

December 2010

**COMING OUT IN THE KINGDOM:
LESBIAN, GAY, BISEXUAL AND TRANSGENDER
PEOPLE IN CAMBODIA**



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CAMBODIAN CENTER FOR HUMAN RIGHTS

ABOUT THE CAMBODIAN CENTER FOR HUMAN RIGHTS

The Cambodian Center for Human Rights (CCHR) is a non-political, independent, non-governmental organization that works to promote and protect democracy and respect for human rights in Cambodia. CCHR's vision is of a non-violent Cambodia in which people enjoy their fundamental human rights, are treated equally, are empowered to participate in democracy, and share the benefits of Cambodia's development. We desire rule of law rather than impunity; strong institutions rather than strong men; and a pluralistic society in which variety is harnessed and celebrated rather than ignored or punished. Our logo - a dove flying in a circle of blue sky - symbolizes Cambodia's claim for freedom.

This report, *Coming out in the Kingdom: Lesbian, gay, bisexual and transgender people in Cambodia*, is an output of the LGBT Rights Project implemented by the Cambodian Center for Human Rights

ACKNOWLEDGEMENTS

This report is made possible by the generous support of the Swedish Association for Sexuality Education (RFSU – *Riksförbundet för sexuell upplysning*). The contents are the responsibility of CCHR.

QUERIES AND FEEDBACK

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A report by the Cambodian Center for Human Rights (“CCHR”)
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Abbreviations

“Cambodia”	The Kingdom of Cambodia
“Constitution”	The Constitution of the Kingdom of Cambodia
“CCHR”	Cambodian Center for Human Rights
“ICCPR”	International Covenant on Civil and Political Rights
“ICESR”	International Covenant on Economic, Social and Cultural Rights
“KHANA”	Khmer HIV/AIDS NGO Alliance
“LGBT”	Lesbian, Gay, Bisexual, Transgender
“Project”	The LGBT Rights Project implemented by the Cambodian Center for Human Rights
“LGBT Groups and Individuals”	LGBT organizations, NGOs, grass-roots initiatives, community-based organizations and other LGBT groups and individuals
“MSM”	Men who have Sex with Men
“RGC”	Royal Government of Cambodia
“RoCK”	Rainbow Community Kampuchea
“UDHR”	Universal Declaration of Human Rights
“Workshop”	The LGBT Workshop held by RoCK and the Cambodian Center for Human Rights on 15 May 2010 in Phnom Penh
“WSW”	Women who have Sex with Women
“Yogyakarta Principles”	Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity

Executive Summary

As a result of differences in language and culture, the concept of ‘homosexuality’ as understood in the West is not necessarily directly transferable and understandable in the Cambodian context. Rather, the Cambodian understanding of sexuality is derived from concepts of gender, character and personality. The focus on these character traits and outwardly visible characteristics instead of sexual orientation means that many Cambodians who are homosexual do not identify themselves as such.

Among Buddhists, there is a general disposition to tolerate homosexuality. Because Cambodian culture is predominantly Buddhist, homosexuality, whilst seen as an oddity, does not attract the kind of aggressive reaction as can be seen in Christian or Muslim cultures. Buddhism itself places no value on marriage or procreation. Marriage and procreation are considered positive if they bring about love and respect, but may be deemed negative if pain or strife is caused. However, in Cambodia, cultural, social and economic pressures override Buddhist teachings on marriage – family values are incredibly important and pressure is strong for sons and daughters to marry and have children.

King Father Norodom Sihanouk has expressed public support for LGBT people but the views of other politicians have been mixed. In 2007, Prime Minister Hun Sen publicly disowned his adopted daughter for being a lesbian while imploring parents of gay Cambodians not to discriminate against them. The challenges faced by LGBT people in Cambodia have not been acknowledged by the Royal Government of Cambodia (“RGC”) and do not seem to feature on the RGC agenda at all.

Homosexuality is not illegal in Cambodia and there are no anti-gay religious traditions. However, LGBT persons in Cambodia still face discrimination and/or abuse from family members, employers, and police.

