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Cambodian Center for Human Rights

Curriculum



Sexual Orientation, Gender Identity and Expression, and Sex Characteristics



For Participant

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Supported by:



Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect human rights – in particular civil and political rights – democracy, and the rule of law in the Kingdom of Cambodia. CCHR’s vision is of a peaceful Cambodia in which all people can enjoy the fundamental human rights to which they are entitled, all are subject to the rule of law without impunity, all are treated equally without discrimination, all are empowered to participate fully in the democratic process, and all can share in the benefits of Cambodia’s sustainable economic development.

About the SOGIESC Project

This curriculum is an output of CCHR’s Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (“SOGIESC”) Project. The SOGIESC Project was launched in 2010 with the aim to increase access to information about LGBTIQ rights in Cambodia through undertaking research on the situation of LGBTIQ people in the Kingdom and disseminating information regarding SOGIESC rights to LGBTIQ communities, the general public, and government actors. The SOGIESC Project aims to empower and amplify the voices of the LGBTIQ community to advocate for legal and policy changes in respect of LGBTIQ rights at the national, regional, and international levels. The project consults with established grassroots networks Micro Rainbow International (“MRI”), LovelsDiversity, CamASEAN and Rainbow Community Kampuchea (“RoCK”), aiming to produce a cascade effect on the communities these actors work in.

Acknowledgements

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Queries and Feedback

Should you have any questions or require any further information about the curriculum, or if you would like to give any feedback, please email CCHR at info@cchrcambodia.org.

This curriculum, along with all other publications by CCHR, are available online on the award winning Cambodian Human Rights Portal, www.sithi.org which is hosted by CCHR.

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About the Curriculum

The curriculum aims to provide its readers with a better understanding of the lesbian, gay, bisexual, transgender, and queer (“LGBTIQ”) community as well as their diverse characteristics, including sexual orientation, gender identity, and expression, and sex characteristics (“SOGIESC”), through nine different modules.

It sets out the basic vocabulary of different LGBTIQ orientations and identities as well as more complex terminologies describing harmful societal norms and perceptions that have a negative impact on the LGBTIQ community. The curriculum also documents the historical roots and present-day effects of Cambodian perceptions on gender and the gender norms within the Khmer language, which categorizes and defines gender, sex, and sexual behavior more fluidly than in Western countries. (Module 1).

A brief history of the global LGBTIQ community is provided, covering the historical existence of LGBTIQ people including, the long existence of homophobia and the persecution of LGBTIQ people, the 20th-century civil rights movement, and the modern LGBTIQ movement, as well as the impacts of the HIV/AIDS epidemic on the LGBTIQ community. The history of the LGBTIQ community in Cambodia is also documented, with an overview of the LGBTIQ situation during different periods of Cambodian history, including the Angkor period, the early Buddhist teachings, the Khmer Rouge regime, and the 21st century (Module 2).

Furthermore, the curriculum lays out the main sources and standards of international human rights law on SOGIESC and provides a description of the SOGIESC rights, such as the right to marriage equality or the right to legal gender recognition (Module 3). An international perspective on SOGIESC is also offered, with a highlight on the countries across the globe that criminalize SOGIESC and those that recognize and protect SOGIESC rights (Module 4). The curriculum also specifies the Cambodian legal framework on SOGIESC, the different forms of legal discrimination faced by LGBTIQ Cambodians, the current discriminatory laws, and the various policies and programs aimed at furthering LGBTIQ rights in Cambodia (Module 5).

The curriculum also addresses the perceptions on SOGIESC in Cambodian society (Module 6), the concept of intersectionality (Module 7), and the issues of sexual gender-based violence (“SGBV”) that LGBTIQ individuals often endure in Cambodia (Module 8). Lastly, ways of action for becoming an LGBTIQ ally and contributing to gender equality are provided, along with a toolkit explaining how everyone can help promote LGBTIQ voices and relay their messages for a more welcoming and inclusive society (Module 9).

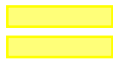
“Use your voice to advocate for the LGBTIQ community.”

Module 1: General introduction to SOGIESC

This module will discuss important definitions and terminology to help the reader gain a better understanding of the of the lesbian, gay, bisexual, transgender and queer (“LGBTIQ”) community, and to better understand diverse sexual orientation, gender identity and expression and sex characteristics (“SOGIESC”). It should be emphasized that while the language and terminology used in this module helps to explain how concepts of gender and sexuality are understood in Cambodia and elsewhere, the personality and preferences of each individual are unique and may not necessarily fit within these broad categorizations.

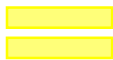
1.1. Gender as a concept

Sex



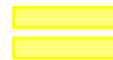
refers to the biological and physical characteristics that define men and women; chromosomes, hormones, internal and external sex and reproductive organs. It is a label that you are assigned by a doctor, typically either male or female.

Gender



refers to the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women. Gender does not relate to anatomy or biology, but social and legal status, as well as expectations from society about behaviors, characteristics, and thoughts. Each society and culture have standards about the way people should behave based on their gender, creating socially designated concepts of masculinity or femininity.

Gender
Norms

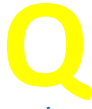


are a culturally defined set of roles, responsibilities, rights, entitlements, and obligations, associated with being a woman or man, as well as the power relations between and among women, men, boys, and girls. It also determines our roles and behaviors in relation to sexuality.

Gender is interlinked with power and gender norms reinforce power imbalances among society:

While gender norms bind all persons to certain roles within society, at the same time they underpin and strengthen inequalities and power imbalances, for example unequal payment for women and men, or unequal inheritance laws. Historically men, and things connected with masculinity, are valued higher than women, and things connected with femininity, creating disparity and hierarchy. See below examples of social constructed typical attributes/qualities that are masculine and feminine to demonstrate these discriminatory gender norms.

Masculine	Feminine
Authoritative	Timid
Protective	Passive
Strong	Weak
Courageous	Sensitive



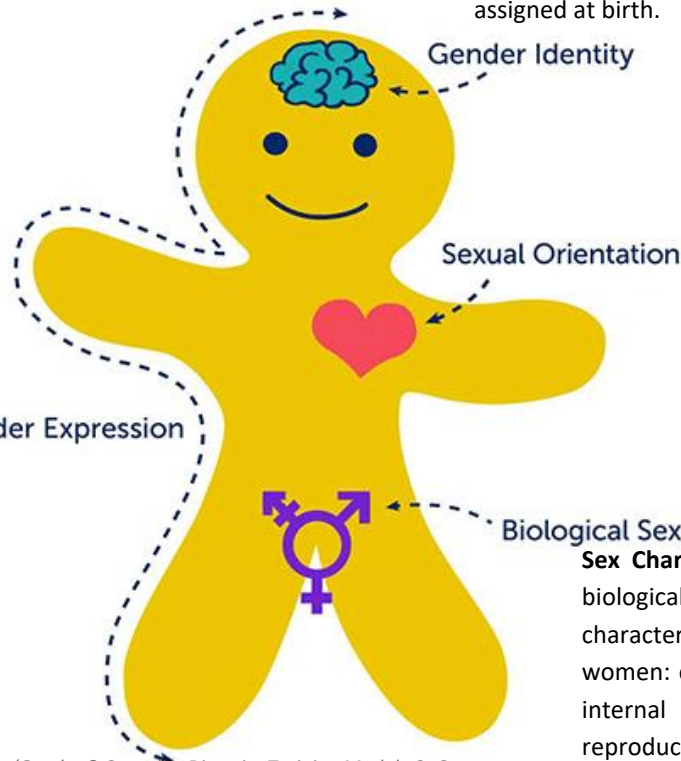
Can you think of any other typically masculine or feminine qualities?

1.2. Introduction to SOGIESC

Gender expression:

refers to how a person presents their gender. This can include behavior and outward appearance such as dress, hair, make-up, body language, voice, chosen name and pronoun.

Gender Expression



Gender identity: a person’s deeply felt inner and individual experience of gender, which may or may not correspond with the sex assigned at birth.

Sexual Orientation: a person’s capacity for profound emotion, sexual attraction to and intimate and sexual relations with individuals of a different gender or the same gender or both.

Sex Characteristics: Refers to the biological and physical characteristics that define men and women: chromosomes, hormones, internal and external sex, and reproductive organs.

Source: Health Policy Project, ‘Gender & Sexuality Diversity Training Module 2: Concepts & Terminology’ <<http://www.healthpolicyproject.com/index.cfm?ID=GSDTrainingM2>>.

Additional Resources:

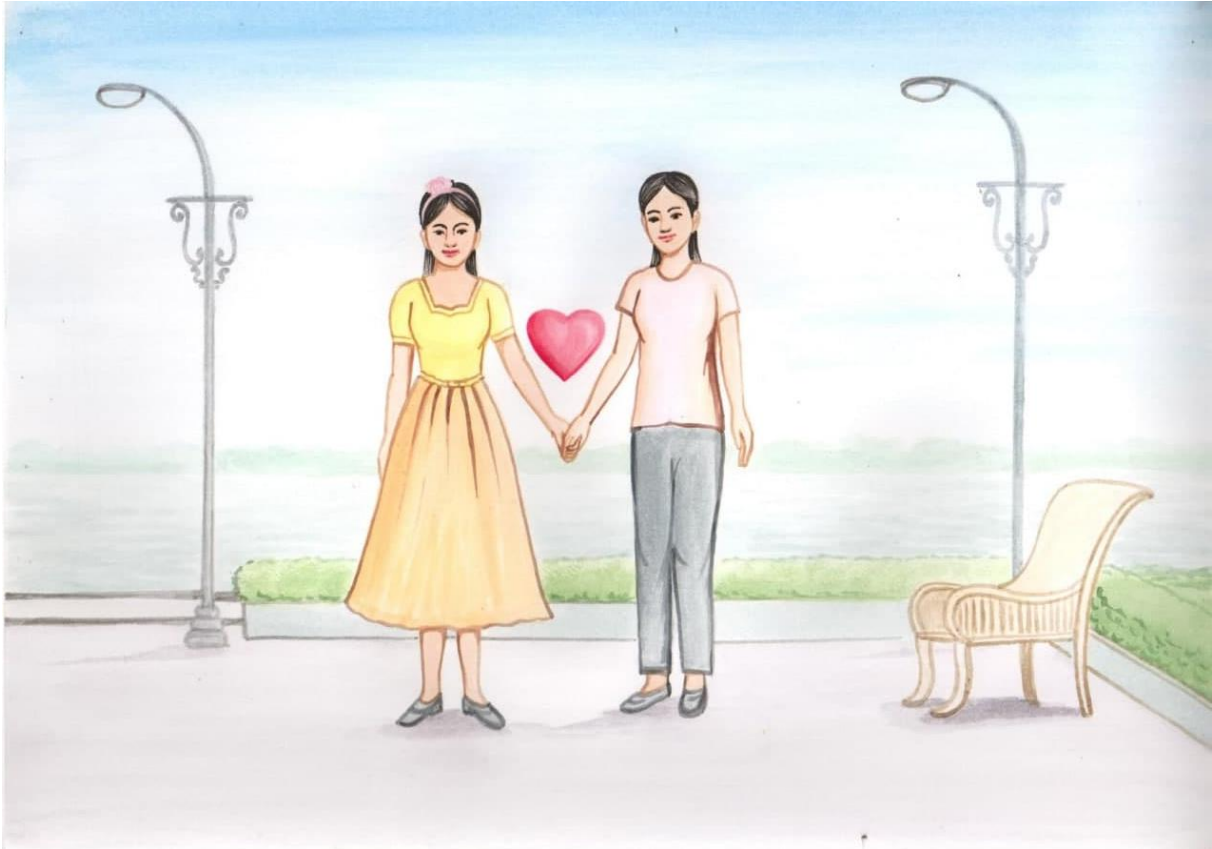
RoCK, ‘SOGIE Cup’ <<https://www.facebook.com/watch/?v=1677762915598451>>.

RoCK, ‘SOGIE animation – KCD’ <https://www.youtube.com/watch?v=19r4uvLoSqQ&feature=emb_logo>.

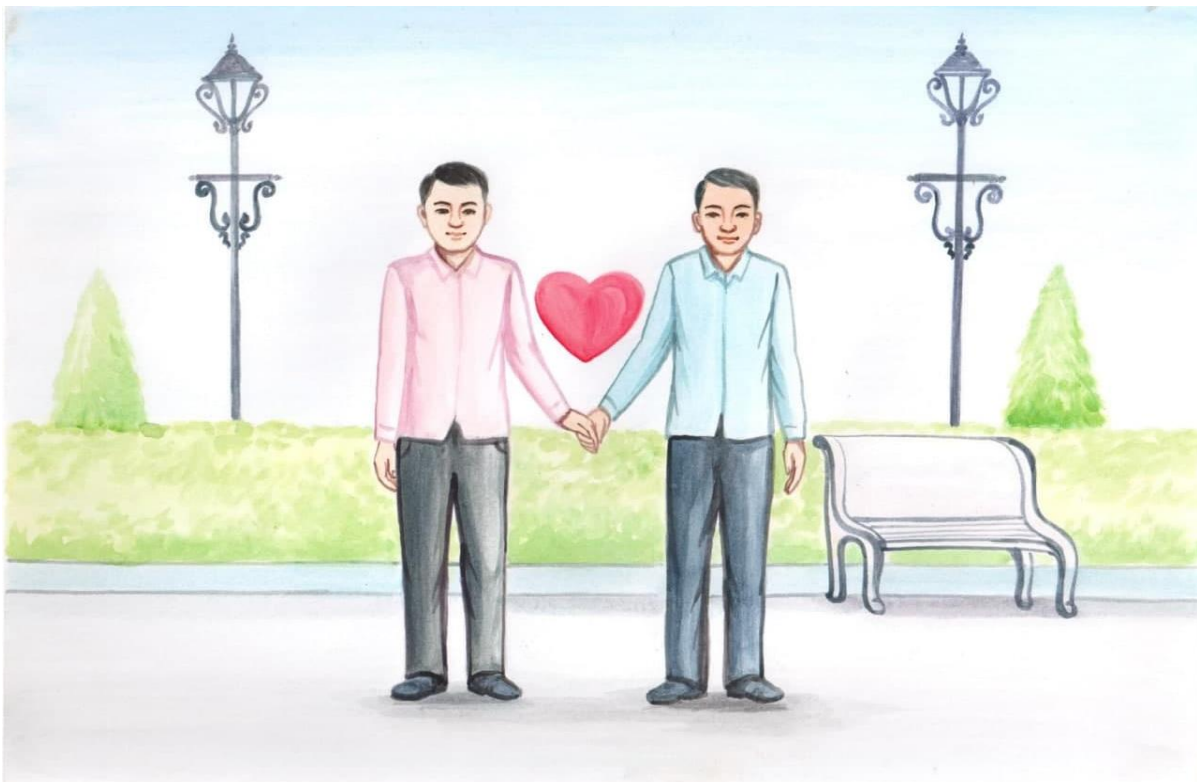
1.3. Introduction to LGBTIQ

SOGIESC is a status but LGBTIQ is a label. Some people may not identify with these labels and it is important that we respect each individual’s own self-identity and refrain from enforcing norms or stereotypes on individuals.

Lesbian: Someone identifying as female, attracted to others who identify as female.



Gay: Someone identifying as male, attracted to others who identify as male.



Bisexual: A person who is attracted to both men and women.



Transgender: A term that refers to an individual whose gender identity is different from their sex assigned at birth.



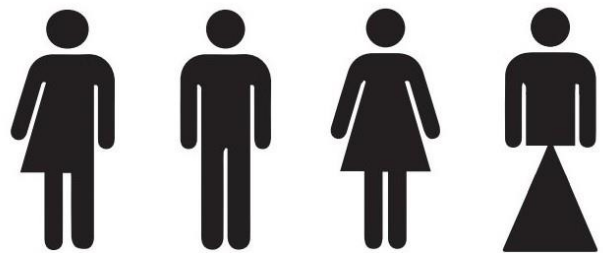
Intersex:

An umbrella term for people who are born with or develop atypical sex characteristics. It relates to a reproductive or sexual anatomy that lies between stereotypical categorizations of male and female.



Queer:

Originally used in a derogatory sense, many LGBTIQ people have embraced this word to describe anyone who identifies as being either gender, sexually and/or bodily diverse.



1.4. Advanced definitions and concepts

There are some more advanced concepts for different types of SOGIESC:

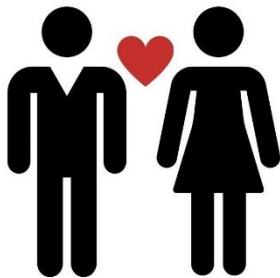
Cisgender (cis):

A person whose gender identity and expression conforms to their biological sex assigned at birth.



Gender non-binary / Gender non-conforming / Genderqueer:

An individual who does not conform to binary gender identities of male/ female, masculine/ feminine. Gender non-binary is instead the understanding that gender is a spectrum.

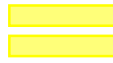


Heterosexual/Straight:

Romantic attraction, sexual attraction, or sexual behavior between persons of the opposite sex or gender.

There is also some more complex terminology describing harmful societal norms and perceptions which have a negative impact on the LGBTIQ community:

Toxic masculinity



Traditional cultural masculine norms that can be harmful to men, women, and society overall.

Heteronormativity



The idea that heterosexual attraction and relationships are the norm/default form of sexuality. It is rooted in the belief that sexuality and gender are binary and unchanging.

Homophobia/Biphobia/
Transphobia





A range of negative attitudes and feelings toward homosexuality, bisexuality, and transgender identities, or people who identify or are perceived as being LGBTIQ.

1.5. Use of Khmer language to address SOGIESC

Cambodian perceptions of gender stem from the Khmer language which categorizes and defines gender, sex, and sexual behavior more fluidly than in Western countries. Cambodians sometimes use the informal term “**Phet Tibe**i” to identify LGBTIQ people.¹ **Phet Tibe**i can be separated into two words [“**Phet**” and “**Tibe**i”]. The word “**Phet**” in Khmer and Khmer literature refers to gender / sex, and a human characteristic of being a man or a woman. The word “**Tibe**i” represents the numerical value of three. In accordance with this interpretation of Khmer literature, **Phet Tibe**i can be interpreted in English as “**Third Gender**”. Therefore, although no official documentation of this word exists, it is used informally in social contexts across Cambodia, often it used in a discriminatory manor. It is therefore important to use the term LGBTIQ instead.



1.5.1. Khmer language to describe sex or gender

Pros / Boros	Srey / SatTrey	Khtaey / Kteuy
A human being of the male sex. 	A human being of the female sex. 	Neither male nor female: a person who has both male and female genitalia or a person who displays the personality or behavior of the opposite sex.

¹ Khmer DICTIONAIRE CAMBODGIEN (*The Buddhist Academy*, 1967).

Khtaey / Kteuy is used to describe a third gender in Cambodia and is frequently used towards transgender women, or a man dressed as a woman. Although this term is commonly used by Cambodian people, it is now seen as derogatory and can have a harmful impact on the wellbeing of LGBTIQ people, including their mental, physical, and emotional health. Many LGBTIQ people find this word insulting, especially when used to describe transgender individuals.²

Kteuy 



Trans 

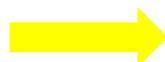
1.5.2. Khmer language to describe sexual orientation and gender identity and expression

There are no rigid definitions based on sexual preferences in Cambodia, thus, Cambodians have other distinctions, through personality or character types, to explain sexual orientation or gender identities.³

Srey Srolanh Srey	Charek Srei / Tuon Phluon	Charek Pros / Reng Peng
An individual who identifies as a woman and is romantically or sexually attracted to others who identify as women.	Means <i>gentle</i> or <i>docile</i> and refers to personality types of women.	Means <i>firm</i> or <i>tough</i> and refers to ‘masculine’ character types which is considered traditional for men’s personality.

The focus is on character traits versus on an individual’s outward visible characteristics, thus, many Cambodians who are homosexual do not necessarily identify themselves as such and even identify as heterosexual, despite their homosexual activities. Moreover, when Cambodians use the term ‘gay’ they often refer to men who outwardly look feminine or to females who outwardly look masculine.

