doi.org/10.1080/23311886.2022.2108636</a>
TF3	Lee, D., Kim, S., Han, H., & Wong, A. K. (2020). Casino Tourism Development is Blessing or Curse? Assessment of Casino Tourism Impacts and Suggestions for Sustainable Casino Tourism Development. <i>Asia Pacific Journal of Tourism Research</i> , 25(11), 1168-1184. <a href="https://doi.org/10.1080/10941665.2020.1837891">https://doi.org/10.1080/10941665.2020.1837891</a>
TF4	Ngo, T., Hales, R., & Lohmann, G. (2018). Collaborative Marketing for the Sustainable Development of Community-Based Tourism Enterprises: A Reconciliation of Diverse Perspectives. <i>Current Issues in Tourism</i> , 22(18), 2266-2283. <a href="https://doi.org/10.1080/13683500.2018.1446919">https://doi.org/10.1080/13683500.2018.1446919</a>
TF5	Nguyen, A. T., Pansuwong, W., & McClelland, R. (2021). Exploring Residents' Support for Integrated Casino Resort Development: A New Gaming Destination in Vietnam. <i>Tourism Recreation Research</i> , 48(2), 250–267. <a href="https://doi.org/10.1080/02508281.2021.1894691">https://doi.org/10.1080/02508281.2021.1894691</a>
TF6	Huong, P. M., & Lee, J.-H. (2017). Finding Important Factors Affecting Local Residents' Support for Tourism Development in Ba Be National Park, Vietnam. <i>Forest Science and Technology</i> , 13(3), 126-132. <a href="https://doi.org/10.1080/21580103.2017.1354337">https://doi.org/10.1080/21580103.2017.1354337</a>
TF7	Trinh, T. T., & Ryan, C. (2015). Heritage and Cultural Tourism: The Role of the Aesthetic When Visiting My Son and Cham Museum, Vietnam. <i>Current Issues in Tourism</i> , 19(6), 564-589.

	<a href="https://doi.org/10.1080/13683500.2015.1054269">https://doi.org/10.1080/13683500.2015.1054269</a>
TF8	Suntikul, W., Pratt, S., Kuan, W. I., Wong, C. I., Chan, C. C., Choi, W. L., & Chong, O. F. (2016). Impacts of Tourism on the Quality of Life of Local Residents in Hue, Vietnam. <i>Anatolia: An International Journal of Tourism and Hospitality Research</i> , 27(4), 405-420. <a href="https://doi.org/10.1080/13032917.2016.1138234">https://doi.org/10.1080/13032917.2016.1138234</a>
TF9	Quang, T. D., Tran, T. C., Tran, V. H., Nguyen, T. T., & Nguyen, T. T. (2020). Is Vietnam Ready to Welcome Tourists Back? Assessing COVID-19's Economic Impact and The Vietnamese Tourism Industry's Response to The Pandemic. <i>Current Issues in Tourism</i> , 25(1), 115-133. <a href="https://doi.org/10.1080/13683500.2020.1860916">https://doi.org/10.1080/13683500.2020.1860916</a>
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TF13	Duong, M. T., Samsura, D. A., & Krabben, E. V. (2023). Socio-Economic and Environmental Impacts of Land Acquisition for Tourism Development in Vietnam. <i>Cogent Social Sciences</i> , 9(2), 1-23. <a href="https://doi.org/10.1080/23311886.2023.2283923">https://doi.org/10.1080/23311886.2023.2283923</a>
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Note: EB = EBSCO, EM = Emerald, ER = ERIC, SC = Scopus, SD = ScienceDirect, SJ = Sage Journals, TF = Taylor & Francis

### Appendix C. Comprehensive Summary of the Selected Studies

Locations	Aspects	Data		Authors
		Problems	Development	
Northern Region 7 articles 18.42%	Community-Based Tourism 3 articles 7.90%	Increase of property price, environmental problems, low-level of local involvement	Increase in local involvement, investors' awareness of social responsibilities, and local benefits	Duong et al. (2023), Mai et al. (2014)
		Lack of financial knowledge and skills and limited access to bank credits	Financial education, increase of bank credits for homestay tourism, and improvement of banking access via technology	Luan et al. (2023)
	Ecotourism 3 articles 7.90%	Shortage of fresh water on islands	Increase in effectiveness of water management	Phan et al. (2021)
		Benefits to only a small number of local stakeholders	Increase in local participation and entrepreneurship education	Hoang et al. (2018)
		Lack of investment	Increase in local awareness of tourism benefits, focus of social and environmental responsibility	Huong & Lee (2017)
	Urban Tourism 1 article 2.63%	Concerns with negative images caused by street vendors	Effective management of destination, elicitation of empathy toward street vendors	Truong (2017)
Central Region 11 articles 28.95%	Community-Based Tourism 7 articles 18.42%	Cultural differences between villagers and tourists	Cultural education for visitors to increase mutual understanding	Nguyen et al. (2023)
			Increase in food safety, education concerning traditional values to tourists and local community	Phu & Thi Thu (2022)
		Fear of cultural and traditional misunderstanding of tourists	Increase in local participation in tourism to reduce anxiety	Quang et al. (2022)
		Lack of entrepreneurship skills and facilities, high competition with industrial sectors	Entrepreneurship education, diversification of products, education and training for younger generations	Hong et al. (2021)
			Segmentation and on-line marketing, standardization of product quality and price, emphasis on local identity	Ngo et al. (2019), Trinh & Ryan (2015)
			Collaboration of stakeholders, Sustainable development with social and environmental responsibility, increase of government roles in marketing	Ngo et al. (2018)