Cambodian society can be tolerant of male homosexual behavior provided it is discrete and does not affect the traditional family structure. Sexual behavior amongst male youths may be seen as harmless experimentation, since women are expected to remain ‘pure’ until marriage. Youthful indiscretions may be forgotten or may continue unnoticed. However, eventually men are expected to marry and father children. Given traditional gender roles, women have less ability to pursue same-sex relationships than homosexual males, either privately or publicly.

Given the emphasis placed on marriage and children, most LGBT individuals will feel pressured by family to continue the family line. In addition, the lack of a social security system often means that the older generation becomes heavily reliant on the support and care of the younger generations of their family. Pursuing a homosexual relationship is a path most individuals cannot socially or economically afford to take. The risk of ostracism from a close family network and economic difficulties posed by living outside the family network may mean

that LGBT persons do not live the lives they wish to or have to conduct homosexual relationships in secret.

While LGBT persons appear to most commonly face abuse from their own families and communities, they also sometimes suffer at the hands of the State through the actions of those in positions of authority. Those in positions of authority within the state who instigate or oversee discrimination or violence against LGBT individuals may consciously or unconsciously conceive of such treatment as 'punishment' for not adhering to accepted social norms. The perpetrators may also feel a sense of entitlement, seeing themselves as of a higher social status and morally superior to LGBT individuals, who they treat as morally deplorable and second-rate citizens.

Lesbian, gay, bisexual and transgender people are entitled to all of the same rights as other individuals. Both Cambodian and international law prohibit discrimination against individuals based on their personal characteristics, guaranteeing equal rights and freedoms and equal application of the law to all individuals.

There are encouraging developments taking place in Cambodia that indicate the emergence of a nascent LGBT community. In 2003, international and Cambodian activists began 'Pride' in Phnom Penh, an annual celebration and recognition of LGBT rights which includes workshops, film festivals, art exhibits and social gatherings and coincides with the International Day against Homophobia. This culminated in the largest Pride event in Phnom Penh in 2009, with an attendance of over 400 people.

Following the success of this event, its coordinators decided to establish RoCK. The purpose of this group is to support, strengthen and extend the existing LGBT community in Cambodia and to raise awareness and understanding of LGBT issues and rights. The organization is sub-divided into four working groups: Community education, LGBT rights and advocacy, Lesbian support, and the Pride Organization Committee 2010. The establishment of RoCK indicates a clear progression for LGBT people in Cambodia to actively pursue their human rights.

The internet has allowed gay Cambodian people to connect to other gay people, thus raising awareness of a wider, global LGBT community and the possibilities of participating in this. The LGBT social life has improved in Cambodia with Phnom Penh and Siem Reap having what might be described as intimate LGBT social scenes. While these developments are encouraging, it is important to note that most Cambodians live in rural areas and therefore are not exposed to developments occurring mainly in Phnom Penh or online communities.

The CCHR's LGBT Rights Project will aim to empower both rural and urban LGBT Cambodians, providing information and coordination to allow LGBT Groups and Individuals to network effectively and providing training for documenting instances of abuse occurring throughout Cambodia. The LGBT Rights Project will support LGBT Cambodians in advocating for the recognition of the fact that LGBT people have the same human rights as everyone else.

1. Introduction

In a country still recovering from the impact of years of civil war and repression, and in a society already faced with ongoing human rights abuses in numerous areas, lesbian, gay, bi-sexual and transgender (“LGBT”) individuals in the Kingdom of Cambodia (“Cambodia”) face a difficult challenge in achieving equality. While homosexuality is not illegal in Cambodia, LGBT people are often politically and socially marginalized.

LGBT individuals in Cambodia often face discrimination and abuse from not only their families, communities, and employers but also from state institutions such as local authorities and police. Although bigotry and harassment are commonplace, individual incidents are not usually documented due to the stigma associated with LGBT identities, which results in a lack of acknowledgment and support provided in response to such discrimination. Accordingly, LGBT individuals will often not report instances of discrimination and abuse and go without redress. Those that do report instances of abuse may be ignored or worse yet, face further abuse. As a result, LGBT individuals in Cambodia often do not know where to turn when victimized.