Kteuy Srey 



Lesbian 

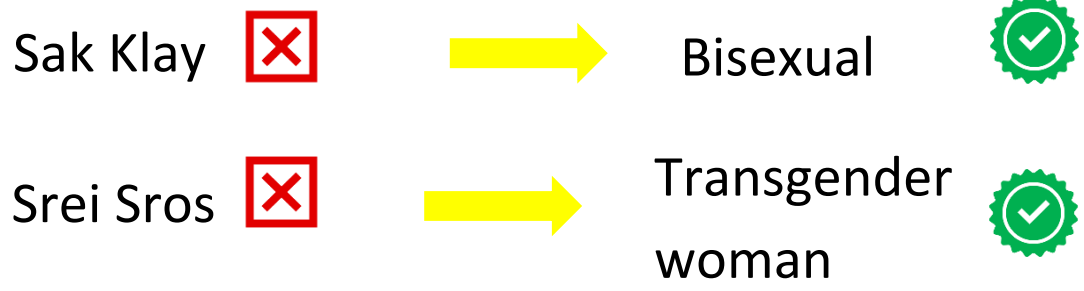
1.5.3. Khmer language to distinguish male character types

Sak Klay	Srei Sros	Boroh Pith Brakat
“Short hairs” are men who dress and identify as men but have sex with both men and women. They might appear more feminine than other men, they typically blend into society, are usually married, and their wives do not know they engage in homosexual activities.	“Long hairs or charming girl” are usually transgender persons who wear their hair long and identify, dress, and act as women. They may also take hormones to alter their appearance, and if they can afford it, undergo gender reassignment surgery. They psychologically consider themselves women and generally prefer to be with men.	“Real men or masculine”

² CCHR, ‘LGBT Bullying in Cambodia’s schools’ (December 2015)

<[https://docs.google.com/viewerng/viewer?url=https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_\(ENG\).pdf](https://docs.google.com/viewerng/viewer?url=https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_(ENG).pdf)>.

³ Roland Meyer, ‘Saramani: Danseuse Khmer’ (1919), and CCHR, ‘Coming out in the Kingdom: Lesbian, Gay, Bisexual, and Transgender People in Cambodia’ (December 2010) <<http://sogi.sithi.org/admin/upload/media/118-egkykni1336367358.pdf>> p. 10-11.



Module 2: A brief overview of LGBTIQ history

2.1. A brief history of the LGBTIQ community globally

Each country has its own unique history and background, with the treatment of the LGBTIQ community varying across different societies, however, there have been some international trends and a global LGBTIQ movement that has affected LGBTIQ people across the world.

2.1.1. The existence of LGBTIQ people throughout history

The LGBTIQ community has existed as long as humanity itself. Despite the widespread misconception that SOGIESC is a preference or choice, gender variance, sexual preferences, and same-sex desires have always existed in humans across the world in every time period. Documentation and evidence of the LGBTIQ community such as same-sex relations or transgender identities, dates back at least 2,500 years.⁴

2.1.2. Homophobia and the persecution of LGBTIQ people

Homophobia, which began in the 15th and 16th centuries, is believed to have stemmed from religions that condemn same-sex relations. Subsequently, homosexuality began to be illegalized - where their SOGIESC is outlawed in national laws - and criminalized - where they suffer legal penalties for being LGBTIQ – worldwide. The criminalization of the LGBTIQ community includes the death penalty and life imprisonment. Legal sanctions against same-sex conduct or the behaviors of the LGBTIQ community differ across countries and vary in their scope and application.

Key words for Module 2

LGBTIQ: lesbian, gay, bisexual, transgender, intersex, queer.

SOGIESC: sexual orientation, gender identity and expression, and sex characteristics

Homophobia: negative attitudes and feelings towards homosexuality or people who identity or are perceived as being homosexual.

Criminalization: an act which makes behaviors into crimes or individuals into criminals by imposing a punishment or penalties.

Illegalization: to make something illegal or to outlaw something.

Rights movement: a series of actions and events by a group of people taking place over a period of time, in the pursuit of a principle or policy, or to realize some change.

HIV: “Human Immunodeficiency Virus” is a virus that harms a person’s immune system making it difficult for them to fight off infections. **AIDS:** “Acquired Immune Deficiency Syndrome” is caused by HIV.

MSM: “men who have sex with men” is a term used in the context of health to avoid deep socially-embedded stigmas. This does not necessarily mean that these men self-identify as gay.

Intersex: an umbrella term for people who were born with or develop atypical sex characteristics.

⁴ Andrew Dobbin, ‘LGBT people existed long before 1967 – as the British Museum reveals’, (*The Guardian*, 20 June 2013) <<https://www.theguardian.com/commentisfree/2013/jun/20/lgbt-people-1967-british-museum>>. See also, The History of LGBT Rights - Every Year (1790-Present) <<https://www.youtube.com/watch?v=4YFJcwolFRA>>.

Illegalization:

Where States expressly outlaw:

- Forms of gender expression.
- Same-sex relations or relationships.

Case Study: In Sri Lanka same-sex activity is illegal under the law, however, the law was ruled unenforceable by the Supreme Court and therefore decriminalized but not expressly legalized.

V

Criminalization:

Where States impose a prison sentence or a fine for:

- Dressing, acting, or “posing” as the opposite sex.
- Engaging in consensual sexual relations with someone of the same sex.

Case Study: In Brunei Darussalam gay sex acts are punishable by stoning to death.

For decades LGBTIQ people have been persecuted, and often subjected to sterilization, castration, or conversion therapy. Outside of these traumatic and invasive procedures, many LGBTIQ people adjusted their behaviors to fit into mainstream society which led to high rates of suicide, drug abuse, and homelessness.⁵

2.1.3. 20th century civil rights movement

Around the 20th century progress began with the emergence of the civil rights movement. The civil rights movement throughout the 1950s and 1960s began as a movement for racial equality in the United States. The LGBTIQ right movement emerged as a part of the civil rights movement, calling for the same equality and social justice. Black transgender women were at the forefront of this movement for LGBTIQ rights. Police raids on gay bars was commonplace in the 1960s and resulted in numerous LGBTIQ individuals being arrested.⁶ These raids sparked violent conflicts between the LGBTIQ community and police authorities.



Marsha P Johnson and Sylvia Rivera marching for LGBTIQ rights in New York City, Netflix.

⁵ Georgetown Law Library, 'LGBTQ Civil Rights' <<https://guides.ll.georgetown.edu/c.php?g=592919&p=4100955>>.

⁶ George Mattson, 'The Stonewall Riots Didn't Start the Gay Rights Movement' (*Jstor*, 12 June 2019) <<https://daily.jstor.org/the-stonewall-riots-didnt-start-the-gay-rights-movement/>>.

On 28 June of 1969, the police raided the **Stonewall Inn**, a popular gay bar in New York. Fed up with the constant police harassment and societal discrimination, the bar patrons became upset at the events taking place and started throwing pennies, bottles, stones, and other objects at police resulting in a riot with hundreds of people. Protests involving thousands of people continued in the area for five more days. Stonewall is generally considered a turning point for the modern LGBTIQ rights movement. It marked a strong force for LGBTIQ activism, the establishment of many LGBTIQ rights organizations, and the start of the decriminalization of LGBTIQ people.⁷ One year after the Stonewall Riots a commemorative march was held which has led to the modern-day Pride marches seen worldwide.



Police forcing people outside the Stonewall Inn on 28 June 1969, Wikimedia <https://en.wikipedia.org/wiki/File:Stonewall_riots.jpg>.

2.1.4. HIV/AIDS epidemic



HIV ribbon Source: Wikimedia

In the 1980s and early 1990s, the outbreak of HIV/AIDS swept across the world. HIV, is a virus that attacks the immune system. It is transmitted through bodily fluids. Historically, HIV has most often been spread through unprotected sex, the sharing of needles for drug use, and through birth. Over time HIV can lead to acquired immunodeficiency syndrome (“AIDS”). A person with AIDS is very vulnerable to other illnesses. The HIV/AIDS epidemic had a serious and disproportionate impact on gay men, bisexual men, transgender women, and MSM. In the beginning of the epidemic scientists did not know how the virus spread, but the highest rate of HIV occurred in the gay or MSM community. AIDS, which is caused by HIV, was considered a death sentence. It became the biggest killer of young men in the United States by 1994.

**1 in 15
gay men
dead**

⁷ See e.g. History, ‘Stonewall Riots’ (*History*, 31 May 2017) <<https://www.history.com/topics/gay-rights/the-stonewall-riots>>; Emanuella Grinberg, ‘How the Stonewall riots inspired today’s Pride celebrations’ (*CNN*, 28 June 2019) <<https://www.cnn.com/2019/06/28/us/1969-stonewall-riots-history/index.html>>.

By 1995, one gay man in nine had been diagnosed with AIDS, one in fifteen had died, and 10% of the 1,600,000 men aged 25-44 who identified as gay has died.⁸

During the initial discovery of AIDS, the disease was commonly referred to as Gay-Related Autoimmune Disease (“GRID”), causing severe stigma against the gay community. Moreover, sensational reporting calling AIDS the “*Gay Plague*” further marginalizing gay people.⁹ While medication now helps those living with HIV to live a more normal life, HIV continues to be a major public health crisis around the world because there is no vaccine or cure, and it has had a lasting impact on the LGBTIQ community.¹⁰

2.1.5. Modern LGBTIQ rights movement

In the 1990s LGBTIQ activist groups emerged, the beginning of the modern equal rights movement. The movement called for (and still calls for) legalization, decriminalization, and non-discrimination. The LGBTIQ community has banded together to form LGBTIQ rights NGOs and organized global movements calling for equal rights. This has led to considerable achievements across the world, including the repeal of laws which criminalize LGBTIQ people. Moreover, there are Pride parades or celebrations which take place worldwide to celebrate LGBTIQ acceptance and achievements. However, it is important to note that many countries still implement laws which criminalize and discriminate against the LGBTIQ community.

Some achievements of the modern LGBTIQ rights movement

- Right to marry or enter into a civil partnership
- LGBTIQ adoption rights
- Legal gender recognition
- Protection against discrimination in some or all aspects of life
- Transgender bathroom rights

2.2. A brief history of the LGBTIQ community in Cambodia

LGBTIQ individuals have never been criminalized in Cambodia. Visibility of LGBTIQ people has grown over the years, and some steps towards equality have been taken, however, full equality remains elusive.

2.2.1. LGBTIQ situation during the Angkor period



Source: Wikki Commons: Angkor Wat

In the ancient ages, Cambodia was a well-known civilized country with its own unique and independent culture. Ancient monuments and temples in Cambodia contain sculptures and statues from the 4th century onwards which depict Khmer culture and gender norms or perceptions.

One statute, the **Ardharishvara**, sits in the National Museum of Cambodia of Phnom Penh Capital of Cambodia has special gender characteristics. The **Ardharishvara** depicts one body which is half woman and half man. This statue wears a short skirt to the knees and the right hand is positioned forward in a gift-giving gesture.¹¹ The **Ardharishvara** derives from a love story between **Shiva** and **Parvathi**. **Parvathi**, **Shiva's** wife, became upset that **Shiva** never took care of her

⁸ Levine, Nardi and Gagnon, 'In Changing Times: Gay Men and Lesbians Encounter HIV/AIDS' (1997)

<<https://books.google.co.uk/books?id=2TM0DaR1WjwC&pg=PR4&dq=gagnon+and+nardi+1997&hl=en&sa=X&ved=0ahUKUwEjEpdH-5qLZAhUMalAKHY0hBUoQ6AEIjzAA#v=onepage&q=gagnon%20and%20nardi%201997&f=false>>.

⁹ Ella Braidwood, "Gay plague" the vile, horrific and inhumane way the media reported the AIDS crisis' (*PinkNews*, 30 November 2018)

<<https://www.pinknews.co.uk/2018/11/30/world-aids-day-1980s-headlines-tabloids/>>.

¹⁰ Dr Dana Rosenfeld, 'The AIDS epidemic's lasting impact on gay men' (*The British Academy*, 19 February 2018)

<<https://www.thebritishacademy.ac.uk/blog/aids-epidemic-lasting-impact-gay-men/>>.

¹¹ Thesis of Faculty of Archeology of Cambodia (1996-1997) <<https://bit.ly/2LKvNGH>>.

nor gave her harmony. To please his wife and bring her happiness, **Shiva** split his body in half, along with hers and unified their bodies together to create **Ardharishvara**.¹² Despite the split gender of this statue, it remains a mystery to this day on the greater meaning it has regarding SOGIESC within ancient Cambodian society.

The journal of **Chu Ta Kuan**, Diary of a Quan, is a biography of Chivata Quan, a Chinese National living in Cambodia in 1296/97 during the medieval Angkor empire. His biography documents the customs of Cambodia and evidences some diverse SOGIESC behaviors dating back to the 13th century:¹³

"some ladies are standing to pee as a man"

This action gives insight into gender identity during the Angkor era and challenges the binary dichotomy of masculine and feminine actions and identities.

"In the marketplace a group of ten or more catamites [transgender women] are to be seen every day, making efforts to catch the attention of chines in hope of a rich present"

This statement talks of groups of transgender women walking openly in the market, not hiding their SOGIESC and is early evidence of gender diversity in Cambodia.

2.2.2. LGBTIQ situation in early Buddhist teachings

Buddhism doctrine refers to four genders: male, female, Ubhatovyañjanaka and paṇḍaka. The word **Ubhatovyañjanaka** is usually thought to describe people who have both male and female sexual characteristics (intersex). The **paṇḍaka** is a complex category that is variously defined in different Buddhist texts. However, the modern translation of the word seems to refer to gay and lesbian persons.

2.2.3. LGBTIQ situation during the Khmer Rouge regime

From 1975 to 1979, the Khmer Rouge ruled Cambodia and imposed brutal policies resulting in the death of approximately 1.7 million Cambodians, nearly a quarter of the population, from starvation, exhaustion, torture, and executions. Despite this repressive regime some LGBTIQ couples were able to hide their relationships and gender identities. In particular, one transgender man hid his true identity during the genocidal Khmer Rouge regime and shared his story:¹⁴

"The ditch stretches hundreds of kilometers from this province to the city of Battambang. In 1975, the Khmer Rouge forced Sitha, a transgender man, singer, and activist, from his home in Phnom Penh to work in the young women's collectives in this village. Four decades after the Khmer Rouge regime's fall, Sitha steps out of a vehicle, sporting a pink shirt and umbrella – his favorite color. "This is where I met my wife," he declares.

This genocidal era is hardly somewhere one would imagine a love story blooming between a transgender man and a cisgender woman. Yet remarkably, this place was home to at least three transgender men and one cisgender lesbian woman, all of whom became close friends. Each found love under this regime, sometimes with more than one person at a time. Some remain couples."

¹² Ibid.

¹³ Chu Ta Kuan, Chenla residence traditional, 1296 or 97, recompile by Ly Theam Teng (1973)

<<https://sopheaksrey.files.wordpress.com/2014/09/kamnot-het-chiv-ta-kvan.pdf>> and, The customs of Cambodia, Chu Ta Kuan, siem society Bangkok second edition (1992) <<https://ur.b-ok.global/ireader/1250582>>.

¹⁴ Tabitha Payne, *Love in the time of genocide* (2019) <<https://southeastasiaglobe.com/three-tales-of-trans-love-under-the-khmer-rouge/>>.

During this period, Khmer Rouge officials arranged most marriages based solely on rigid state policies. Forced marriage was arranged by the Khmer Rouge to create another generation dedicated to the regime and to deny any personal choice over one's life.¹⁵ One transgender female recalled how the Khmer Rouge forced her to marry a woman because she hid her SOGIESC.

"They forced me because they didn't know I'm gay. Apparently, I looked like a man, but I had a woman's behavior as my nature. All of them didn't know I was a gay because I never told anyone about it because I was afraid that Khmer Rouge would kill me... but I didn't love that woman and then they discussed but later on they told me I must get married with that woman." **Kuthoy, transgender female, Siem Reap Province.**

Other historical evidence of diverse SOGIESC in Cambodia is thought to have been destroyed during the Khmer Rouge era.



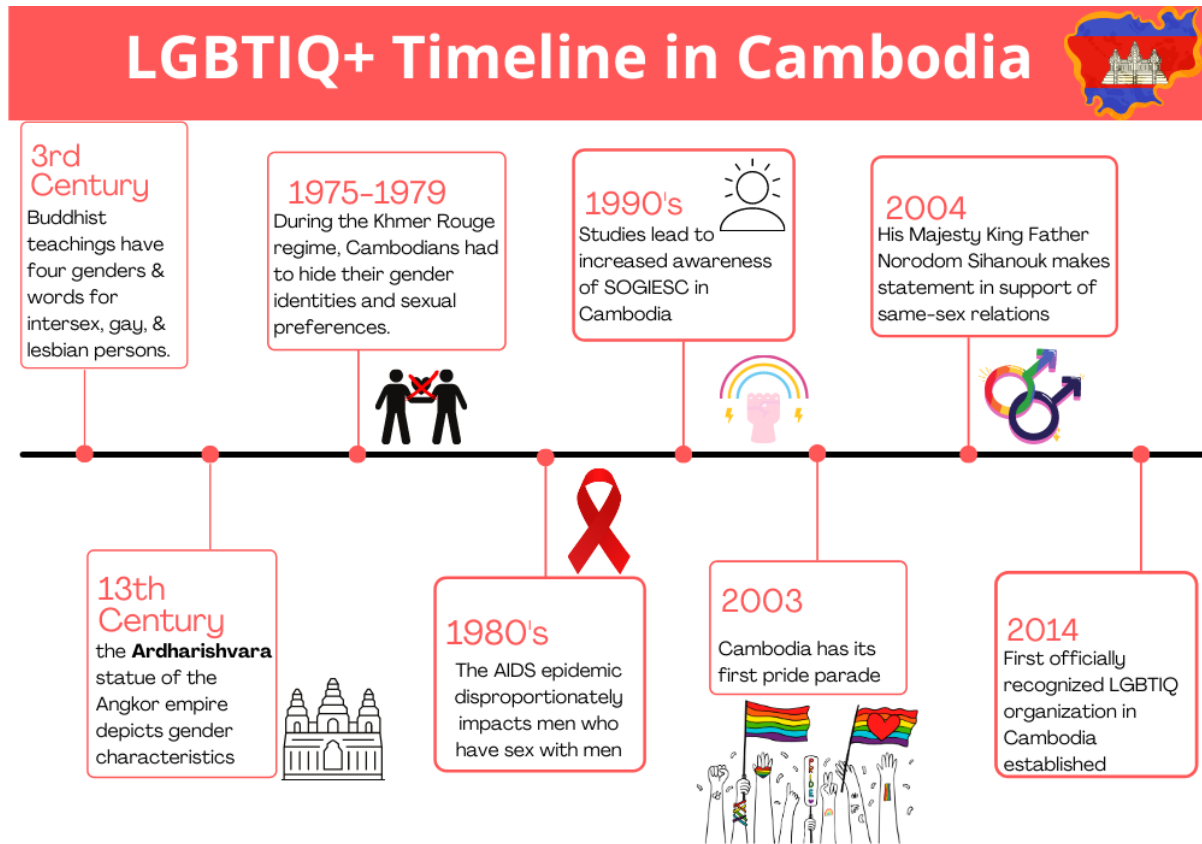
2.2.4. LGBTIQ situation in the 1990s and the 21st century

Since the 1990s, there has been growing visibility of the LGBTIQ community in Cambodia.

- Sexual and behavioral studies starting in the 1990s, driven by the global HIV/AIDs epidemic, resulted in raised awareness and discussion of SOGIESC in Cambodia.
- Pride events have been celebrated in Cambodia since 2003 improving the visibility of LGBTIQ people.

¹⁵ Kusumi Nakagawa, *Gender Based Violence against sexual minorities during the Khmer Rouge regime* (2015), page 42 <http://ticambodia.org/library/wp-content/files_mf/1459326666LGBTKRGBV_kasumi.pdf>.

- A public statement was made by Cambodia's former King, His Majesty King Father Norodom Sihanouk, in support of same-sex relations in 2004.¹⁶
- Cambodia saw the first officially recognized LGBTIQ organization in 2014.



¹⁶ Alex Spillius, "I'm not gay, says 81-year-old monarch with 14 children" (*The Telegraph*, 25 February 2004) <<https://www.telegraph.co.uk/news/worldnews/asia/cambodia/1455293/Im-not-gay-says-81-year-old-monarch-with-14-children.html>>.