Locations	Aspects	Data		Authors
		Problems	Development	
Central Region 11 articles 28.95%	Enterprise 1 article 2.63%	Limitation of funds, human resource, technology, and facilities	Leadership development for stakeholders	Cong & Thu (2020)
	Ecotourism 1 article 2.63%	Concerns with environmental damage and lack of sustainable development	Implementation of sustainable development, production of environmentally friendly goods and services with international standards	Conga & Chip (2020)
	Urban Tourism 2 articles 5.26%	Pollutions, insufficiency of cultural and traditional promotion	Cultural identity development, sustainable development, SMEs development, collaboration of stakeholders	Truong (2019), Sunkul et al. (2016)
Southern Region 13 articles 34.21%	Community-Based Tourism 5 articles 13.16%		Development of authentic experience and friendly community for tourist satisfaction	Nguyen-Viet & Nguyen (2023)
		Lack of entrepreneurship skills and effective technology for communication	Entrepreneurship education for the local, increase in local involvement	Quyen & Tuan (2022)
			Improvement of products and services to create tourist satisfaction, development of cultural and traditional identity, diversification of products, safety improvement	Viet et al. (2020)
			Promotion of sustainable development with awareness of social responsibility and partnership accountability	Nguyen et al. (2019)
		Women's pressure as caregivers and money makers	Promotion of gender equality and women's empowerment	Quang et al. (2023)
	Ecotourism 3 articles 7.90%	Lack of skills to diversify agriculturally attractive products and services, ineffectiveness of marketing, inadequacy of regional collaboration	Diversification of products and services, relevant education and training, and focus of sustainable development	Quang et al. (2022)
		Low quality of products and services, especially the accommodation, and lack of capital investment	Entrepreneurship education for local stakeholders and focus on sustainable development with cultural and traditional identity development	Huong et al. (2020)
		Inability to generate sufficient income of local stakeholders	Diversification of income avenues	Pham (2020)

Locations	Aspects	Data		Authors
		Problems	Development	
Southern Region 13 articles 34.21%	Casino Tourism	Future resistance of local communities due to the increase of cost of living and pollutions	Increase in local involvement, improvement of local benefits, effective destination management	Nguyen et al. (2021)
	2 articles 5.26%	Alcohol and drug problems, social problems including prostitution	Focus of sustainable development and the local benefits, government' strategic plans	Lee et al. (2020)
	Chinese Inbound Tourism	Concerns with negative social impacts	Increase in the awareness of social responsibilities and sustainable development, government's transparency	Gao et al. (2021)
	1 article 2.63%			
	Urban Tourism		Quality control of products and services, cultural and traditional identity development, effective destination management, increase in tourist safety and fairness	Mai et al. (2018)
	1 article 2.63%			
	Enterprise	Substantial decrease of income from international tourists during and after COVID-19	Increase of revenue from domestic tourists, emergency budgets for the future	Quang et al. (2020)
	1 article 2.63%			
Overall Vietnam 7 articles 18.42%	Enterprise	Decline of tourism incomes from international tourists and layoff of employees	Increase of income from domestic market and government's aids	Hoang et al. (2023)
			Promotion of corporate social responsibility and sustainable development	Tuan (2017)
			Use of virtual reality (VR)	Hoang et al. (2023)
			Online influencers (travel vlogs)	Nguyen et al. (2023)
	Government		Increase in safety confidence of tourists, formation of tourism-support policies concerning finance and taxation	Nguyen et al. (2023)
	1 article 2.63%			
	Ecotourism		Improvement of the key and fundamental elements to increase tourist satisfaction	Thuy et al. (2020)
	1 article 2.63%			
	Education	Ineffective work-integrated learning models due to lack of supports from the government	Collaboration of stakeholders in strategic planning and vocation trainings	Khuong (2016)
	1 article 2.63%			



### About the Authors

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Phi (philomatheia) -love of knowledge

Beta (biotremmonia) -valuing of human life

Delta (diapheren) -achieving excellence