One of the most significant factors contributing to the discrimination against LGBT individuals is the emphasis placed by Cambodian society on the traditional family unit. Individuals and relationships falling outside of that norm are stigmatized. Cultural, social, political and economic pressures all dictate that individuals should enter into heterosexual marriages and have children. Some people even deny that LGBT individuals exist in Cambodia.

Given the stigma associated with LGBT people in Cambodia, and the consequent reluctance to speak about issues like discrimination, there is little known about the experiences of LGBT people within their families and communities. This has prompted the Cambodian Center for Human Rights (“CCHR”) to assess the current situation. Through speaking with LGBT people in communities throughout Cambodia, CCHR’s LGBT Rights Project (the “Project”) has identified signs of an emerging LGBT community. The Project will seek to empower this community to promote the rights of LGBT people in Cambodia to participate in social, economic, political, and cultural life without discrimination.

While this Report uses the LGBT terminology to discuss the situation of LGBT people in Cambodia, it is important to bear in mind that such terminology is new for Cambodian society, including LGBT individuals themselves, who may not identify themselves as lesbian, gay, bi-sexual or transgender (as discussed in Section 2 of this Report). The concepts of sexual orientation and gender identity that have developed in the West may not do justice to the flexible way sexuality is perceived in Cambodia. Accordingly, another challenge to advancing LGBT rights in Cambodia is finding the appropriate language to use when engaging in dialogue with Cambodians about sexual orientation and gender identity.

This is a crucial time for the development of an LGBT movement in Cambodia. It is hoped that this Report will not only document and inform the current situation for LGBT people in Cambodia but also promote acknowledgment of LGBT rights and pave the way for future discussion and education about LGBT rights-related issues.

Purpose, scope and methodology of the Report

There have only been a small number of studies of the situation of LGBT people in Cambodia to date. Most of these have focused on health issues related to sexual behavior.¹ This Report looks at the current situation for LGBT people in Cambodia from a human rights perspective, noting that LGBT people are entitled to exactly the same human rights as others in the community.

Section 2 of the Report provides some context to the situation for LGBT people in Cambodia by examining social and religious perceptions of LGBT people and the extent to which the concerns of the LGBT community have been recognized by politicians. Drawing on interviews and discussions with LGBT Cambodians throughout Cambodia, Section 3 attempts to paint a picture of the experiences and challenges faced by LGBT Cambodians today. Section 4 introduces a human rights perspective, noting that LGBT people are entitled to the same full range of human rights as everyone else in Cambodia. Discrimination in recognition of those rights is prohibited by both national and international law. Section 5 examines the emergence of a nascent LGBT community in Cambodia and the prospects for the development of a Cambodian LGBT movement to promote recognition and respect for the equal human rights of LGBT people.

The research in this report was supported by interviews with approximately 60 LGBT Cambodians, conducted in September and October 2010. The interviews took place in Phnom Penh, Kandal, Kampong Thom, Siem Reap, Battambang, Banteay Meanchey, Pursat, Kampong Chhnang, Kampong Speu, Takeo, and Sihanoukville. CCHR met with interviewees in both groups and on a one-on-one basis. The interview structure was informal.

The overriding message received was that LGBT individuals are looking for three things: (1) an end to the discrimination against them, in their families, in school and in the community; (2) the ability to be with a person they love and to have a family; and (3) to have a job with no discrimination.