Module 3: International Human Rights Law on SOGIESC

3.1. Sources of international human rights law and standards

Sources of International Human Rights Law on Sexual orientation, gender identity and expression, and sex characteristics (“SOGIESC”) and sexual and reproductive health rights (“SRHR”) include:

- *The Universal Declaration of Human Rights*¹⁷
- *The International Covenant on Civil and Political Rights*¹⁸
- *The International Covenant on Economic, Social and Cultural Rights*¹⁹
- *The International Labor Organization Conventions*
- *The Convention on the Rights of the Child*²⁰
- *The Yogyakarta Principles on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity*²¹
- *The Sustainable Development Goals*
- Universal Periodic Review (“UPR”) of Cambodia (3rd Cycle-32nd Session)²²

Key words for Module 3

Non-binding document: document that does not carry formal legal obligations.

Declaration: non-binding document stating agreed-upon or universal principles.

Covenant or treaty: binding international agreement that creates legal obligations.

Ratification: formal approval, by a State, of an international agreement, by which the State agrees to be bound by the agreement.

Gender identity: A person’s deeply felt internal and individual experience of gender, which may or may not correspond with their sex assigned at birth.

UPR: Universal Periodic Review is a UN mechanism where member states are periodically reviewed for the human rights progress in their country and receive recommendations from other member nations.

The Universal Declaration of Human Rights (“UDHR”)

The UDHR is a historic document adopted in 1948 by the United Nations. It was adopted following the Second World War, to prevent similar atrocities from ever happening again. It is the first international agreement on the basic principles of human rights. The rights contained in the UDHR were divided into two instruments – the ICCPR and the ICESCR – to give them legal effect.

The International Covenant on Civil and Political Rights (“ICCPR”)

The ICCPR contains the freedom-oriented rights, including some that the State *cannot take away*

The International Covenant on Economic, Social and Cultural Rights (“ICESCR”)

The ICESCR contains rights to basic necessities that a State must commit to progressively

¹⁷ OHCHR, ‘Universal Declaration of Human Rights’ (adopted 10 December 1948), Resolution 217 A(III) (UDHR) <https://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf>.

¹⁸ OHCHR, ‘International Covenant on Civil and Political Rights’ (adopted 16 December 1966, entered into force 23 March 1976) (ICCPR) <<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>.

¹⁹ OHCHR, ‘International Covenant on Economic, Social and Cultural Rights’ (adopted 16 December 1966, entered into force 23 March 1976) 993 UNTS 3 (ICESCR) <<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>>.

²⁰ OHCHR, ‘Convention on the Rights of the Child’ (adopted 20 November 1989, entered into force 2 September 1990) <<https://www.ohchr.org/en/professionalinterest/pages/crc.aspx>>

²¹ International Commission of Jurists (“ICJ”), ‘Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity’ (March 2007) <http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf>.

²² Human Rights Council, ‘Working Group on the Universal Period Review’ (3d Cycle, 32d Session) (Cambodia) <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/341/00/PDF/G1834100.pdf?OpenElement>>

<p>from individuals, such as the right to non-discrimination. The ICCPR was adopted in 1966 and came into force in 1976. It has been ratified by 173 States – including Cambodia who ratified the ICCPR in 1992.</p>	<p><i>provide</i> to citizens, such as the right to work, and the right to an adequate standard of living. The ICESCR was adopted in 1966 and came into force in 1976. It has been ratified by 171 States – including Cambodia who ratified the ICESCR in 1992.</p>
<p><i>The International Labor Organization (“ILO”) Conventions</i></p> <p>The ILO was established in 1919 and became a specialized agency of the United Nations in 1946. It aims to “<i>promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues</i>”.²³ The ILO has 187 Member States, Cambodia became a member of the ILO in 1969. The ILO has adopted international labor standards in the form of Conventions - international treaties that can be ratified. There are 8 Fundamental ILO Conventions including:</p> <p>Convention 111 Discrimination (Employment and Occupation) ratified by Cambodia in 1999.</p>	<p><i>The Convention on the Rights of the Child (“CRC”)</i></p> <p>The CRC, adopted in 1989, explains what rights children have, as well as the responsibilities that States have to make the rights of children available. It is a legally binding international instrument that sets out children’s civil, political, economic, social and cultural rights. It is the most widely ratified human rights treaty in history, with 196 ratifications – including Cambodia who ratified the CRC in 1992. The CRC applies to <i>all</i> children under 18-years-old <i>equally</i>.</p>
<p><i>The Yogyakarta Principles on the Application of International Law in Relation to Issues of Sexual Orientation and Gender Identity (“Yogyakarta Principles”)</i></p> <p>The Yogyakarta Principles provide a comprehensive framework for the application of international human rights law <i>specifically</i> to the situation of LGBTIQ people. The Yogyakarta Principles were adopted in 2006 in response to a worldwide pattern of human rights violations targeting people for their actual or perceived SOGIESC, including extrajudicial killings, torture and ill-treatment, sexual assault and rape, and discrimination. Although the Yogyakarta Principles are not legally binding, they have been referenced by multiple UN bodies as enriching and setting precedents for future LGBTIQ legal developments, they outline legal standards on how States and other actors should end violence, abuse and discrimination against LGBTIQ people. In 2017, they were supplemented with the “Yogyakarta Principles plus 10”, which take into account developments in international human rights law and practice since the adoption of the Yogyakarta Principles in 2006. There are 29 principles and 16 additional recommendations that reflect the application of international human rights law to the lives and experiences of persons of diverse SOGIESC.</p>	

²³ ILO, ‘About the ILO’, <<https://www.ilo.org/global/about-the-ilo/lang--en/index.htm>>.

The Sustainable Development Goals (“SDGs”)

In 2015, the 2030 Agenda for Sustainable Development was adopted by the United Nations. At its core are the 17 SDGs to “end poverty, fight against inequalities and injustices, tackle climate change and build a common world by 2030”.²⁴ The SDGs promise to “leave no one behind”.

10 REDUCED INEQUALITIES



Under **SDG 10** - “Reduced inequalities” - a number of targets have been set. Amongst these targets is **Target 10.3** which requires States to “ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard”.²⁵

3.2. SOGIESC rights

3.2.1. The right to non-discrimination

- UDHR Article 1: “all human beings are born free and equal in dignity and in rights”.
- UDHR Article 2: “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.
- ICCPR Article 2 and ICESCR Article 2 provide that State Parties must undertake to guarantee that the rights they contain will be exercised without distinction of any kind, “such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”.
- CRC Article 2 requires States to respect and ensure the rights of each child within their jurisdiction “without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status”.
- Yogyakarta Principle 2 requires States to “Embody the principles of equality and non-discrimination on the basis of sexual orientation and gender identity”, and “Adopt appropriate legislative and other measures to prohibit and eliminate discrimination in the public and private spheres on the basis of sexual orientation and gender identity”.
- SDG 10 “Reduced Inequalities”.



“or other status”

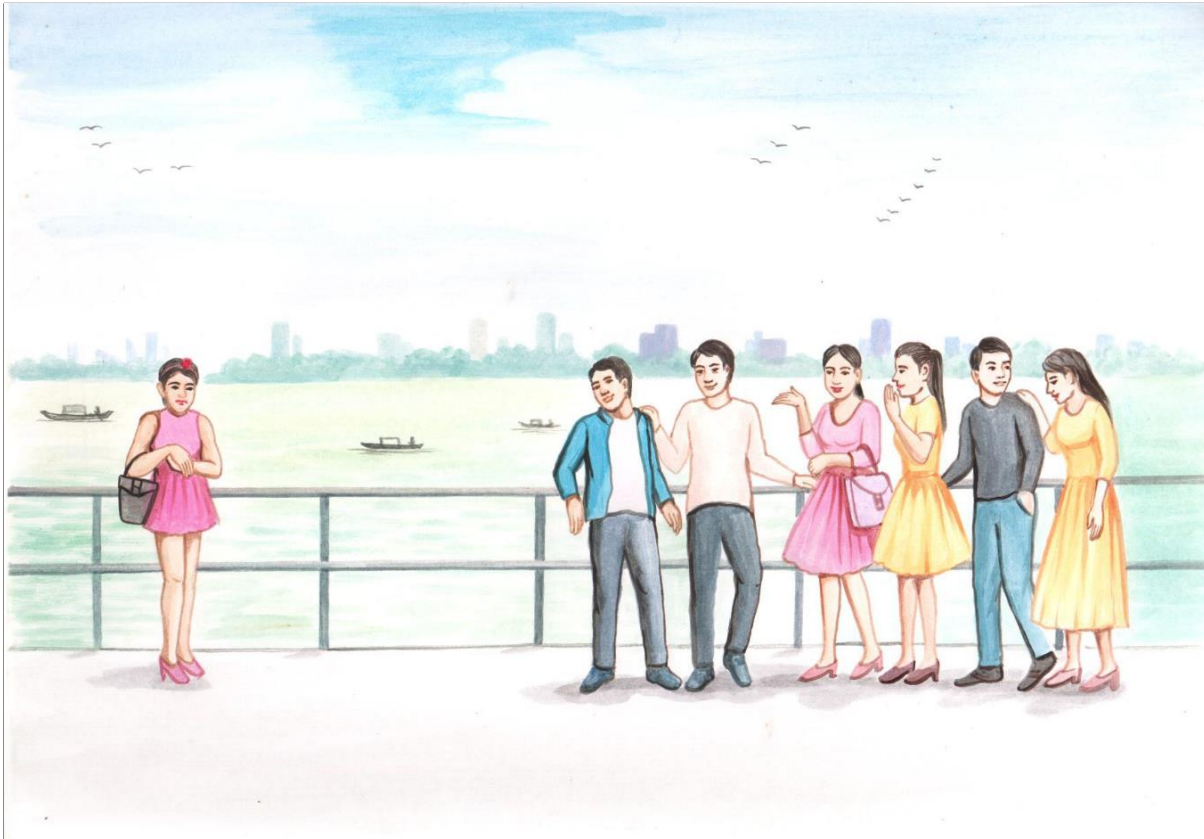
While international human rights treaties do not explicitly list SOGIESC as a prohibited type of discrimination, the addition of “other status” indicates this list is non-exhaustive and can include other categories, such as SOGIESC. Further, the term “other status” has been authoritatively interpreted by treaty bodies and in decisions of the UN Human Rights Committee to prohibit LGBTIQ discrimination.²⁶

²⁴ Agence Française de Développement, ‘The Sustainable Development Goals’, <<https://www.afd.fr/en/sustainable-development-goals>>.

²⁵ UN Department of Economic and Social Affairs, ‘Goal 10’ <<https://sdgs.un.org/goals/goal10>>.

²⁶ United Nations Economic and Social Council, ‘General Comment No. 20 ‘Non-discrimination in economic, social and cultural rights (art. 2, para 2, of the International Covenant on Economic, Social and Cultural Rights)’ (E/C.12/GC/20) (2009); United Nations Human Rights Committee, *Toonen v Australia*, Communication No 488/1992 (CCPR/C/50/D/488/1992) (31 March 1994).

- UPR 3rd Cycle 32nd Session several recommendations were accepted by the RGC: (1) introduce new legislation guaranteeing equality, (2) adopt measures to combat and punish those that discriminate against LGBTIQ persons, and (3) introduce an anti-discrimination law which prohibits discrimination of all kinds, including against LGBTIQ persons.



3.2.2. The right to marriage equality

- UDHR Article 16(1) states that, “*men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and found a family*”. LGBTIQ people are not explicitly included with the wording of the UDHR denying the right to same-sex marriage.
- ICCPR Article 23(2) determines, “*the right of men and women of marriageable age to marry and found a family*”. This is a broader formulation than is contained in the UDHR. Nevertheless, in *Joslin v New Zealand*,²⁷ an individual communication considered by the UN Human Rights Committee, it was stated that Article 23(2) did not protect the rights of same-sex couples to marry. It is worth noting that although it is the only authority in this area, this decision is 15 years old.



International human rights law has not yet recognized an explicit right to marriage equality, but guarantees equality and non-discrimination in all areas of life.

²⁷ United Nations Human Rights Committee, Communication No. 902/1999, UN Doc A/57/40 at 214 (2002).

- Principle 24 of the Yogyakarta Principles states that “everyone has the right to found a family, regardless of sexual orientation or gender identity”. Traditionally, marriage has acted as the foundation of building a family. By denying rainbow couples the ability to be married, rainbow couples are also being deprived of their right to found a family.
- Principle 13 of the Yogyakarta Principles states that “Everyone has the right to social security and other social protection measures, without discrimination on the basis of sexual orientation or gender identity”. In most jurisdictions, and certainly in Cambodia, the benefits of many social protections arise from marriage. Denying the right of rainbow families to marry excludes them from access to many rights afforded to married couples.
- The UPR 3rd Cycle 32nd Session 110.55 was accepted by the RGC which recommends an amendment to Article 45 of the Constitution to allow same-sex couple to marry, though it has yet to be implemented.



3.2.3. The right to a family/ the right to adoption

The right for LGBTIQ people to adopt is arguably covered by existing international human rights law.



- Principle 24 of the Yogyakarta Principles concerning the right to found a family, also addresses the right of rainbow couples to adopt. It acknowledges that “families exist in diverse forms” and urges states to “take all necessary legislative, administrative and other measures to

ensure the right to found a family, including through access to adoption [...], without discrimination on the basis of sexual orientation or gender identity”.

- The CRC Article 21 requires that *“the system of adoption shall ensure that the best interests of the child shall be the paramount consideration”*. Article 21 has been interpreted as recognizing the right of same-sex couples to adopt children jointly in Ireland.



3.2.4. The right to legal gender recognition

Legal gender recognition requires that legislative and administrative procedures are put in place which enable transgender people’s self-defined gender to be reflected on their official identification documents, such as birth certificates, ID cards, passports and drivers’ licenses.

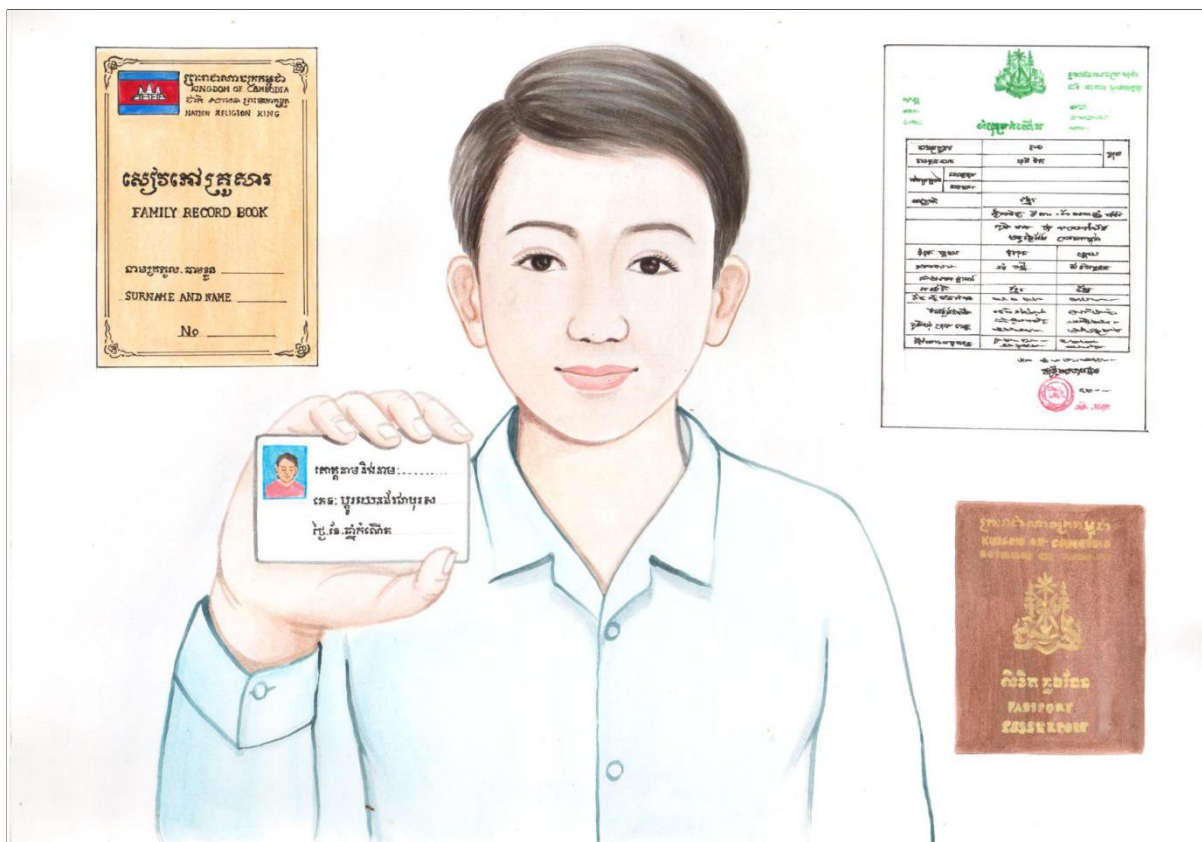


- Principle 3 of the Yogyakarta Principles grants everyone the right to recognition everywhere as a person before the law. It calls on States to *“Take all necessary legislative, administrative and other measures to fully respect and legally recognise each person’s self-defined gender identity”* and *“Take all necessary legislative, administrative and other measures to ensure that procedures exist whereby all State-issued identity papers which indicate a person’s gender/sex — including birth certificates, passports, electoral records and other documents — reflect the person’s profound self-defined gender identity”*.

While there is no international human rights treaty that recognizes the right to legal gender recognition as an independent right, legal gender recognition is a prerequisite for transgender individuals to obtain other human rights, such as:

- The right to be free from discrimination, enshrined in Article 2 of the ICCPR and of the ICESCR, and in Article 7 of the UDHR;
- The right to recognition everywhere as a person before the law, enshrined in Article 16 of the ICCPR and Article 6 of the UDHR;
- The right to free development of personality, as enshrined in Article 29 of the UDHR.

In the UPR 3rd Cycle 32nd Session the RGC accepted recommendation 110.45 which recommends the introduction of a gender recognition law.



3.2.5. The right to employment

- ICESCR Article 6 recognizes the right to work, which includes the “right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”. Article 6 of the ICESCR has been authoritatively interpreted as meaning

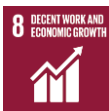


that the labor market should be open to everyone, without any discrimination, including based on SOGIESC.²⁸

- ICESCR Article 7 enshrines the “*right of everyone to the enjoyment of just and favorable conditions of work which ensure, in particular: [...] (c) equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence*”.
- Under ILO Convention No. 111 Discrimination (Employment and Occupation) States declare to promote “*equality of opportunity and treatment in respect of employment and occupation, with a view to eliminating any discrimination in respect thereof*”. The definition of discrimination includes “*such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation*”. Further, two ILO recommendations explicitly mention sexual orientation as a basis for non-discrimination.
- Yogyakarta Principle 12 “*everyone has the right to decent and productive work, to just and favorable conditions of work and to protection against unemployment, without discrimination on the basis of sexual orientation or gender identity*”.
- Yogyakarta Principle 25 “*every citizen has the right to [...] have equal access to all levels of public service and employment in public functions, including serving in the police and military, without discrimination on the basis of sexual orientation or gender identity*”.
- Eliminating discrimination on the basis of SOGIESC in the employment sector would contribute to the realization of the SDGs:



- SDG 1 – No Poverty – Allowing LGBTIQ individuals to access and maintain jobs would be improving their economic situation.



- SDG 8 – Decent Work and Economic Growth - Enabling LGBTIQ individuals to achieve “*full and productive employment and decent work*” as set out in Target 8.5.



- SDG 10 – Reduced Inequalities – Ensuring equal opportunities and reducing inequalities.²⁹

²⁸ UN Committee on Economic, Social and Cultural Rights, ‘General Comment No. 18: The Right to Work’ (Art. 6 of the Covenant) UN Doc E/C.12/GC/18 (2006), para 12 (b) (i) <<http://www.refworld.org/docid/4415453b4.html>>.

²⁹ CCHR, ‘The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Employment in Cambodia’ (December 2019) <https://cchrcambodia.org/admin/media/report/report/english/CCHR_SOGIE%20Employment%20Research%20Report_ENG_Final_24Jan2020.pdf>; UN General Assembly, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A/RES/70/1, Goal 8, Target 8.5 <http://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf>.

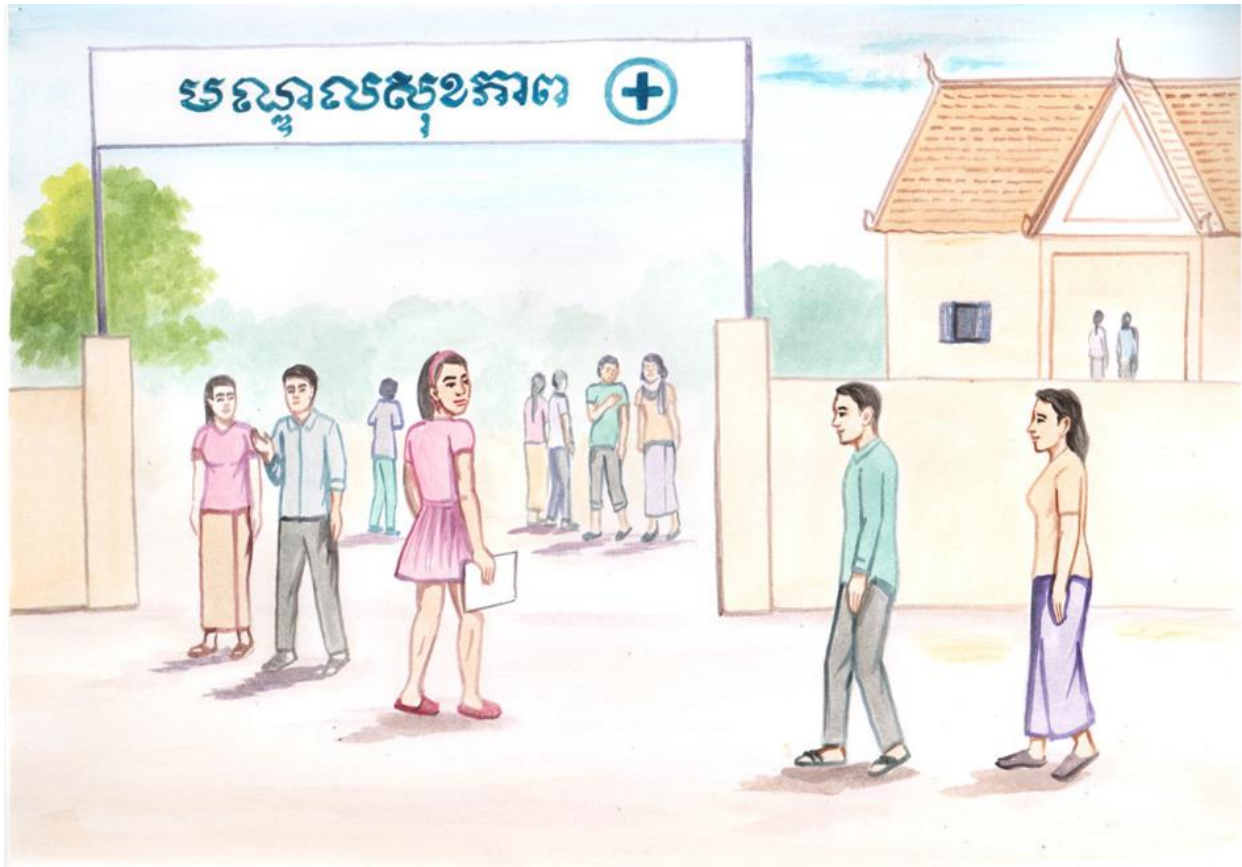


3.2.6. The right to health and SRHR

- ICESCR Article 12 recognizes *“the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”*.
- General Comment No. 22 on ICESCR Article 12 states that all groups should be able to enjoy *“equal access to the same range, quality, and standard of sexual and health facilities, information, goods and service and to exercise their rights to sexual and reproductive health without experiencing any discrimination.”* Thus, the unique sexual and reproductive health needs of a particular group must be given specific attention when receiving care.
- Yogyakarta Principle 17 states that *“everyone has the right to the highest attainable standard of physical and mental health, without discrimination on the basis of sexual orientation or gender identity. Sexual and reproductive health is a fundamental aspect of this right”*. Under Principle 17, it is recommended that States ensure, among other things, that:
 - *“healthcare facilities, goods and services are designed to improve the health status of, and respond to the needs of, all persons without discrimination on the basis of, and taking into account, sexual orientation and gender identity”*; and
 - *“facilitate access by those seeking body modifications related to gender reassignment to competent, non-discriminatory treatment, care and support”*.



- SDG 3: Good Health and Well-Being. To achieve Goal 3, States must work towards Target 3.7 which requires of them to “ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programs”.
- The UPR 3rd Cycle 32nd Session 110.50 was accepted by the RGC which recommends an adoption of comprehensive legislation and policy against discrimination and violence based on sexual orientation or gender in various sectors including the health sector.



Module 4: International Perspective on SOGIESC

4.1. Countries that criminalize SOGIESC of the LGBTIQ community³⁰

Cambodia’s domestic law does not impose criminal liability on LGBTIQ people. Regrettably, many countries across the globe have laws criminalizing SOGIESC of LGTBIQ persons.

- **69 states** outlaw same-sex actions or behaviors
- **11 states** have provisions that impose or permit the death penalty for same-sex relations:³¹



Afghanistan



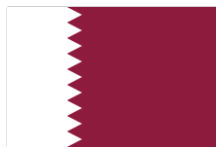
Brunei



Iran



Pakistan



Qatar



Saudi Arabia



Mauritania



Nigeria



Somalia



United Arab Emirates



Yemen

Key words for Module 4

Civil union/ partnership: the recognition of a “marriage-like” partnership of two individuals which provides the couple with *some* legal benefits.

Marriage: the legal recognition of two people as partners in a personal relationship.

Trans-national couple: a couple where the partners are citizens from different countries.

Cisgender: a person whose gender identity and expression conforms to their biological sex assigned at birth.

Sterilization: surgery which aims to remove a person’s ability to reproduce or to have children.

Legal gender recognition: the process of changing gender information on legal documents to recognize a person’s perceived gender identity.

Gender non-binary: an individual who does not conform to binary gender identities of male and female.

4.2. Countries that recognize and protect SOGIESC rights

There are also many states which have taken a proactive stance and allow individuals to freely exercise their SOGIESC. Countries across the globe have enacted laws prohibiting discrimination based on SOGIESC,

³⁰ The content in this module is accurate at the time of publishing on (December) 2021. Countries frequently change their laws to either protect or further criminalize SOGIESC.

³¹ ILGA World, ‘State-Sponsored Homophobia: Global Legislation Overview Update’ (2020) <https://ilga.org/downloads/ILGA_World_State_Sponsored_Homophobia_report_global_legislation_overview_update_December_2020.pdf>.

permitting same-sex marriage, granting equal adoption rights for LGBTIQ people, and enabling legal gender recognition for transgender people.

4.2.1. Non-discrimination

Many states across the world have taken proactive steps to combat discrimination of LGBTIQ people.³²

- 12 states have constitutional protections against discrimination based on sexual orientation.
- 60 states have “broad” protections against discrimination based on sexual orientation through penal codes or federal laws prohibiting discrimination, and some constitutional provisions prohibiting discrimination in general.
- 81 states have protection against sexual orientation discrimination in employment contexts.³³
- 47 states criminalize discrimination and violence based on sexual orientation.
- 45 states prohibit incitement to hatred, violence, or discrimination based on sexual orientation.

While some countries extend their protections more broadly among the LGBTIQ community, such as prohibiting discrimination on the basis of gender identity³⁴ and expression³⁵ most countries only protect sexual orientation as a basis for non-discrimination.

³² Accurate as of date of publication, (December) 2021.

³³ This includes some countries in Asia including Mongolia, Nepal, Taiwan, and Thailand.

³⁴ Constitution of Cuba (2019), Article 42.

³⁵ Sweden’s Discrimination Act (2008).

4.2.2. Same-sex marriage

More and more countries are legalizing same-sex marriage or same-sex unions.



At the time of publication:

29 states have legalized same-sex marriage.

31 states have legalized same-sex unions.

Marriage
 Legal recognition of a partnership with the ability to exercise rights such as childcare duties, adoption, taxation, child custody, property rights, etc.



Civil Union
 Legal recognition of a partnership with limited rights. Couples do not get the title of "marriage". A civil union is viewed as having second-class status and it does not grant full equality for same-sex couples.

Civil unions differ across the globe, dependent on each country's definition and regulation of what constitutes a civil union, with a varying range of rights and responsibilities. In some countries, partners in a civil union have nearly all the same rights as those in a marriage, whereas other countries restrict the types of rights afforded to partners in civil unions, for example a restriction on the right to adopt.

Case Study: Taiwan - first Asian nation to legalize same-sex marriage³⁶

In 2019, Taiwan became the first Asian country to legalize same-sex marriage. In 2017, the Constitutional Court of Taiwan found that the current laws defining “unions” between a man and a woman were invalid and stated that barring same-sex couples from marrying violated “the people’s freedom of marriage” and “the people’s right to equality”. The Constitutional Court then gave parliament an ultimatum: to amend existing laws or pass a same-sex marriage law within two years. The ruling was a milestone for LGBTIQ equality in Asia. Despite fierce opposition by religious groups, by 2019 the Taiwan Parliament had passed a same-sex marriage bill. Since then around 3,500 same-sex couples have married in Taiwan.

However, in reality same-sex marriage is still elusive for many, especially trans-national couples. Taiwanese people can only marry foreigners from a country where same-sex marriage is also legal. Therefore, trans-national same-sex couples in Taiwan with one partner from mainland China - where same-sex marriage is not recognized – are still not granted marriage equality. Same-sex married couples are also only allowed to adopt children who are biologically related to at least one of them.

Case Study: Thailand’s same-sex union bill³⁷

In June 2020, Thailand’s Cabinet approved a draft bill, the Civil Partnership Bill, that will legally recognize same-sex civil partnerships. If this draft-law is passed, Thailand will be the second nation in Asia to legalize same-sex unions and the first country in Southeast Asia to do so. Although this draft law does not specifically denote same-sex partnerships as “marriages”, it allows for greater rights to same-sex couples than the same-sex marriage bill in Taiwan.

The Civil Partnership Bill would allow same-sex couples to legally register their union, adopt children, claim inheritance rights, and jointly manage assets. To register as a same-sex couple, the couples must be at least 17 years old and at least one person must be a Thai citizen, which makes trans-national couples eligible for same-sex unions. However, the bill does not give all the rights and benefits that are provided to married couples such as tax exemptions, social security benefits, and medical rights. Since Thailand does not allow individuals to change their legal gender recognition from their gender assigned at birth, this draft law only permits same-sex unions between cisgender couples.

The LGBTIQ community in Thailand feels that the Civil Union bill does not go far enough and would like for all couples to be considered married partners regardless of sex or gender. Some in the community feel the bill is “discrimination in disguise” and want equal treatment to the rest of society. LGBTIQ groups in Thailand are advocating for the definition of marriage to be gender neutral and rewritten as being between “two persons”.

³⁶ See e.g., The Guardian, *Taiwan’s top court rules in favour of same-sex marriage*, May 24, 2017 <<https://www.theguardian.com/world/2017/may/24/taiwans-top-court-rules-in-favour-of-same-sex-marriage>>; NPR, *Taiwan’s Parliament legalizes same-sex marriage, a first in Asia*, May 17, 2019 <<https://www.npr.org/2019/05/17/724222598/taiwans-parliament-legalizes-same-sex-marriage-a-first-in-asia>>; Courthouse news, *Taiwan becomes first Asian nation to legalize same sex marriage*, May 17, 2019 <<https://www.courthousenews.com/taiwan-becomes-first-asian-nation-to-legalize-same-sex-marriage/>>; Washington Post, *Taiwan becomes first country in Asia to legalize same-sex marriage*, May 17, 2019 <https://www.washingtonpost.com/world/asia_pacific/taiwan-becomes-first-country-in-asia-to-legalize-same-sex-marriage/2019/05/17/d60e511e-7893-11e9-bd25-c989555e7766_story.html>; Reuters, *Happily ever after eludes Taiwan a year after Asia’s first gay marriages*, May 20, 2020 <<https://www.reuters.com/article/us-taiwan-lgbt-rights-feature-trfn/happily-ever-after-eludes-taiwan-a-year-after-asias-first-gay-marriages-idUSKBN22X03A>>; Taipei Times, *Same-sex marriage, one year later* May 17, 2020 <<https://www.taipetimes.com/News/editorials/archives/2020/05/17/2003736539>>.

³⁷ CNN, *Thailand Same-Sex Union Bill*, July 9, 2020 <<https://www.cnn.com/2020/07/09/asia/thailand-same-sex-union-bill-intl-hnk/index.html>>; Reuters, *Thai Cabinet backs bill allowing same sex unions*, July 8, 2020 <<https://www.reuters.com/article/us-thailand-lgbt/thai-cabinet-backs-bill-allowing-same-sex-unions-idUSKBN2491W4>>; Forbes, *Thailand to become first Southeast Asian country to legalize same-sex unions*, July 8, 2020 <<https://www.forbes.com/sites/alexandrasternlicht/2020/07/08/thailand-to-become-first-southeast-asian-country-to-legalize-same-sex-unions/#6e130b66584c>>.

4.2.3. Equal adoption rights

Few countries grant equal rights to adoption for LGBTIQ people.

At the time of publication:

28

UN Member States explicitly allow for joint adoption by same-sex couples.



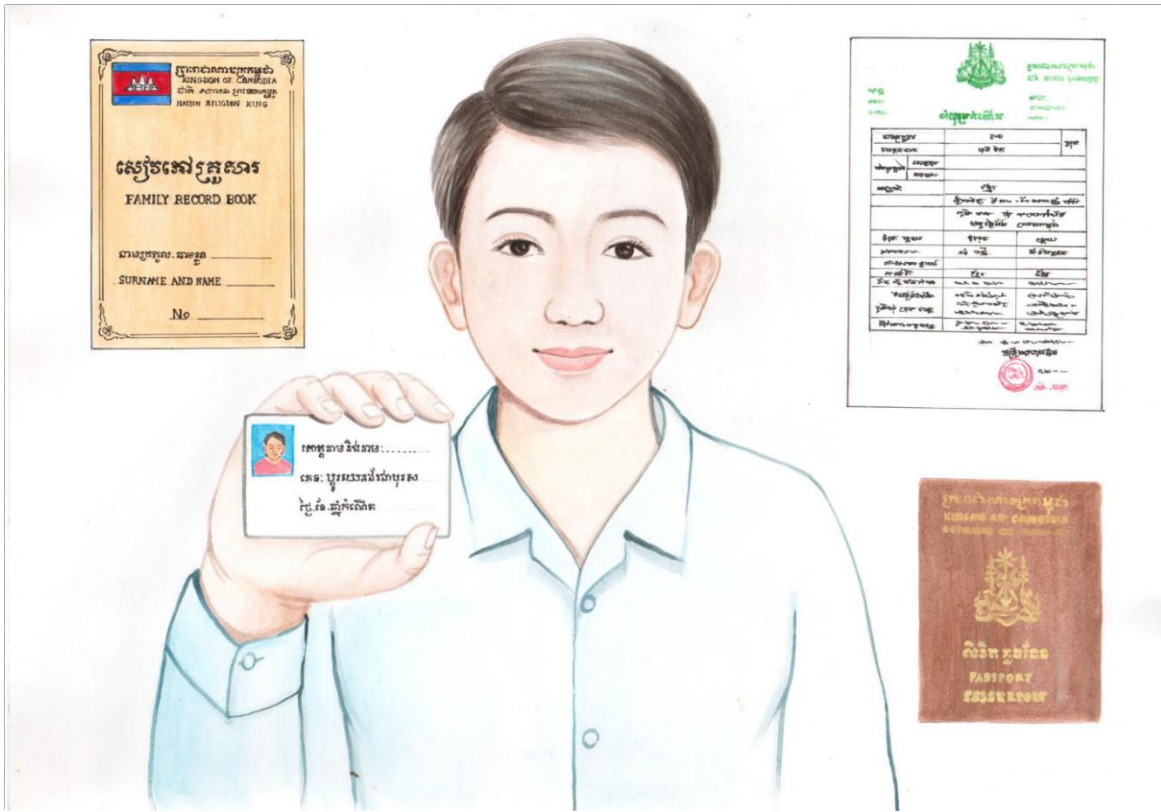
4.2.4. Legal gender recognition (“LGR”)

Legal recognition of self-defined gender identity is not granted in most countries, and of those that do, the legislation can be unduly restrictive and harmful. There is a general misconception that passing LGR laws is always a positive step to equal rights and recognition of LGBTIQ individuals. However, some LGR laws are used as a means to deter LGBTIQ individuals from realizing their full legal rights and some laws even cause serious and long-lasting physical and mental harm to transgender individuals.

Restrictive requirements for LGR

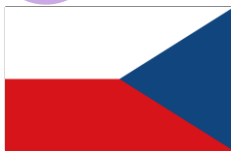
Restrictive barriers imposed by some LGR laws around the globe include:

- Extensive medical and psychological treatment.
- Surgical intervention, including requirements for the individual to have undergone full gender reassignment surgery.
- Forced sterilization.



At the time of publication:

- 45 states allow for LGR, however some impose restrictive barriers and unclear requirements in order for self-defined gender identity to be recognized.
- 30 states have progressive laws on LGR and have minimal barriers to obtaining legal recognition of self-defined gender identity.
- 21 states require surgical intervention or gender reassignment surgery for LGR.
- 6 The following states require sterilization for legal gender recognition:



Czechia



Japan



Kazakhstan



Republic of South Korea



Slovakia



Turkey

Case Study: Japan's legal gender recognition³⁸

In 2003, Japan passed the Act on Special Cases in Handling Gender for People with Gender Identity Disorder (“GID”), allowing LGBTIQ individuals to legally change their gender on the family registry but requiring them to first:

- be “*diagnosed*” as transgender by two or more physicians,
- have external organs similar to other members of the sex they wish to be assigned, and
- be sterilized.

This law rests on the misunderstanding that transgender identities are a mental health disorder and compels transgender individuals to undergo lengthy, invasive, and irreversible medical procedures, stripping away their reproductive rights. Several people have challenged this law through the courts but in 2019, the Japan Supreme Court unanimously found that the sterilization requirement was constitutional because it was “*meant to reduce confusion in families and society.*”.

Transgender men and women in Japan find these surgical requirements coercive and a substantial burden on them being able to exercise their full legal rights. As such, many transgender individuals choose to forgo the surgical requirements and are not legally recognized as their perceived gender which results in life-long negative impacts to their physical and mental well-being.

Case Study: Nepal's legal gender recognition³⁹

LGR in Nepal allows for recognition of self-defined gender identity, but it goes a step further in recognizing a third gender for non-binary individuals. In 2007, the Nepal Supreme Court ordered the government to legally recognize third genders; voter rolls, passports, and immigration forms now have a third gender option. In 2011, Nepal became the first country in the world to include a third gender on its federal census. The right was later enshrined in Nepal's Constitution guaranteeing individuals the right to choose their own gender identity.