This Report is an output of CCHR's wider LGBT Rights Project which, over the course of the next three years, will focus on mapping and bringing together existing LGBT organizations, NGOs, grass-roots initiatives, community-based organizations and other LGBT groups and individuals (together "LGBT Groups and Individuals"). CCHR aims to empower LGBT Groups and Individuals

¹ See, for example: Teodoro Ambrosio P. Catalla, Kha Sovannara, and Gerard van Mourik, *Out of the shadows: Male to male sexual behaviour in Cambodia* (Phnom Penh: Khana/International HIV/AIDS Alliance, 2003); Kha Sovannara and Chris Ward, *Men who have sex with men in Cambodia: HIV/AIDS vulnerability, stigma, and discrimination* (Phnom Penh: POLICY/USAID, 2004); Miche Rodolph and Sara Hersey, *Sexual behavior, STIs and HIV among men who have sex with men in Phnom Penh, Cambodia 2000* (Phnom Penh: Family Health International/USAID, 2002).

to document and report abuse and discrimination against LGBT people and support an LGBT rights movement through further research into issues faced by LGBT persons in Cambodia.

2. Perceptions of sexual orientation and gender identity in Cambodia

Attitudes towards same-sex love and sex vary greatly between different cultures and during different historical periods. However, regardless of differing cultural attitudes, same-sex love and sexual activities occur amongst some members of most societies. All cultures have their own values regarding appropriate and inappropriate relationships and sexual behavior. The prevailing attitudes and perceptions of each culture determine whether such behavior is accepted, stigmatized, or even punished. This section examines perceptions of gender identity and sexual orientation in Cambodia.

Cultural perceptions

As a result of differences in language and culture, the concept of ‘homosexuality’ as understood in the West is not necessarily directly transferable and understandable in the Cambodian context. There is no vocabulary in the Khmer language specifically describing sexual preferences and behavior – there are no words to describe heterosexual, homosexual or bi-sexual people. Cambodians are therefore not accustomed to classifying people in this way.

Rather, the Cambodian understanding of sexuality is derived from concepts of gender, character and personality. As is the case in South-East Asia generally, Cambodians understand gender and sexuality in terms less rigid than the Western categories of “male” and “female”.² Gender is generally described using the words *srei* and *pros*, meaning “a human being of the female sex” and “a human being of the male sex”. The words *gni* and *chhmol* also denote gender, meaning “female” and “male”. However, while this latter pair of words may be used to designate the biological gender of humans in some contexts, they are more generally applied to animals and plants.³

A fifth word, *khteuy*, which is also used to describe gender, has a number of different interpretations. It is defined in the *Buddhist Institute Dictionary* as a person who has both male and female genitalia.⁴ However, it is also commonly used to describe those who are biologically a man or woman, but display the personality and behavior of the opposite sex. Reflecting this interpretation, *khteuy* is often used to describe a man who dresses as a woman.⁵

While Cambodians do not generally classify people based on sexual preferences and behavior, there are a number of other distinctions that help to explain sexuality. Cambodian society recognizes two distinct personality or character types (*charek*) for males. *Charek srei* (feminine

² Barbara Earth, “Diversifying gender: male to female transgender identities and HIV/AIDS programming in Cambodia,” *Gender and Development*, Vol. 14, No. 2, July 2006, p 260.

³ Phong Tan, *HIV/AIDS Prevention Programme: Ethnography of Male to Male Sexuality in Cambodia*, (Phnom Penh: UNESCO, 2008), p 21. Available at: <http://unesdoc.unesco.org/images/0016/001630/163077E.pdf>

⁴ Ibid.

⁵ Phong Tan, p 22.

character), also known as *tuon phluon* (gentle and docile), are said to possess a personality like that of a woman, whereas *charek pros* (masculine character), or *reng peng* (firm and tough) character types exhibit what is considered as a more traditional male personality.⁶

The focus on these character traits and outwardly visible characteristics instead of sexual orientation means that many Cambodians who are homosexual do not identify themselves as such. Even when Cambodians use the word “gay”, they are generally referring to men who outwardly look feminine or, to a lesser degree, females who outwardly appear masculine. Accordingly, individuals may describe themselves as “straight”, despite their homosexual activities. As one Cambodian asserted, “I’m not gay, I just like having sex with men.”⁷ As a consequence, activists and researchers often employ the terms “women who have sex with women” (“WSW”) and “men who have sex with men” (“MSM”) to describe homosexual women and men in Cambodia.⁸ However, this terminology is also problematic, as discussed below.