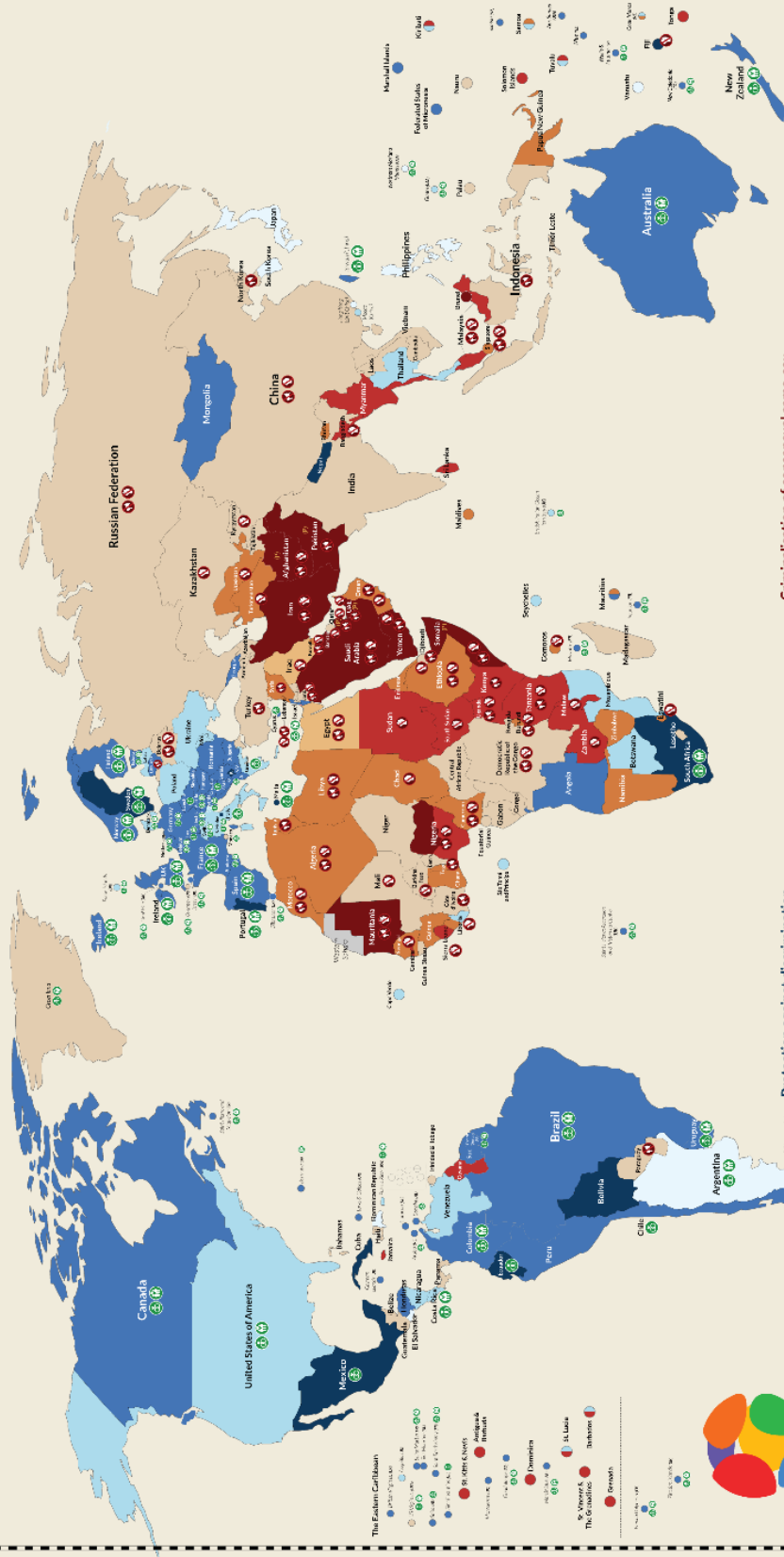
Nevertheless, implementation of these laws has been reportedly piecemeal. It took six years for the government to release the first identity cards with a third gender category. Even when the third gender category became available, it was ambiguous in the range of SOGIESC characteristics it covered and referred to the third gender category as “other”, which dehumanizes LGBTIQ individuals.

³⁸ Human Rights Watch, ‘A Really High Hurdle: Japan's Abusive Transgender Legal Recognition Process’ (2019) <[Japan's Abusive Transgender Legal Recognition Process | HRW](#)>; Hiroyuki Taniguchi, ‘Japan's 2003 Gender Identity Disorder Act: The Sex Reassignment Surgery, No Marriage, and No Child Requirements as Perpetuations of Gender Norms in Japan’ [2013] 108 Asia Pacific Law and Policy Journal 109-110; The Associate Press, ‘Japan's Supreme Court upholds transgender sterilization requirement’ (*NBC News*, 25 January 2019) <[Japan's Supreme Court upholds transgender sterilization requirement \(nbcnews.com\)](#)>; Equality (Gay Japan News) & RC-NET, ‘Japan: situation on Human Rights, Sexual Orientation, Gender Identity, and Gender Expression: A Stakeholder Report March 2017’ (2017).

³⁹ UNDP, ‘Being LGBT in Asia: Nepal Country Report’ (2014)p. 25-29 <[Being LGBT in Asia Nepal Country Report.pdf \(usaaid.gov\)](#)>; Kyle Knight, ‘How Did Nepal Become a Global LGBT Rights Beacon?’ (*Human Rights Watch*, 11 August 2017) <<https://www.hrw.org/news/2017/08/11/how-did-nepal-become-global-lgbt-rights-beacon>>; J. Michael Ryan, ‘Gender Identity Laws: The Legal Status of Global Sex/Gender Identity Recognition’ (2018) 8 LGBTW Policy Journal 8-10 <https://repositorio.ul.pt/bitstream/10451/37621/1/ICS_JMRyan_Gender.pdf>; Ankit Khadgi, ‘Nepal Might have made progress when it comes to queer rights but it still has a long way to go’ (*Katmandu Post*, 17 May 2020) <<https://kathmandupost.com/national/2020/05/17/nepal-might-have-made-progress-when-it-comes-to-queer-rights-but-it-still-has-a-long-way-to-go>>; Rukshana Newa, ‘The intricacy of legal gender recognition in Nepal’ (*Asia Pacifica*, 1 <5 January 2020) <<https://yvc-asiapacific.org/2020/01/15/the-intricacy-of-legal-gender-recognition-in-nepal/>>; Gopal Sharma, ‘Bhutan parliament decriminalizes homosexuality, to delight of activists’ (*Reuters* 10 December 2020) <[Bhutan parliament decriminalizes homosexuality, to delight of activists | Reuters](#)>.

SEXUAL ORIENTATION LAWS IN THE WORLD

From criminalisation of consensual same-sex acts between adults to protection against discrimination based on sexual orientation



Criminalisation of consensual same-sex acts between adults

Constitutional Protection	11	Broad Protection	57	Employment Protection	81	Limited/Uneven Protection	43	De Facto Discrimination	2	Up to 8 Years Imprisonment	30	10 Years or More Imprisonment	27	Death Penalty	6	Imprisonment	5
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Protection against discrimination based on sexual orientation

Legal recognition of families

11 Countries with other forms of legal union for same-sex couples

57 Countries with explicit or implicit employment protection

81 Countries with explicit or implicit employment protection

43 Countries with limited or uneven protection

2 Countries with de facto discrimination

30 Countries with up to 8 years imprisonment

27 Countries with 10 years or more imprisonment

6 Countries with death penalty

5 Countries with imprisonment

Legal barriers to the exercise of rights

Each barrier to the exercise of rights on SOGIESC issues

DECEMBER 2020



The data presented in this map is based on state-sponsored homophobia, anti-LGBTIQ+ violence, and discrimination against LGBTIQ+ people. For more information on the methodology and data sources, please visit ilga.org/world.

Source: ILGA World, 'World Map of Sexual Orientation Laws' (2020)
https://ilga.org/downloads/ENG_ILGA_World_map_sexual_orientation_laws_dec2020.pdf.

Module 5: Cambodia Domestic Legal Framework

5.1. Domestic legal framework

Cambodian law lacks explicit protections for LGBTIQ people. However, the two main sources of domestic law relied upon for SOGIESC rights and SRHR are:

- *The Constitution of the Kingdom of Cambodia*
- *The Civil Code of the Kingdom of Cambodia*

Key words for Module 5

Biological parent: a parent who has given birth to or sired a child.

Hate crime: a crime which typically involves violence, that is motivated by prejudice based on a person's characteristic such as SOGIESC, race or religion.

Legal discrimination: the failing of laws to grant equality.

Legal gender recognition: the process of changing gender information on legal documents to recognize a person's gender identity.

Cisgender: A person whose gender identity and expression conforms to their biological sex assigned at birth.

'Out': When others know about and LGBTIQ person's SOGIESC.

The Constitution of the Kingdom of Cambodia ("the Constitution")

While the Constitution makes no direct mention of LGBTIQ citizens, under Article 31 it guarantees equal rights to all Cambodians "regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations". LGBTIQ rights groups have interpreted "other situations" to be inclusive of SOGIESC, in line with international human rights standards. Further, Article 31 gives constitutional status to international treaties ratified by Cambodia which means that the Royal Government of Cambodia ("RGC") has an international obligation to uphold LGBTIQ rights under the *Universal Declaration of Human Rights*, the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, and other relevant treaties.

The Civil Code of the Kingdom of Cambodia ("the Civil Code")

Prior to the adoption of the Civil Code in 2007, domestic law explicitly prohibited same-sex marriage. The 1989 Law on Marriage and the Family expressly prohibited marriage between "a person whose sex is the same as the other". However, the 2011 Law on the Implementation of the Civil Code, abrogated this provision, marking a positive development for the LGBTIQ community by decriminalizing same-sex marriage. However, the Civil Code still contains a number of provisions that stand in the way of equality for LGBTIQ individuals and couples.

5.2. Legal discrimination in Cambodia

The Cambodia legal framework fails to acknowledge the LGBTIQ community, in places the wording of domestic law hinders LGBTIQ rights and discriminates against people with diverse SOGIESC. LGBTIQ Cambodians face different forms of legal discrimination.



5.2.1. Legal discrimination: the lack of legal protection against discrimination and violence



Cambodian domestic law lacks explicit anti-discrimination protection for LGBTIQ people and has no defined sanctions for those who commit hate crimes against LGBTIQ people. This leaves the LGBTIQ community vulnerable to discrimination and contributes to their marginalization.

- The Criminal Code of the Kingdom of Cambodia (the “Criminal Code”) does not specifically outlaw discrimination based on SOGIESC or hate crimes against LGBTIQ people.⁴⁰

Case Study: Srey Lim’s Story⁴¹

Srey Lim, a transgender woman, experienced discrimination by the Police in Siem Reap. She and a group of friends (both cisgender and transgender women) who were all sex workers, were stood near the river where they were approached by police. The police told the group they could not be there and told them to leave the area. The police made everyone leave, except the transgender women, who they forced to stand in the river or otherwise pay the police 30 dollars. This is not an isolated incident and has happened several times to other transgender women in Siem Reap. Srey Lim reports not feeling safe anymore in Siem Reap and wishes that the police would respect their rights to freely express themselves.

- The Law on the Prevention of Domestic Violence and the Protection of Victims (“the Domestic Violence Law”) discriminates against LGBTIQ people due to its narrow definition of domestic violence.

⁴⁰ Criminal Code of the Kingdom of Cambodia (2009), Article 265.

⁴¹ CCHR, ‘Discrimination Against Transgender Women in Cambodia’s Urban Centers’ (September 2016)

<https://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=115&id=3> p. 23.

Article 2 defines domestic violence as violence that is directed at (1) husband or wife, (2) dependent children, or (3) other dependents living in the household.⁴² It therefore fails to extend its protective measures of domestic violence survivors beyond the husband – wife relationship, excluding LGBTIQ couples.

- Article 12 of the Labor Law, which governs relations between employers and employees, contains provisions on non-discrimination in employment on the basis of “*race, color, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities.*”⁴³ Article 12 fails to explicitly recognize SOGIESC as a basis for non-discrimination. As such, LGBTIQ individuals are not legally protected by the Labor Law from discrimination within the workplace and can be subjected to refusal to hire or denial of promotions or benefits because of their SOGIESC.
- Article 6 of the Law on Trade Unions contains non-discrimination provisions for trade union membership, stating “*all workers or employers regardless of race, color, sex, creed, religion, political opinion, nationality, social origin, or health status are free to be members of the union or the employer association of their choice.*”⁴⁴ Since Article 6 does not explicitly mention SOGIESC as a protected characteristic, LGBTIQ individuals could be legally denied union membership based on their SOGIESC.
- The Law on the Prevention and Control of HIV/AIDS denies LGBTIQ people under the age of 18 unobstructed access to HIV testing. Article 19 states that all HIV tests must be done with voluntary and informed consent, but a minor must obtain written, informed consent from their legal guardian to be able to get tested.⁴⁵ The conditional access to HIV testing for LGBTIQ individuals under the age of 18 is a barrier to those not ‘out’ to their parents, denying them adequate and lifesaving health care.



5.2.2. Legal discrimination: the absence of legal recognition of self-defined gender identity



Cambodian domestic law fails to grant legal gender recognition for transgender Cambodians. Cambodia has no legislation which supports LGBTIQ individuals’ right to be legally recognized according to their self-identified gender. In contrast, there is also no specific provision which prohibits legal gender recognition either. As such, legal gender recognition for LGBTIQ Cambodians is up to the discretion of local authorities.

Legal gender recognition provides a sense of self, as it allows individuals to have identification documents that reflect their gender identity. It is particularly important to transgender people as it enables individuals to realize multiple other rights, including marriage and adoption. It allows couples, where one partner identifies as transgender, to enter a marriage and adopt a child by fulfilling the legislative requirement of “husband” and “wife.”

⁴² Law on the Prevention of Domestic Violence and the Protection of Victims (2005), Article 2.

<https://sithi.org/temp.php?url=law_detail.php&id=155>.

⁴³ Labor Law (1997), Article 12 <http://sithi.org/admin/upload/law/Labor%20Law%201997.%20ENG.pdf>.

⁴⁴ Trade Union Law (2016), Art. 6 <http://www.sithi.org/admin/upload/la<w/trade_union_law_eng.pdf>.

⁴⁵ Law on the Prevention and Control of HIV/AIDS (2002), Art. 19 <https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_113128.pdf>

5.2.3. Legal discrimination: the absence of marriage equality in Cambodian law



Domestic law in Cambodia does not grant same-sex couples the right to marry. The institution of marriage is highly valued in Cambodia, with only five percent of the population remaining unmarried throughout their lives.⁴⁶ Excluding LGBTIQ persons from the institution of marriage excludes them from one of the foundations of Cambodian society.

- Article 45 of the Constitution defines marriage as between a "husband" and a "wife", excluding the possibility of same-sex marriage.
- The Civil Code does not explicitly outlaw same-sex marriage, however, equally there is no explicit provision facilitating it. The Civil Code still represents a positive development as it abrogated the *Law on Marriage and Family*, Article 6 of which explicitly prohibited same-sex marriage.

Case Study: Ritthy & Lin, Thbong Khmum⁴⁷

"In 1976, I fell in love with my partner and first realized my sexual orientation. Since 1979, we've lived and worked together. We love each other and take care of each other when we are sick.

We have a family book, but it does not classify us as husband and wife — it lists us as siblings, with me as head of the family. But in our daily lives, I am the husband and my partner is the wife. The authorities said that, even though we now have these legal documents, we can only celebrate our wedding through a normal party — not an official wedding ceremony.

I feel disappointed by not being able to get married. I am a human, too. Why won't they let me get married and be equal to other people?"

5.2.4. Legal discrimination: the denial of full adoption rights



Full adoption rights are not granted for same-sex couples in Cambodia. The Civil Code in Cambodia allows for two types of adoption, full adoption and simple adoption.⁴⁸

Full Adoption

Creates a legal relationship between the child and their adoptive parents which is equal to the legal relationship between a child and their biological parents.

Is only available to married couples, thereby excluding LGBTIQ couples who are unable to marry, and single individuals.

Simple Adoption

Does not completely terminate the child's relationship with the biological parents.

Does not establish a hierarchy of rights between the adoptive and biological parents, creating uncertainty and vulnerability.

Enables a single, un-married individual to adopt, thereby allowing one member of an LGBTIQ couple to adopt but depriving the non-adoptive parent of legal protections.

⁴⁶ Dorine Van De Keur, 'Legal and Gender Issues of Marriage and Divorce in Cambodia', *The Cambodia Law and Policy Journal*, Vol. 3:2 (2004).

⁴⁷ CCHR, 'Cambodia's Rainbow Families' (November 2017) <https://cchrcambodia.org/admin/media/report/report/english/2017-11-22-CCHR-Report-Cambodia-Rainbow-Families_ENG.pdf> p. 13.

⁴⁸ The Civil Code of the Kingdom of Cambodia (8 December 2007) Book Seven, Chapter Four, Articles 1014-1015, and 1020.

Under the Civil Code LGBTIQ couples are excluded from full adoption since it is only available to married couples. As such, many LGBTIQ couples choose simple adoptions where one member of the couple adopts a child, leaving the other without legal protections in the event of death of the adoptive parent, the end of the relationship, or other unforeseen events. Moreover, simple adoptions can be dissolved upon a complaint filed by a party to the agreement and the biological parents may still retain rights to the child. These difficulties act as a deterrent for LGBTIQ couples to adopt children and effectively denies them the right to have a family.

5.3. Local authorities and police: varying interpretations of different laws and policies

There are several laws in Cambodia which are used in a discriminatory manner against the LGBTIQ community. The scope and purpose of these laws are to regulate pertinent issues but due to ambiguous provisions, local corruption, and negative perceptions of LGBTIQ people, they are used to suppress the LGBTIQ community.



- **Law on Suppression of Kidnapping, Trafficking and Exploitation of Human Persons (“Anti-Kidnapping Law”):** Families have used local authorities to forcibly separate their LGBTIQ children from their partners, under laws such as the Anti-Kidnapping Law. For example, families fabricate claims and accuse their child’s partner of kidnapping. The authorities will then investigate the case and forcibly separate the partners.⁴⁹
- **Law on Suppression of Human Trafficking and Sexual Exploitation:** Research conducted in 2009 revealed that the implementation of this Law led to the number of arrests of gay men and transgender entertainment workers increasing threefold between 2007 and 2008.⁵⁰
- **Village and Safety Community Policy (“VSCP”):** This policy, which focuses on security and public order, is often used by authorities to justify arrests and harassment of LGBTIQ persons. While this policy originally tasks local authorities with eliminating all forms of crime at the village level including drugs, prostitution, and human trafficking, authorities have frequently used it to arbitrarily target the LGBTIQ community.⁵¹
- **Law on Drug Control:** This Law, combined with the VCSP, has been used to arbitrarily target LGBTIQ sex workers. Lack of understanding of law enforcement officers has resulted in transgender sex workers experiencing arrest for drug related charges and being compelled to exchange money or valuables with the police to be released from prison.⁵²



⁴⁹ UNDP, ‘Being LGBT in Asia: Cambodia Country Report’ (2014) p. 34 <https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html> p.30-31.

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.



5.4. Policies and programs aimed at furthering LGBTIQ rights in Cambodia

The RGC and its relevant ministries have taken some action to promote LGBTIQ rights throughout Cambodia and to help Cambodians understand SOGIESC issues.

Neary Rattanak IV (2014-2018): a five-year strategic plan for gender equality and women's empowerment⁵³

While Neary Rattanak IV contains no specific provision on LGBTIQ individuals, it does recognize their needs in some capacity. The LGBTIQ community is mentioned in two of the strategic plan's key activities:

- Creating and implementing awareness-raising programs, including the right to education for LGBTIQ women and girls;
- Initiating high-level discussions with stakeholders, including LGBTIQ people, to prepare strategies to promote LGBTIQ rights and end discrimination against the LGBTIQ community in schools, the work place, communities and families.
- Neary Rattanak V (2019-2023) is still under development.

LGBTIQ education in school⁵⁴

In 2019, the RGC announced that LGBTIQ issues would be taught in school starting from grade 7, as of 2020, with modules discussing SOGIESC incorporated into sex education lessons. 3,100 Cambodian teachers were reported to have been trained to deliver the new material.

⁵³ Neary Rattanak IV, Five Year Strategic Plan for Gender Equality and Women's Empowerment (2014-2018)

<https://www.kh.undp.org/content/cambodia/en/home/library/democratic_governance/cambodian-gender-strategic-plan---neary-rattanak-4.html>.

⁵⁴ Matt Bloomberg, 'Cambodia to teach LGBT+ issues in schools to tackle discrimination' (*Reuters*, 10 December 2019)

<<https://www.reuters.com/article/us-cambodia-lgbt-education/cambodia-to-teach-lgbt-issues-in-schools-to-tackle-discrimination-idUSKBN1YE1RK>>.

5.5. Cambodia’s Third Universal Periodic Review recommendations⁵⁵

On 5 July 2019, the outcome report of Cambodia’s third Universal Periodic Review (“UPR”) cycle was adopted by the Human Rights Council. The outcome had nine recommendations specifically related to SOGIESC rights. The RGC accepted all nine, committing to enact non-discrimination legislation, laws granting equal marriage rights, and legal gender recognition.