Other groups of terminology have also been used to distinguish the personalities and characteristics of MSM. An article by Barbara Earth in *Gender and Development* journal describes ‘short hairs’ (*sak klay*), ‘long hairs’ (*srei sros* – charming girl) and ‘real men’ (*boroh pith brakat* – masculine man).⁹ The terms *sak klay* and *pros saat* (handsome man) are sometimes used to distinguish men who dress and identify as men, but may have sex with both men and women. While they might appear more feminine than the norm, their outward characteristics allow them to blend into mainstream society. Few ‘short hairs’ only have sex with men.¹⁰ Usually they are married and their wives do not know that they also engage in homosexual activities.¹¹ While some may dress up as *srei sros* (charming girls) for parties, they do not generally cross-dress in public. Some ‘short hairs’ may psychologically be ‘long hairs’ but cut their hair short in order to ‘pass’ in society.¹²

Srei sros or ‘long hairs’ are transgender persons who wear their hair long, identifying, dressing and acting as women. They may take hormones to alter their appearance or, if they can afford it, they may undergo sex change operations. While they might refer to themselves as *khteuy*, they may consider it insulting or discriminatory to be called *khteuy* by others, preferring *srei sros*.¹³ Psychologically they consider themselves women and generally only want to be with ‘real men’.¹⁴ It is for this reason that the MSM terminology is inaccurate when applied to *srei sros*.

⁶ Phong Tan, p 24-26.

⁷ Integrated Regional Information Network (IRIN), *Cambodia: Focus on MSM and the Spread of HIV/AIDS*, 3 January 2007. Available at <http://www.irinnews.org/Report.aspx?ReportId=62964>

⁸ MSM refers to biological males who engage in sex with other biological males but may not necessarily consider themselves homosexual.

⁹ Barbara Earth, pp 261 – 263.

¹⁰ Barbara Earth, p 261.

¹¹ Ibid.

¹² Ibid.

¹³ Barbara Earth., p 262.

¹⁴ Ibid.

It should be emphasized that while such language and terminology helps to explain how concepts of gender and sexuality are understood in Cambodia, the personality and preferences of each individual are unique and may not necessarily fit within such broad categorizations.

Religious perceptions

In 2004, King Father (then King) Norodom Sihanouk expressed his Buddhist view on sexuality, saying: "*Gays and lesbians would not exist if God did not create them. As a Buddhist I must have compassion for human beings who are not like me but who torture nobody, kill nobody.*"¹⁵

Among Buddhists, there is a general disposition to tolerate homosexuality. Buddhism's dominant thesis is to ensure that its followers' actions are free from harm and pointlessness and that they promote good. While sometimes homosexuality is equated to "troubled karma", Buddhism's pervasive influence has generally led Cambodians to adopt a "live and let live" or "don't ask, don't tell" approach to sexual orientation and gender identity. Because the culture is predominantly Buddhist, homosexuality, whilst seen as an oddity, does not attract the kind of aggressive reaction as can be seen in Christian or Muslim cultures.

While the steps of the Eightfold Path to enlightenment speak about sexual activity, there are no homosexual-specific prohibitions. The second step of the Eightfold Path to enlightenment states that "*you must renounce all pleasure of the senses*".¹⁶ This refers to all forms of sexual activity however, requiring complete celibacy. The fourth step forbids "*unlawful sexual acts*".¹⁷ Buddhist commentators usually interpret such acts to refer to "*rape, sexual harassment, molestation of children, and unfaithfulness to one's spouse.*"¹⁸ There is no distinction between homosexual or heterosexual behavior – it must be free from harm and it must be carried out with the intention to express affection with respect, and give pleasure to each other.¹⁹

Unlike cultural and societal views, Buddhism itself places no value on marriage or procreation. Marriage and procreation are considered positive if they bring about love and respect, but may be deemed negative if pain or strife is caused. Celibacy is often revered in Buddhism for those hoping to achieve higher levels of enlightenment. No stigma is attached to childless, unmarried people. However, in Cambodia, cultural, social and economic pressures override Buddhist teachings on marriage – family values are incredibly important and pressure is strong for sons and daughters to marry and have children.