UPR

- United Nations Human Rights Council mechanism.
- A review of the human rights record of each UN Member State every five years.
- At the end of the UPR, the State under review receives an outcome report containing recommendations to improve its human rights situation.
- The State can then accept (committing to implement) or note (not committing to implement) these recommendations.

Number	Recommendation	Recommending State	RGC response
110.45	Introduce an anti-discrimination law that guarantees and explicitly prohibits all kinds of discrimination, including on the basis of sexual orientation, gender identity or sex characteristics.	Iceland	Accepted
110.46	Introduce a gender recognition law.	Iceland	Accepted
110.47	Amend the Constitution to ensure marriage equality for same-sex couples.	Iceland	Accepted
110.50	Adopt, in consultation with civil society organizations, comprehensive legislation and policies against discrimination and violence based on sexual orientation or gender identity, and guarantee their implementation through all public entities, in particular in the education, health and labor sectors.	Mexico	Accepted
110.51	Amend article 45 of the Constitution so as to enable legal marriage equality with a view to pursuing full and equal treatment of lesbian, gay, bisexual, transgender and intersex persons in all areas.	Netherlands	Accepted
110.52	Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons.	Sweden	Accepted
110.53	Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity.	Uruguay	Accepted
110.54	Introduce, by the end of 2023, an anti-discrimination law that guarantees equality and explicitly prohibits discrimination of all kinds, including on the basis of religion, sexual orientation, gender identity and expression or sex characteristics.	Australia	Accepted
110.55	Amend article 45 of the Constitution to allow same-sex couples to marry.	Canada	Accepted

Source: CCHR Factsheet, *One year on Since Cambodia’s Third Universal Periodic Review Outcome*.

Regrettably, nothing has yet been done to implement these recommendations, however, the RGC has expressed some indication of its intention towards implementing LGBTIQ anti-discrimination laws:

“The community and families who have children and family members of those who show gender identity crisis with homosexual tendency, please recognise the truth and avoid using physical violence, insults, or evicting their children from home or psychologically oppressing them. Please give them freedom and recognition. If we are good citizens who show the community and society and make them understand that homosexuality is in our nature, I think that the government, especially the legislative institutions, will draft a law to support all of you.” **Cambodian Human Rights Committee president, Keo Remy, pride week 2020**

While such LGBTIQ supportive statements by government officials are welcomed, it is imperative that these words and commitments are transposed into concrete legislative and policy measures.

⁵⁵ CCHR Factsheet, ‘One Year On Since Cambodia’s Third UPR Review Outcome’ (July 2020) <https://cchrcambodia.org/admin/media/newsletter/newsletter/english/SOGIE_Third%20UPR%20Review%20Outcome_ENG.pdf>.

Module 6: Cambodian Perspective on Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

6.1. Preconceptions and stereotypes in Cambodian society

Deeply ingrained cultural norms on how both women and men should behave which date back centuries still have strong influence over gender perceptions and norms within Cambodia. Harmful gender stereotypes continue to be perpetuated in Cambodian society and enforce negative preconceptions of LGBTIQ people.

A survey conducted by The Rainbow Community Kampuchea Organisation (“RoCK”)⁵⁶ in 2015 found:

- 65% of heterosexual people believe that being LGBTIQ is against Khmer culture and tradition;
- 75% of heterosexual people believe that same-sex marriage is against Khmer culture and tradition;
- 59% of heterosexual people believe same-sex marriage is against nature.

However, greater acceptance and cohesion of the LGBTIQ community in Cambodia is on the rise with a steadily increasing understanding of LGBTIQ issues among the community, and increased levels of acceptance and inclusion of LGBTIQ persons throughout Cambodia.

6.2. Cultural norms and attitudes leading to LGBTIQ discrimination

6.2.1. Religion: Buddhist perceptions of SOGIESC

UNDP, *‘Being LGBT in Asia: Cambodia Country Report’ (2014)*⁵⁷

CCHR, *‘Coming out in the Kingdom: Lesbian, Gay, Bisexual, and Transgender People in Cambodia’ (2010)*⁵⁸

Theravada Buddhism is the dominant religion in Cambodia, approximately 96% of Cambodian’s follow Buddhist teachings. Buddhism does not make any distinction between homosexuality and heterosexuality.

Key words for Module 6

‘Come out’: LGBTIQ people telling friends or family about their SOGIESC.

Discrimination: unfair and different treatment of someone based on certain characteristics they possess.

Transgender (trans): Someone whose gender identity and/or expression differs from their sex assigned at birth.

Homosexual: a person who feels romantic or sexual attraction to people of the same sex or gender to their own.

Heterosexual: a person who feels romantic or sexual attraction to people of the opposite sex or gender to their own.

Same-sex marriage: marriage between people of the same sex.

Rainbow couples: two partners of the same-sex, or a couple in which one or both partners identifies as gender non-conforming, or transgender.

Social exclusion: when an individual is denied access to resources, rights, and the ability to participate in normal activities available to the majority of people in society.

Family book: a government-issued book which documents family relationships.

⁵⁶ The Rainbow Community Cambodia and TNS Cambodia, ‘Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia’ (December 2015) <<https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>>.

⁵⁷ UNDP, ‘Being LGBT in Asia: Cambodia Country Report’ (2014) <https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html>.

⁵⁸ CCHR, ‘Coming out in the Kingdom: Lesbian, Gay, Bisexual, and Transgender People in Cambodia’ (December 2010) <<http://sogi.sithi.org/admin/upload/media/118-egkykni1336367358.pdf>>.

Sometimes homosexuality is equated to “*troubled karma*”, but Buddhism’s influence is usually a “*live and let live*” or “*don’t ask don’t tell*” approach to SOGIESC.

- **Eightfold Path to enlightenment:** The steps of the Eightfold Path speak about sexual activity but do not have specific provisions which distinguish and prohibit homosexual acts, rather Buddhism teaches “*do not indulge in sexual misconduct*”, also termed as “*illegitimate sexual intercourse*”.⁵⁹
- **Marriage:** No stigma is attached to childless, unmarried people in Buddhism and no value is placed on marriage or procreation which is only considered positive if it brings about love and respect. However, Cambodian culture and societal pressures override these Buddhist teachings.

6.2.2. Social exclusion and discrimination

UNDP, ‘Being LGBT in Asia: Cambodia Country Report’ (2014)⁶⁰

LGBTIQ persons face several forms of discrimination which usually start from a young age and are a product of deep-rooted cultural values. General perceptions about the LGBTIQ community and a lack of understanding of SOGIESC from Cambodian society results in some of the following discrimination against the LGBTIQ community:



- Shame - 63% of male respondents to a survey agreed that “***I would be ashamed to have a homosexual son***”;
- Homophobic attacks and abuse - 56% of respondents to a 2013 Social Exclusion Report reported **experiencing violence from family and community members** as a result of their SOGIESC;
- Negative depiction by the media - Media outlets fabricate news, use **discriminatory words**, and generally use negative connotations to describe LGBTIQ individuals. Local Khmer language media is particularly problematic in its negative representations of LGBTIQ people;
- Wrongly accused of crime - Transgender women in Siem Reap have been barred from entry in major tourist areas due to a false **presumption that they are thieves**, and some have been wrongly arrested;
- Exploitation - LGBTIQ individuals have reported being used as **scapegoats** for criminal activities and **exploited** by corrupt officials for financial gain.

6.2.3. Impact of discrimination on LGBTIQ people

TNS Cambodia and RoCK, ‘Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia’ (2015)⁶¹

Social exclusion and discrimination have a detrimental impact on the ways in which LGBTIQ individuals view themselves and their ability to live their lives:

⁵⁹ For more information see, Walpola Rahula, ‘What the Buddha Taught’ (1959) <http://www.ahandfulofleaves.org/documents/What%20the%20Buddha%20Taught_Rahula.pdf> p.47.

⁶⁰ UNDP, ‘Being LGBT in Asia: Cambodia Country Report’ (2014) <https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html>.

⁶¹ The Rainbow Community Cambodia and TNS Cambodia, ‘Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia’ (December 2015) <<https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>>.

- 29% of LGBTIQ people never ‘come out’ and live their lives in fear and shame;
- 77% of LGBTIQ people who do ‘come out’, limit coming out to their close friends;
- 54% ‘come out’ to immediate family members;
- 21% of LGBTIQ people wish they were straight;
- Only 19% of LGBTIQ people accept themselves;
- 82% of LGBTIQ people rank discrimination related to SOGIESC as a top problem they face;
- 42% of LGBTIQ people feel shame because of their SOGIESC;
- 25% of LGBTIQ people feel self-pity;
- 50% of LGBTIQ people are more likely than straight people (40%) to state that an LGBTIQ person is not normal or natural.

Social exclusion and discrimination also have a severe impact on the mental wellbeing of LGBTIQ people:

- Only 15% of LGBTIQ people report feeling happy;
- 47% of LGBTIQ people experience sleep disruption;
- 27% of LGBTIQ people experience eating disorders;
- 30% of LGBTIQ people have *overwhelming* negative thoughts;
- 22% of LGBTIQ people feel hopeless;
- 25% of LGBTIQ people exhibit reckless behaviors, including 24% engaging in higher than average alcohol intake;
- 37% of LGBTIQ people experience a limited ability to concentrate;
- 19% of LGBTIQ people report experiencing a limited ability to enjoy life.

6.2.4. Barriers to the right to a family

CCHR, ‘Cambodia’s Rainbow Families’ (2017)⁶²

Family is a fundamental institution of life in Cambodia but the ability of the LGBTIQ community to exercise this right is difficult because of traditional gender norms and expectations for a nuclear family structure – a man and a woman marrying and having children. Both legal and social barriers prevent LGBTIQ people from achieving their right to a family. The right to a family includes the equal rights to marriage, adoption, and legal gender recognition; all of which are either completely or partially denied to LGBTIQ Cambodians.

Marriage

Marriage between two people of the same sex (“same-sex marriage”) is not recognized in Cambodian law. As such, many rainbow couples cohabit and conduct unofficial wedding ceremonies to celebrate their unions.

- 89.72% of LGBTIQ individuals stated marriage is important to them;
- 32.32% view marriage as fundamental to fit in with Khmer traditions and customs;
- 52.34% of co-habiting rainbow couples believe that their relationship is legally recognized.

⁶² CCHR, ‘Cambodia’s Rainbow Families’ (November 2017) <https://cchrcambodia.org/admin/media/report/report/english/2017-11-22-CCHR-Report-Cambodia-Rainbow-Families_ENG.pdf>.

It remains that the absence of marriage equality acts as a form of socio-cultural exclusion and alienates rainbow couples from their own communities.

- 87.85% of co-habiting rainbow couples believe that the discrimination they face would be reduced if they were legally permitted to marry their partner.

Adoption

By denying rainbow couples the legal right to marry, they are not afforded the same rights resulting from heterosexual marriages, including the ability to adopt. The Cambodian Civil Code only permits legally married couples the right to full adoption. However, approximately 32.71% of rainbow couples have children in their care, meaning at least one partner has adopted a child. 67.64% are simple adoptions or informal agreements. 40% of rainbow couples have adopted family members such as nieces or nephews.



- 87.85% of co-habiting rainbow couples stated that having a child was important to them;
- 69.70% of rainbow couples believe that they would face less discrimination if they were permitted to fully adopt their child;
- 45.71% of rainbow couples who have adopted a child received a family book;
- 88.88% of local authorities interviewed said they would be supportive of rainbow couples adopting children.

Case Study: Thida & Pov, Kampong Cham

Thida and Pov adopted three children, a one-and-a-half-year-old girl, a three-month old boy, and a one-month old girl. Their Commune Chief issued a letter of recognition for the adoptive children but the couple could not get a family book because both partner's birth certificates classify them as females. At one point the Commune Chief gave the couple a family book but took it away from them under concern that it was illegal to give a same-sex couple a family book. Having a family book is important to Thida and Pov because it accelerates their recognition as a couple and a family, and they believe it would make their life more comfortable and easier. The couple stated that they had faced discrimination in their commune before they adopted children, but afterwards their community admired them.

6.2.5. Family rejection

UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014)⁶³

TNS Cambodia and RoCK, 'Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia' (2015)⁶⁴

CCHR, 'Discrimination Against Transgender Women in Cambodia's Urban Centers' (2016)⁶⁵

Will Jackson, 'Equality far off for Cambodia's LGBT community forced to undergo 'curing'' (Phnom Penh Post, 16 May 2014)⁶⁶

Family acceptance remains one of the biggest barriers for LGBTIQ individuals to overcome. Many LGBTIQ people report frequent non-acceptance of their SOGIESC from their family, differential treatment, or outright rejection. Some families believe that being LGBTIQ brings shame and dishonor to the family. Some parents believe that being LGBTIQ is a mental illness and try to bring them to psychiatrists or traditional healers to undergo treatments to "cure" them and "get rid of the bade spirits". LGBTIQ individuals have reported being insulted, cursed, blamed, or have their personal belongings confiscated from them by family members because of their SOGIESC. Families have also threatened to disown them and involved authorities to separate rainbow couples. Family rejection can have significant impacts on LGBTIQ individuals.

- 17% of heterosexual couples said they would force their children to date the opposite sex and may force them to marry;
- 53.49% of transgender women in urban centers said a family member had tried to force them to enter a heterosexual marriage;
- 48.85% of LGBTIQ individuals said they needed to leave home because of their SOGIESC; and
- 15.27% have at some point been kicked out of their family home.

⁶³ UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014) <https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html>.

⁶⁴ The Rainbow Community Cambodia and TNS Cambodia, 'Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia' (December 2015) <<https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>>.

⁶⁵ CCHR, 'Discrimination Against Transgender Women in Cambodia's Urban Centers' (September 2016) <https://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=115&id=3>.

⁶⁶ Will Jackson, 'Equality far off for Cambodia's LGBT community forced to undergo 'curing'' (Phnom Penh Post, 16 May 2014) <<https://www.phnompenhpost.com/7days/equality-far-cambodia%E2%80%99s-lgbt-community-forced-undergo-%E2%80%98curing%E2%80%99>>.



Case Study: Meas Sophanuth

Meas Sophanuth was assigned the female sex at birth but identifies as a man and started to dress like a man in high school. Sophanuth's mother tried to force him to stop wearing men's clothing because she was terrified that Sophanuth would be seen by others as "unnatural" and bring shame to the family. Sophanuth's mother took his phone, cut him off from his friends, forced him to stay only in the family house, and took him to a traditional healer to "cure" him. Sophanuth stated that after these incidents, he felt frightened by his parents and did not feel like they were his family anymore.

6.2.6. Bullying and exclusion in schools and education

CCHR 'LGBT bullying in Cambodia's Schools' (2015)⁶⁷

UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014)⁶⁸

⁶⁷ CCHR 'LGBT bullying in Cambodia's Schools' (December 2015)

<[https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_\(ENG\).pdf](https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_(ENG).pdf)>.

⁶⁸ UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014) <[https://www.asia-](https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html)

[pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html](https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html)>.

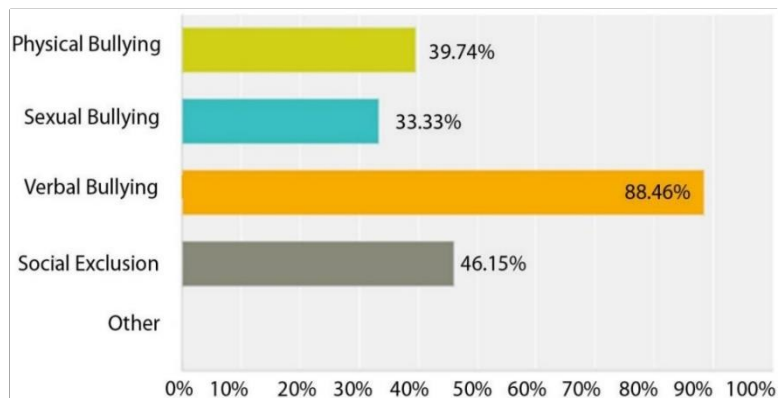
LGBTIQ individuals often experience bullying from a young age which can have serious and long-term effects on their emotional, mental, and physical wellbeing.



- 62.71% of LGBTIQ individuals experienced bullying during their time in school;
- Of those who reported bullying at school, 42.02% said they were bullied “often” or “every day”;
- 53.85% of the participants said they were sometimes bullied;
- 15.12% of participants reported either “never” or “rarely” being bullied;
- 93.59% of them felt the bullying was either partly or entirely because of their SOGIESC.

Multiple forms of bullying of LGBTIQ students have been recorded, including verbal, physical and sexual bullying.

- 84.46% of LGBTIQ people who were bullied said they were verbally bullied;
- 39.74% stated they were bullied physically, including pushing, hitting, spitting, violence, being locked in a toilet, and having belongings stolen;
- 33.33% were sexually bullied, including the victim being coerced into pulling their pants or skirt down, simulated, or actual sexual abuse, and unwanted touching;
- 46.15% stated they were socially excluded;
- 92.31% reported verbal bullying either often, sometimes, or every day;
- 73.08% of bullied LGBTIQ individuals said they encountered physical bullying at school either often, sometimes, or every day;
- 48.72% stated they experienced sexual bullying either often, sometimes, or every day.



School regulations for uniforms are inflexible, not allowing for children to freely express their gender identity: boys must wear trousers and girls must wear skirts.

- 26.89% of LGBTIQ students said that their teacher enforced uniform standards which made them feel uncomfortable, this number rose to 40.48% for survey takers who identified as transgender.

There are reports of children or teens who dress or behave differently from their assigned gender, being made to stand for the duration of the class and not allowed to sit down. Schools are failing to provide a safe space for LGBTIQ individuals and may even be active contributors to the bullying LGBTIQ individuals endure. As such, dropout rates among LGBTIQ individuals are higher than the overall student population which limits LGBTIQ individuals’ access to better job opportunities.

- Only 6% of transgender females have an education higher than secondary school;
- 30% of transgender females reported that family tried to stop them from schooling or work;
- 8% of gay males reported the same.

Case Study:

A 19-year old transgender man in Kampong Chhnang experienced extreme bullying from his teacher. He said: *"I am really upset with my school teacher. In general, male and female students don't receive punishment from the teacher, but I get punished, even though I am doing well, or I am smart in class. My teacher often scolds or blames me. I am not comfortable in my school as a transgender man. I am not discriminated much from my friends, but my teacher bullies me"*.

6.2.7. Employment discrimination and the resulting economic impact

CCHR, 'The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity, and Expression, and Sex Characteristics in Employment in Cambodia' (2019)⁶⁹

CCHR, 'Discrimination Against Transgender Women in Cambodia's Urban Centers' (2016)⁷⁰

UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014)⁷¹

UNAIDS, Ministry of Health, 'Integrated Biological and Behavioral Survey among Transgender Women in Cambodia, 2016' (2016)⁷²

TNS Cambodia and RoCK, 'Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia' (2015)⁷³

Many LGBTIQ Cambodians do not feel comfortable being open about their SOGIESC in the workplace and report workplace discrimination and exclusion, including difficulties obtaining employment due to their SOGIESC. As a result, LGBTIQ individuals experience limited job opportunities and face high rates of unemployment.

Initial barriers to employment:

- 92% of LGBTIQ people believe that job opportunities for LGBTIQ Cambodians are not equal to the rest of the population;
- 21% of LGBTIQ individuals have been refused a job because of their SOGIESC;
- 65% of LGBTIQ individuals who have been refused a job because of their SOGIESC, stated that they had been refused a job multiple times;
- 25% of LGBTIQ people reported they have hidden their SOGIESC during a job interview.



⁶⁹ CCHR, 'The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity, and Expression, and Sex Characteristics in Employment in Cambodia' (December 2019)

<https://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=139&id=3>.

⁷⁰ CCHR, 'Discrimination Against Transgender Women in Cambodia's Urban Centers' (September 2016)

<https://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=115&id=3>.

⁷¹ UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014) <[https://www.asia-](https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html)

[pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html](https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html)>.

⁷² UNAIDS, Ministry of Health, 'Integrated Biological and Behavioral Survey among Transgender Women in Cambodia, 2016' (June 2016) p. 21

<https://www.nchads.org/Publication/SSS/IBBS%20Report_V08Low.pdf>.

⁷³ The Rainbow Community Cambodia and TNS Cambodia, 'Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia'

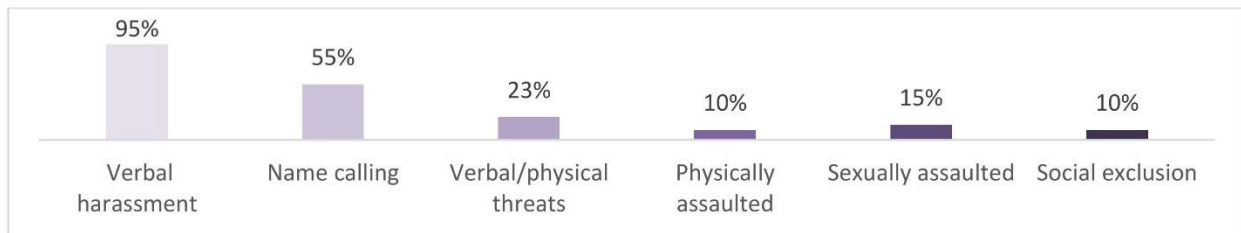
(December 2015) <<https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>>.

These barriers are perceived by both transgender and cisgender Cambodians, to be higher for transgender individuals:

- 42.1% of trans women report experiencing problems getting a job;
- 34.35% of trans women report being refused a job because of their SOGIESC;
- 26.62% of trans women said they had been dismissed from a job because of their SOGIESC.

Workplace harassment: LGBTIQ individuals often face acute forms of harassment in the workplace.

Types of harassment experienced by LGBTIQ people in the workplace because of their SOGIESC:



- 36% of LGBTIQ individuals reported facing harassment or bullying at their workplace that they believe to be a result of their SOGIESC;
- Verbal abuse such as name calling and teasing is the most prominent form of harassment;
- 62% of LGBTIQ people who experienced harassment in their workplace did not report or file a complaint about it because they felt uncomfortable reporting the harassment.

Health, social and economic impact of employment discrimination: Widespread discrimination and harassment in the workplace has wide ranging impacts on LGBTIQ people. It can severely impact mental wellbeing, with 54% of LGBTIQ people reporting that workplace discrimination they experienced led to emotional problems including depression. The barriers to accessing employment for the LGBTIQ community can also have a social impact and lead to social rejection; 94% of LGBTIQ people stated that having a job was highly important for acceptance from their family and community. The economic impact of employment discrimination due to SOGIESC is a serious concern for the LGBTIQ community. Discrimination on the basis of SOGIESC can prevent access to employment and can result in LGBTIQ people being let go from their jobs, losing them a source of income. When faced with harassment in the workplace many LGBTIQ individuals also quit their jobs. In addition to loss of income and increasing the likelihood of poverty, this can impede future job prospects and career trajectories, resulting in long-term economic impacts. The top six occupations for LGBTIQ individuals are (1) farmer; (2) self-employed / merchant; (3) student; (4) garment worker; (5) service industry; and (6) agricultural worker. These are largely marginalized sectors, which prevents LGBTIQ individuals from escaping the cycle of poverty.



Case Study: Phal, transman living in Phnom Penh.

Phal is a transman who lives in Phnom Penh and works in the sewing industry. He is 'out' to his work colleagues, but not to his boss, out of fear of being fired. He experiences high levels of verbal harassment by colleagues but has not reported it because he does not believe it would resolve the matter. This takes a toll on Phal's mental health - he feels uncomfortable going to work every day and having to hide his SOGIES from his boss. Previously, Phal worked at a garment factory in a nearby province, during this time he kept his hair long as he feared he would not be accepted otherwise. Having to have long hair for the job made him feel very uncomfortable. Phal has also experienced rejections from job applications to garment factories because of his SOGIESC.

6.2.8. Health rights

UNAIDS, 'Cambodia' (2020)⁷⁴

UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014)⁷⁵

TNS Cambodia and RoCK, 'Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia' (2015)⁷⁶

⁷⁴ UNAIDS, 'Cambodia' (2020) <<https://www.unaids.org/en/regionscountries/countries/cambodia>>.

⁷⁵ UNDP, 'Being LGBT in Asia: Cambodia Country Report' (2014) p. 49 <https://www.asia-pacific.undp.org/content/rbap/en/home/library/democratic_governance/hiv_aids/being-lgbt-in-asia--cambodia-country-report.html>.

⁷⁶ The Rainbow Community Cambodia and TNS Cambodia, 'Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia' (December 2015) <<https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>>.

LGBTIQ individuals lack proper medical care and services in Cambodia. Cambodian healthcare professionals are also not well trained in the specific health needs of LGBTIQ individuals and, as such, are unable to provide them with adequate care. Further, LGBTIQ individuals do not regularly go to doctors for fear of discrimination and unequal treatment. This lack of meaningful healthcare options leaves LGBTIQ individuals at risk of suffering from treatable diseases.

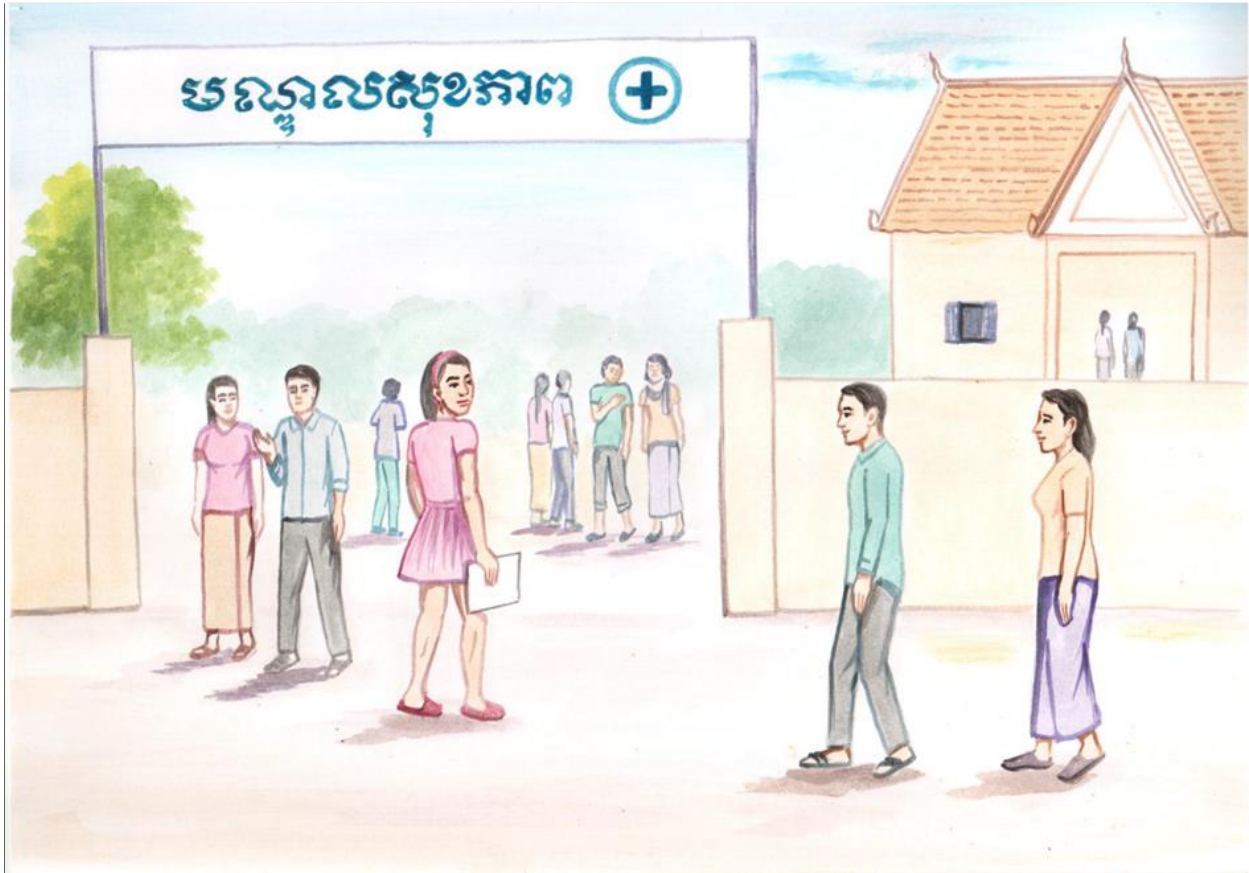
HIV: LGBTIQ individuals, especially men who have sex with men and transgender women, are an at-risk population for HIV, with high prevalence of HIV. Moreover, young LGBTIQ people under the age of 18 are ordinarily denied access to HIV testing under existing laws and policies, further harming LGBTIQ individuals' long-term health.

Mental health: LGBTIQ people face a higher risk of mental health conditions with 22% reporting they feel shameful of being themselves. This is compounded by limited mental health services specifically designed for LGBTIQ people in Cambodia.

Transgender specific health: Few medical professionals understand or have experience in dealing with transgender specific healthcare, and full gender reassignment surgery is unavailable in Cambodia. When transgender individuals do undergo surgeries, oftentimes they suffer health complications. Further, many trans individuals choose not to go to the doctor for fear of being categorized as sex workers, or criminals, or simply not taken seriously.⁷⁷

- 7% of transgender individuals have experienced discrimination by healthcare professionals;
- Transgender men who have not undergone gender affirming surgery, bisexual women, and lesbians are more likely to be victims of sexual violence or forced marriages, but they lack access to safe and adequate access to information on reproductive health, including safe abortions;
- Transgender Cambodians face barriers to healthcare services including hormone treatment, and they typically travel to other countries for surgeries or administer medical care by themselves;
- Transgender people are more likely to suffer complications and even death from unsupervised and ill-informed use of medical treatments as part of their own gender transitioning.

⁷⁷ Eduardo S. Molano, 'Cambodia' LGBT community struggles for identity' (*Nikkei Asia*, 26 March 2017) <<https://asia.nikkei.com/Location/Southeast-Asia/Myanmar-Cambodia-Laos/Cambodia-s-LGBT-community-struggles-for-identity>>.



6.3. Overcoming discriminatory norms and stereotypes

Discrimination against the LGBTIQ community is principally experienced in

- (1) family,
- (2) community,
- (3) workplace, and
- (4) health sector.

By recognizing when, where, and how LGBTIQ individuals encounter discriminatory attitudes, society can help to overcome the challenges that contribute to widespread and systematic discrimination.

1. Educate the community through schools or seminars to counter their unconscious biases;
2. Create a community and safe space for LGBTIQ individuals so that they can have a sense of self and belonging, especially if they have been ostracized by their families;
3. Cease portraying LGBTIQ individuals in a negative light in the media;
4. Respect the rights of LGBTIQ individuals to express themselves.

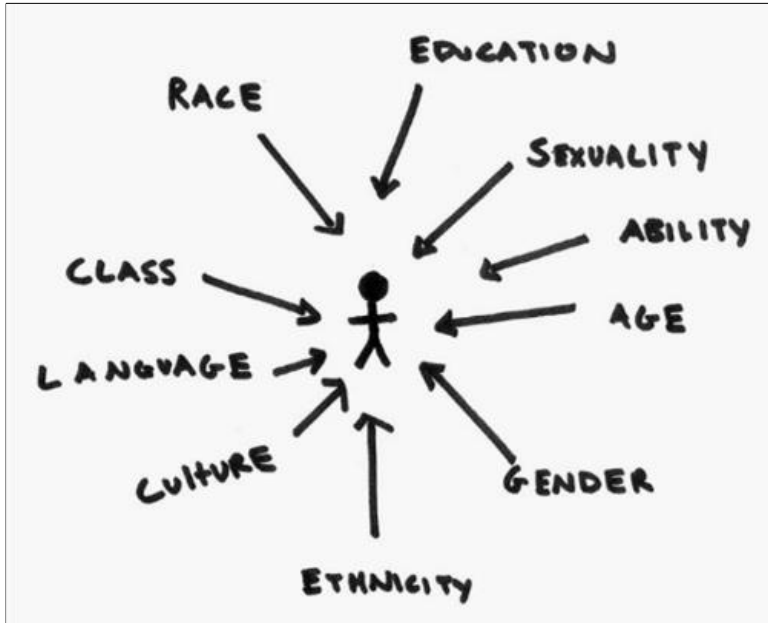
Case Study: Mrs Lorn, Family acceptance

Mrs. Lorn, a land rights activist, has a child who identifies as a transgender woman. Mrs. Lorn and her husband expressed unhappiness and anger at their child's gender identity. Mrs. Lorn joined an activist camp organized by CCHR during which a film was screened about LGBTIQ life in Cambodia. During the camp she confided to the group that she was a parent of a transgender woman. After seeing the film and receiving positive comments from others, she expressed that she felt more relaxed about her child and committed to being an LGBTIQ ally.

Module 7: Introduction to Intersectionality

7.1. What are identities?

Each individual has a number of identities that define and label their characteristics. These include social, political and economic identities, for example, race / ethnicity, religion, nationality, socio-economic status / class, ability, sexual orientation, gender identity and expression, and sex characteristics.



Source: International Women’s Development Agency, ‘What does intersectional feminism actually mean?’ (IWDA, 11 May 2018).

Identities are closely linked to how power is organized and operates within a society. In each society, some identities are seen as more “normal” or desirable. Those are given more power and privilege within the society. While other identities are seen as less desired and valued and given less power. Identities can grant privilege or increase the challenges individuals within a society may face.

Key words for Module 7

Identity: a distinguishing character or personality of an individual.

Class: a group of people within society who have similar economic and social position.

LGBTIQ: lesbian, gay, bisexual, transgender, intersex, queer.

Disability: a physical or psychological condition that restricts a person’s everyday activities or senses.

Able-bodied: without a disability.

Marginalized identities: identities that experience discrimination and exclusion because of unequal power relationships across economic, political, social and cultural dimensions in a specific society.

Intersectionality: multidimensional lens used to understand the ways in which power structures in society influence and interact with an individual’s various identities and their unique experience of discrimination or privilege.

Cisgender: A person whose gender identity and expression conforms to their biological sex assigned at birth.

What are some of your identities? Consider if any of the following are your identities:

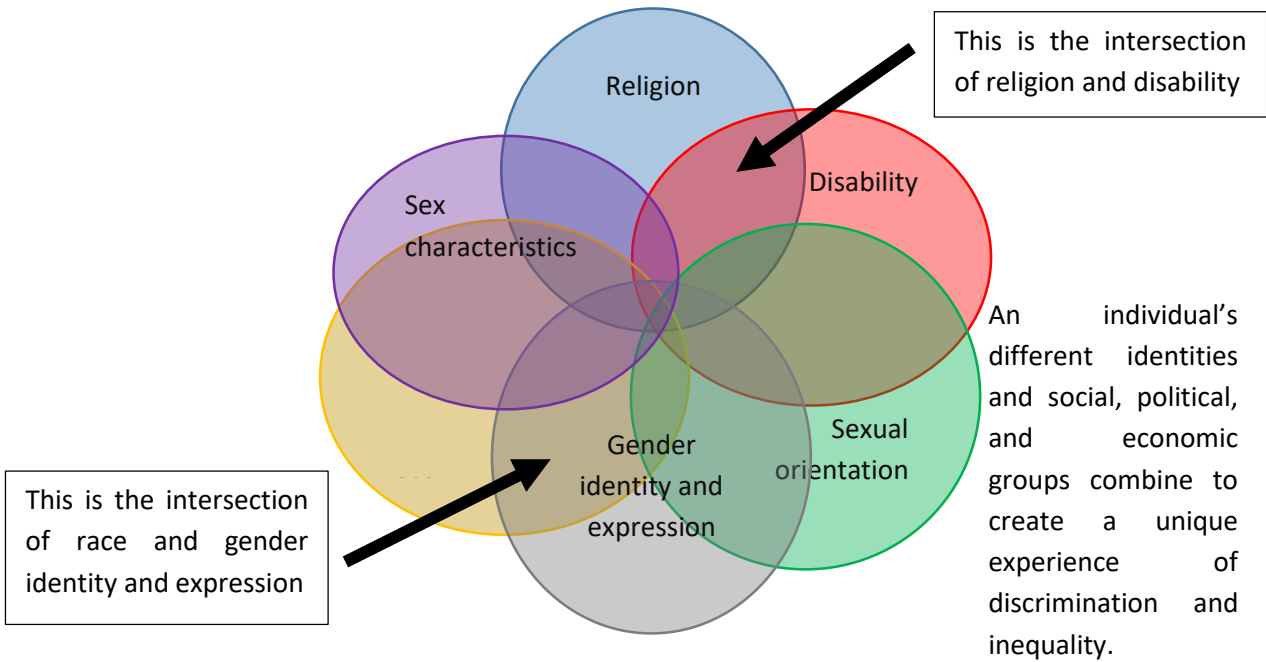
- Cambodian
- Indigenous
- Buddhist
- Muslim
- Young
- Old
- Male
- Female
- Disability
- Poor
- Rich
- **LGBTIQ**

Being LGBTIQ is just one aspect of an individual’s identity.



7.2. What is intersectionality?

Certain identities can make a person more likely to experience discrimination, including but not limited to identities regarding: race, religion, disability, sexual orientation, gender identity and expression, and sex characteristics. We can term these as 'marginalized identities'. Each society has identities that are considered marginalized. In one society, an identity may be marginalized while in another that same identity may be in the majority and given privilege. Intersectionality considers the unique experiences of people who sit at the intersection of marginalized identities within a society, as well as recognizes experiences at the intersection of marginalized and privileged identities.



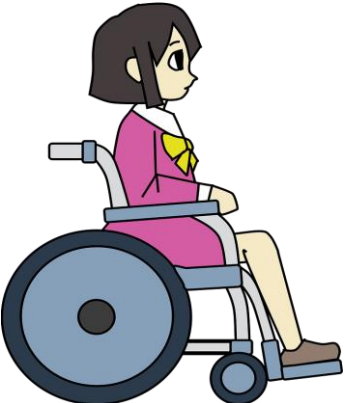

7.3. The importance of intersectionality for LGBTIQ people.

Sexual orientation, gender identity and expression, and sex characteristics are types of identities. Each LGBTIQ person will have many more different identities in addition to their SOGIESC. Therefore, they should never be defined by their SOGIESC.

Not all LGBTIQ individuals have the same experience.

The experience of one LGBTIQ individual is not representative of all LGBTIQ people's experiences. You have to consider **ALL** of their intersecting identities to understand and address the discrimination they face. Some LGBTIQ community members may experience multiple marginalized identities, beyond SOGIESC, as well as identities of privilege. Therefore, we cannot refer to experiences of all SOGIESC individuals as the same.

Compare the different intersecting identities of Kunthea and Srey Pov:

Kunthea	Srey Pov
	
<ul style="list-style-type: none"> • Cisgender Woman • Lesbian • Has a disability 	<ul style="list-style-type: none"> • Transgender woman • Able-bodied • Ethnic minority

Source: OpenClipart

Why is intersectionality important for LGBTIQ issues?

- Historically lesbian and bisexual women's issues have not been given equal attention and investment as those of gay men.
- Lesbian, gay, and bisexual issues are repeatedly prioritized over transgender issues.
- Within the transgender movement recognition of transwomen's issues have taken precedence over those of transmen.
- LGBTIQ people who are young or poor generally experience more and different problems than those who are in a better economic situation.
- LGBTIQ people who belong to an ethnic minority will experience more and different problems.

What can you do to incorporate an intersectional perspective in your own work?

Incorporating individuals from as many identity groups being addressed by your work as possible is an important way to integrate intersectional perspectives. Be sure to always consider different marginalized identities, including SOGIESC, when conducting your work. Ask yourself, how people with different identities might be affected differently by your work. Engage with the LGBTIQ community to hear their experiences and perspectives on the topic of your work. Most importantly, include individuals from the group whose rights you are addressing in your work.