¹⁵ Alex Spillius, "I'm not gay, says 81 year old monarch with 14 children," *Daily Telegraph*, 25 February 2004. Available at: <http://www.telegraph.co.uk/news/worldnews/asia/cambodia/1455293/Im-not-gay-says-81-year-old-monarch-with-14-children.html>

¹⁶ Buddha's *Eightfold Path*, *Buddhism and homosexuality*, undated online article. Available at: http://www.religioustolerance.org/hom_budd0.htm

¹⁷ Ibid.

¹⁸ Kerry Trambath, *Buddhism and homosexuality*, undated online article. Available at: <http://www.enabling.org/ia/vipassana/Archive/T/Trambath/buddhismAndHomosexualityTrambath.html>

¹⁹ Ibid.

Political recognition

In 2004, King Father (then King) Norodom Sihanouk responded to news reports about gay marriage in San Francisco on his website suggesting that *as a "liberal democracy"*, Cambodia should allow *"marriage between man and man...or between woman and woman"*.²⁰ The King continued by expressing his respect for homosexuals and lesbians, saying they are as they are because God loves a *"wide range of tastes"*.²¹ Sihanouk also said that *transvestites* should be *"accepted and well-treated in our national community."*²² Former Minister of Women's Affairs, Mu Sochua, has also voiced support for transgender Cambodians in the past.²³

However, in general, politicians have generally been indifferent to the concerns of LGBT people in Cambodia. It seems that rights such as same-sex marriage are unlikely to feature on the government agenda any time soon. In 2010, Cheam Yeap, a lawmaker for the Cambodian People's Party, was quoted by *The Phnom Penh Post* explaining why LGBT rights are not a priority of the government: *"Throughout time, we have only had the custom of men marrying women...The government must focus on developing the country before it can start thinking about [same-sex marriage] laws."*²⁴

Quoted in the same article, Son Chhay, a Sam Rainsy party lawmaker, noted that Cambodia does not have a tradition or custom of acceptance for LGBT individuals as in Western countries and that, as far as he knew, no official requests had been made to the government to legalize gay marriage. He stated, *"we may consider [legalizing gay marriage] if we receive any suggestions from gay people."*²⁵

Prime Minister Hun Sen has provided mixed messages about support for LGBT Cambodians. In 2007 he publicly disowned his adopted daughter in a speech to graduating students, citing the fact that she was a lesbian. *"I have my own problem – my adopted daughter has a wife," he said. "Now I will ask the court to disown her from my family."*²⁶ However, in the same speech the Prime Minister urged Cambodians not to follow his example: *"I urge parents of gays not to discriminate against them, and do not call them transvestites."*²⁷

²⁰BBC News, "Cambodian King Backs Gay Marriage", *BBC News*, 20 February 2004. Available at: <http://news.bbc.co.uk/2/hi/asia-pacific/3505915.stm>

²¹Ibid.

²²Ibid.

²³ Immigration and Refugee Board of Canada, *Gay Asia News by Utopia: Cambodia's Royalist Party Woos Transgender Votes*, 20 July 2003. Available at: http://www.utopia-asia.com/unews/article_2003_07_20_210927.htm. Mu Sochua reached out to the marginalized transgender community by acknowledging their lack of representation within society and politics in Cambodia and committed to fight to gain them greater respect and equality.

²⁴ Tivea Koam and Meng Hourng, "Same same... but married", *The Phnom Penh Post*, 22 September 2010.

²⁵ Tivea Koam and Meng Hourng, "Same same...but married," *The Phnom Penh Post: LIFT*, 22 September 2010. Available at: <http://www.phnompenhpost.com/index.php/2010092242205/LIFT/same-same-but-married.html>

²⁶ Reuters, *Hun Sen Slammed for Disowning Daughter*, 31 October 2007. Available at: <http://www.reuters.com/article/idUSBK11415620071031>

²⁷ Ibid.