Further reading to help you apply an intersectional perspective

- The International LGBTQ Youth and Student Organisation, 'Intersectionality Toolkit' (2014) <<https://www.iglyo.com/wp-content/uploads/2015/09/Inter-Toolkit.pdf>>.
- The Case for Intersectionality: Supporting LGBTQ Youth Amidst COVID-19" (2020) <<https://www.unicefusa.org/stories/case-intersectionality-supporting-lgbtq-youth-amidst-covid-19/37418>>
- An Intersectional analysis of disability and diverse sexual orientation, gender identity, expression & sex characteristics in humanitarian and development contexts (2020) <https://www.did4all.com.au/Resources/Out%20of%20the%20Margins_Full%20Report_June%202020_FINAL.pdf>

Module 8: Sexual and Gender-Based Violence (SGBV)

8.1. What is SGBV?

SGBV encompasses any harmful act that is perpetrated against a person's will because of their gender identity or expression. SGBV, also referred to as gender-based violence ("GBV"), includes physical, psychological, verbal, and socio-economic violence. The term SGBV is preferred over GBV as it explicitly references the inclusion of sexual violence, including sexual assault and rape.

Although women, men and gender non-conforming individuals alike experience SGBV, the overwhelming majority of victims are women and girls. In the LGBTIQ community, SGBV has the greatest impact on lesbian, bisexual, and transgender women and girls.

In Cambodia, research has shown that lesbian, bisexual and transgender women face disproportionately high rates of SGBV compared to heterosexual women.⁷⁸ Yet, their experiences are often overlooked when considering SGBV.

8.2. Causes of SGBV

- A primary cause of SGBV is **gender inequality**. SGBV is rooted in power imbalances between men and women - whereby one gender is empowered to the disadvantage of the other - that permeate through society.
- SGBV is also fueled by **toxic masculinity**, by which society imposes harmful stereotypical characteristics on men by referring to traditional cultural masculine norms. Toxic characteristics include: the suppression of emotions, asserting dominance, and using violence to exert power and control.
- Entrenched **traditional, cultural and religious beliefs**, as well as rigid **social norms**, and **gender-biased institutions**, perpetrate this inequality and are often used to legitimize SGBV. For example, many cultures and traditions enforce women as subservient to their fathers, brothers and husbands.

Key words for Module 8

Gender: One of two socially constructed concepts – man and woman – and a range of roles, behaviors, activities and attributes that a given society considers appropriate for the binary concepts of masculine and feminine.

Sexual and gender-based Violence ("SGBV"): Violence directed against a person because of their gender.

Gender inequality: The different and disadvantageous treatment of people on the basis of gender.

Toxic masculinity: Traditional cultural masculine norms that can be harmful to men, women and society overall.

Domestic violence: Physical violence inflicted between partners of an intimate relationship.

Cisgender: A person whose gender identity and expression conforms to their biological sex assigned at birth.

⁷⁸ Ministry of Women's Affairs, Cambodian Gender Strategic Plan - Neary Rattanak 4, (December 2014) page 11.

In the Cambodian context, the prevalence of patriarchal structures means that women continue to be seen as inferior to men. Ingrained social norms have led to women facing gender bias on a daily basis. Tradition, notably in the form of the Chbab Srey – a Khmer ‘code of conduct’ for women which promotes the principle of female submissiveness and which was taught as mandatory in schools until 2007 – still plays a huge role in the persistence of damaging gender norms.⁷⁹ A United Nations national survey conducted in 2019 revealed that 92% of Cambodian women and 82% of Cambodian men believe that the woman’s primary role is child- and house-care.⁸⁰ Similarly, the deeply ingrained dichotomy of strong masculinity and weak femininity was apparent in a 2013 study which found that 96.4% of Cambodian men and 99% of Cambodian women thought that being a man meant being tough.⁸¹

8.3. Types of SGBV

SGBV encompasses multiple types of violence: physical, sexual, verbal, psychological or socio-economical. It is frequent for one act to be a combination of several or all types of violence.

The core types of SGBV:



Source: The United Nations Relief and Works Agency for Palestine Refugees in the Near East, ‘Experience in GBV programming’ (2015).

SGBV commonly includes the following types of violence, however this list is not exclusive, and each person’s experience of SGBV is unique and legitimate:

- **Rape** - defined as non-consensual, physically forced or otherwise coerced sexual penetration;
- **Sexual assault** - any form of non-consensual sexual contact;
- **Physical assault** - comprising of any act attempting to cause, or resulting in, pain, discomfort and/or physical injury. In intimate relationships, physical violence is referred to as domestic violence;
- **Forced marriage** - a marriage in which one or more of the parties is married against their will. This includes child marriage where the child is of the age that they cannot consent;
- **Denial of resources, opportunities or services** - prevention of rightful access to economic assets or employment/earning opportunities, education, health or other social services;

⁷⁹ CEDAW/C/KHM/CO/6, ‘Concluding observations on the sixth periodic report of Cambodia’ (12 November 2019) <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CEDAW/C/KHM/CO/6&Lang=En>.

⁸⁰ UNDP in Cambodia, ‘Partnership for Gender Equality Phase IV’ (February 2019) <<https://www.kh.undp.org/content/cambodia/en/home/projects/partnership-for-gender-equity-phase-iii.html>>.

⁸¹ UNDP and UN Women, ‘Why Do Some Men Use Violence Against Women and How Can We Prevent It? Quantitative Findings from the United Nations Multi-country Study on Men and Violence in Asia and the Pacific’ (2013) <<https://asiapacific.unwomen.org/-/media/field%20office%20eseasia/docs/publications/2013/09/why-do-some%20men.pdf?la=en&vs=5140>>.

- **Psychological or emotional abuse** - infliction of mental or emotional pain or injury. This includes threats of other forms of violence, intimidation, humiliation, verbal harassment and unwanted attention;
- **Human trafficking** - the use of force, fraud or coercion to obtain labor or for the purpose of sexual exploitation, including forced prostitution.



8.4. Perpetrators of SGBV

Perpetrators of SGBV fall under three main categories:

1. Intimate partners
2. Other family members
3. Perpetrators outside the family.

Intimate partners are the most common perpetrators of SGBV, because of the privacy offered by the home. Resultantly domestic violence is the most prevalent form of SGBV.

As domestic violence is the most common form of SGBV, the inadequacy of Cambodian law on domestic violence for LGBTIQ people is highly problematic. LGBTIQ people are excluded from the protection of the *Law on the Prevention of Domestic Violence and the Protection of Victims*, which defines domestic violence as violence that happens towards “*husband or wife*”, “*dependent children*” or other dependents.⁸² The Law’s narrow scope of application means that its protective measures do not apply to same-sex couples or heterosexual couples where one person is transgender. This leaves LGBTIQ individuals with no legal protections against the most frequent form of SGBV they may be exposed to.

⁸² *Law on the Prevention of Domestic Violence and the Protection of Victims* (2005).



Source: World Health Organization and UN Women Cambodia, *National Survey On Women’s Health and Life Experiences in Cambodia – Report (2015)*.

A 2015 survey showed that at least one in five women in Cambodia (20.9%) have experienced physical and/or sexual violence by an intimate partner, the second highest rate in South-East Asia after Vietnam.⁸³ The same survey also revealed that 20% of women reported that their first sexual experience was either coerced or forced.⁸⁴

8.5. SGBV for LGBTIQ people

LGBTIQ individuals are particularly vulnerable to SGBV due to archaic perceptions of gender roles. Increased visibility of LGBTIQ individuals is gradually improving the acceptance of some societies towards diverse sexual orientation, gender identity and expression, and sex characteristics (“SOGIESC”). Further, legislative developments seeking to uphold and protect LGBTIQ rights are slowly being introduced around the world, yet Cambodia has yet to follow suit.

Factors that exacerbate the rates of SGBV that an LGBTIQ individual may experience include:

- Being a woman (cisgender or transgender woman);
- Belonging to a racial minority;
- Coming from an indigenous community;
- Lacking economic stability.

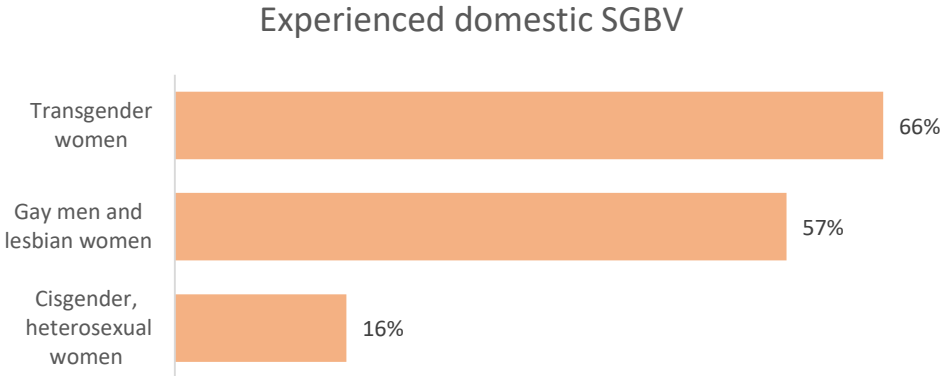
Some members of the LGBTIQ community have multiple marginalized identities, beyond just their SOGIESC, potentially leading to higher rates of SGBV. The experience of one LGBTIQ individual will therefore not be representative of all LGBTIQ individuals.

Rates of domestic and sexual violence experienced by LGBTIQ individuals are much higher than for the general population. A 2013 study found that 57% of gay and lesbian people and 66% of transgender

⁸³ World Health Organization and UN Women Cambodia, ‘National Survey on Women’s Health and Life Experiences’ (2015), <<https://asiapacific.unwomen.org/en/digital-library/publications/2015/11/national-survey-on-women-s-health-and-life-experiences-in-cambodia#view>>.

⁸⁴ Ibid.

females in Cambodia had experienced domestic violence from families or partners.⁸⁵ In comparison, a survey conducted in 2014, only 16% of cisgender, heterosexual women reported experiencing physical intimate partner violence in their lifetime.⁸⁶



However, rates of SGBV against LGBTIQ individuals remains prevalent. In a 2019 study, 81% of lesbian, bisexual, and transgender respondents reported experiencing emotional violence/abuse from their families, 10% experienced sexual violence, mostly from forced marriages, and 11% endured physical abuse by family members.⁸⁷

In 2021, the Cambodian Ministry of Women’s Affairs’ Five-Year Strategic Plan (2019 – 2023) noted that lesbian, bisexual, and transgender women were among the most vulnerable members of society, facing a higher risk of discrimination, stigma and SGBV.⁸⁸

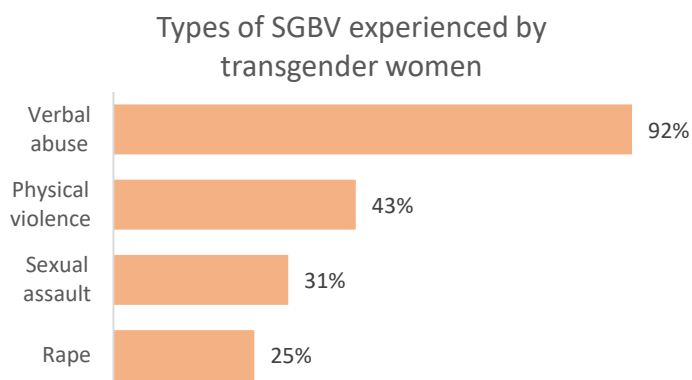


Among the LGBTIQ community, transgender people are particularly vulnerable to discrimination and violence because their SOGIESC is most often visible to others.

⁸⁵ Voice, ‘Exploring Cambodian Voices’ (2018) <<https://voice.global/assets/2018/08/Exploring-Cambodian-Voices.pdf>> p. 12; Vicente S. Salas and Srun Sorn, ‘An Exploration of Social Exclusion of Lesbians, Gay, and Transgender persons in families and communities in some areas of Cambodia and their Ways of Coping’ (2013).
⁸⁶ Department of Legal Protection, Ministry of Women’s Affairs, ‘Cambodia Data Sheet on Intimate Partner Violence’ <https://cambodia.unfpa.org/sites/default/files/pub-pdf/Leflet_IPV_English.pdf>. There is no demographic on the SOGIESC of the survey respondents but it is assumed that all, or the vast majority, were cisgender and heterosexual.
⁸⁷ Rainbow Community Kampuchea, ‘I married a man to satisfy my parents: Family Violence towards Lesbian, Bisexual and Transgender (LBT) People in Cambodia’ (June 2019) <https://www.rockcambodia.org/wp-content/uploads/2020/07/Family-Violence-LBT_ENG-19.06.2019.pdf>.
⁸⁸ Ministry of Women’s Affairs, ‘Neary Rattanak V: Five Year Strategic Plan for Strengthening Gender Mainstreaming and Women’s Empowerment 2019-2023’, <<https://www.mowa.gov.kh/wp-content/uploads/2021/02/Neary-Rattanak-V-final-Eng.pdf>>

This was echoed in a survey conducted by CCHR in 2015 which showed that out of 135 Cambodian transgender women:

- 92% had experienced verbal abuse in a public place;
- 43% had experienced physical violence in a public place;
- 31% had been sexually assaulted in a public place;
- 25% had experienced rape.⁸⁹



In all of these cases, the individuals believed they had been subjected to SGBV because of their transgender identity.

Another study conducted by the National Center for HIV/AIDS, Dermatology and STD in 2016, which focused on transgender women in Cambodia, found quite similar figures. Respondents revealed that the second most common discrimination they experienced, second only to difficulties finding employment, was sexual abuse or assault, which 39% reported they had experienced. 24% of respondents said they had been physically abused or beaten.⁹⁰

In addition to the direct violence that LGBTIQ individuals may experience in Cambodia, they also face structural or indirect forms of discrimination:

- **Legal discrimination:** Cambodian LGBTIQ individuals face different forms of legal discrimination including the lack of legal protection against discrimination and violence, the absence of legal recognition of self-defined gender identity, the absence of marriage equality in Cambodian law, and the denial of full adoption rights to rainbow couples.
- **Discrimination in accessing healthcare, education and employment:** in a 2019 report by CCHR, it was revealed that 21% of LGBTIQ individuals interviewed had previously been refused a job because of their SOGIESC.⁹¹
- **Stigma:** Cambodian LGBTIQ individuals continue to be discriminated against and excluded in several areas of social life.
- **Lack of social recognition and family support:** many LGBTIQ individuals report being rejected by their families or subjected to forced marriages or ‘cures’ for being LGBTIQ, as well as mental and physical abuse.⁹²

⁸⁹ CCHR, ‘Discrimination Against Transgender Women in Cambodia’s Urban Centers (2016)

<https://cchrcambodia.org/admin/media/report/report/english/2016_09_21_SOGI_Report_Eng.pdf>.

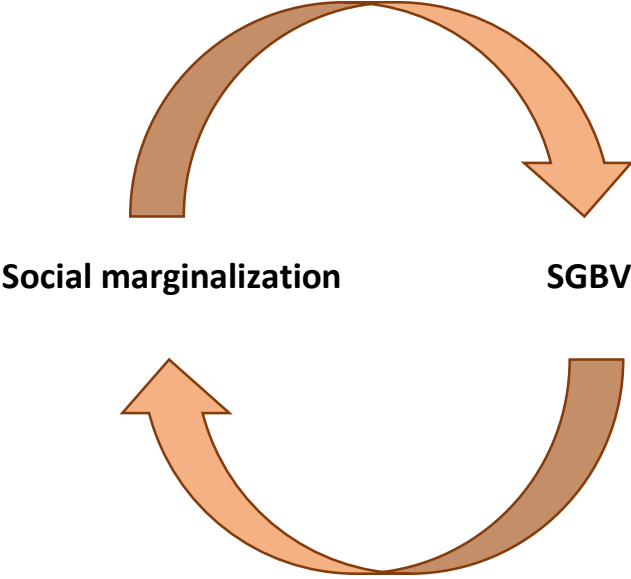
⁹⁰ National Center for HIV/AIDS, Dermatology and STD, ‘Integrated Biological and Behavioral Survey among Transgender Women in Cambodia, 2016’ (June 2016) <https://www.nchads.org/Publication/SSS/IBBS%20Report_V08Low.pdf>, p. 21.

⁹¹ CCHR, ‘The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity, and Expression and Sex Characteristics in Employment in Cambodia’ (December 2019)

<https://cchrcambodia.org/admin/media/report/report/english/CCHR_SOGIE%20Employment%20Research%20Report_ENG_Final_24Jan2020.pdf>, p. 26.

⁹² OHCHR, ‘“Cure the problem not the people” - Landmark report on LGBT rights in Cambodia presents facts, experiences, and recommendations’ (August 2014) <<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14925&LangID=E>>.

These elements contribute to the social marginalization of many LGBTIQ individuals which, in turn, can expose them to higher rates of SGBV, in a vicious cycle.



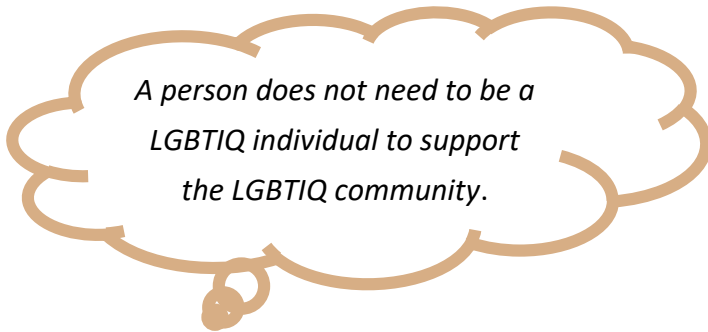
Module 9: Being an ally and taking steps towards equality

9.1. What is an ally and who can be one?

LGBTIQ ally =

a straight and/or cisgender individual who supports and advocates for the LGBTIQ community. Organizations and business can also be LGBTIQ allies.

Everyone can be an ally: behind the concept of “ally” is the idea that:



Key words for Module 9

Ally: a person who aligns with and supports a cause with another individual or group of people.

Straight / heterosexual: a person who has a partner of the opposite sex or gender.

Cisgender: A person whose gender identity and expression conforms to their biological sex assigned at birth.

LGBTIQ: Lesbian, gay, bisexual, transgender, intersex, queer.

Prejudice: an unfavorable opinion, idea, or belief about an individual or group that is not based on reason or actual

Existing allies in Cambodia⁹³

King Norodom Sihanouk and King Norodom Sihamoni

In a statement posted to his website in 2004, the late King Norodom Sihanouk said:

"I am not gay, but I respect the rights of gays and lesbians. It's not their fault if God makes them born like that".⁹⁴



Both he and his successor, King Norodom Sihamoni, have expressed their support for same-sex marriage.

The Cambodian Center for Human Rights (“CCHR”)

CCHR is a human rights non-governmental organization with a core focus area on Equality and Non-Discrimination. CCHR’s Sexual Orientation, Gender Identity and Expression and Sex Characteristics (“SOGIESC”) Project is dedicated to improving respect for and understanding of LGBTIQ rights in Cambodia.



And many more...

RoCK
RHAC

⁹³ This is not an exhaustive list.

⁹⁴ Alex Spillius, “I’m not gay, says 81-year-old monarch with 14 children” (*The Telegraph*, 25 February 2004)

<<https://www.telegraph.co.uk/news/worldnews/asia/cambodia/1455293/Im-not-gay-says-81-year-old-monarch-with-14-children.html>>.

9.2. Why do we need allies?

LGBTIQ allies are crucial in preventing discrimination and achieving equal rights. The LGBTIQ population is a minority and cannot achieve change on their own. Allies can be a bridge between communities, by having compassion for a minority's struggles and expressing the need for change to the majority.⁹⁵ Allies help promote LGBTIQ voices and relay their message, thereby contributing to the creation of a more welcoming and inclusive society.



9.3. How can you be an ally?



<https://www.instagram.com/tylerfeder/>

<https://outlinesurrey.org.uk/idahobt2019-how-to-be-an-ally/>

There are many different ways to be a LGBTIQ ally. In general, to be a good ally, it is important to:

- **Listen** to LGBTIQ voices, with an open-mind;
- **Educate** yourself about LGBTIQ issues and concerns;
- Recognize that you derive **privilege** as a result of your cisgender / straight status;
- Be aware of your own **prejudices** and work to erase them;
- Not automatically **assume** that everyone you meet is straight or cisgender;
- **Speak out** against offensive jokes, language or statements that attack the LGBTIQ community;
- Use your voice to **advocate** for the LGBTIQ community.

⁹⁵ Tim Gibson, "Why we need straight allies" (myGwork) <<https://www.mygwork.com/en/my-g-news/why-we-need-straight-allies>>.