3. The current situation for LGBT people in Cambodia

Homosexuality is not illegal in Cambodia and there are no anti-gay religious traditions. These factors may have prevented the severity of oppression that is faced by LGBT people in many African and Islamic countries from occurring in Cambodia. However, LGBT persons in Cambodia still face discrimination and/or abuse from family members, employers, and police.

Lack of understanding from families and communities

Cambodian society can be tolerant of male homosexual behavior (in the cases of ‘short hairs’ and ‘real men’), provided it is discrete and does not affect the traditional family structure. Sexual behavior amongst male youths may be seen as harmless experimentation, since women are expected to remain ‘pure’ until marriage. Youthful indiscretions may be forgotten or may continue unnoticed. However, eventually men are expected to marry and father children.

This situation leads to confusion for some young men. A gay man from Battambang town who spoke to CCHR explained: *“every one said gay is not our culture. So how can I [be gay]?”*²⁸ Last year his parents asked him to get married to a woman; he agreed to do as he was asked but when his parents brought him to meet the girl’s family, the girl questioned his ability to be a husband as he was (in her words), *“...not like boy a or a girl.”*²⁹ This left him in a position where he was unable to pursue a relationship with a man or a woman: *“If I want a boy I am afraid everyone will laugh at me, but if I follow my parents and marry a girl, she will also laugh at me.”*³⁰

Given the traditional gender roles, women have less ability to pursue same-sex relationships than homosexual males, either privately or publicly. CCHR spoke to a group of lesbians in Siem Reap town: of the group, three of them dressed like boys and the rest dressed like girls. Following a lengthy discussion, it came to light that those who were dressing as girls were doing so for reasons of social conformity. One girl explained, *“I need to hide from my parents because they hate lesbians.”*³¹ The two central problems identified by these women were finding a job and being able to love another girl and make a family.

Lesbian relationships are particularly incomprehensible to Cambodian society, which can lead to situations where family members use dramatic means to attempt to break-up same-sex relationships. For example, CCHR spoke to a lesbian in her twenties living in Phnom Penh. Her parents arranged for her to get married, but she ran away before the ceremony. She later returned, at which point her parents discovered she was a lesbian and that she had been in a relationship with another woman for a number of years. When the woman ran away again, her parents called the police, who detained her partner when she refused to tell them where the

²⁸ Interview conducted by CCHR in Battambang City, 30 November 2010.

²⁹ Ibid.

³⁰ Ibid.

³¹ Interview conducted by CCHR in Siem Reap, 19 September 2010.

woman was. When the lesbian woman was located by the police she was forcibly returned home. In order to prevent her from leaving the house, a family member tied her to a chair by her hands and feet for two days. For now, the lesbian couple lives separately but they remain in contact via telephone.³²

One lesbian in Battambang commented to CCHR, *“how is it that my parents can force me to get married without society or the authorities punishing them? I want to live with the person I love. They stopped me talking to women and my girlfriend’s family has stopped her from meeting me. How can I solve this and who can help us?”*³³

CCHR is also aware of lesbians who have been sent by their parents abroad to study in order to separate them from their lesbian partners and prevent shame being brought upon the family.

In Battambang province one woman explained that, in order to satisfy her parents, she had agreed to marry a man. The husband, however, knew that she loved a woman; he refused to accept her behavior and, when she spoke to other women he would become angry and sometimes physically abuse her. She wanted to file a complaint with the court but was afraid that the court and police would not accept her complaint.³⁴

On 15 May 2010, CCHR, together with Rainbow Community of Kampuchea (“RoCK”),³⁵ held an LGBT rights workshop (the “Workshop”) in Phnom Penh in order to bring LGBT individuals together to discuss issues affecting them and their rights.³⁶ The Workshop also provided a forum for participants to discuss the discrimination and abuse they faced. It was common for participants to say that they kept their LGBT identity a secret. However, those who could not, or did not wish to, keep their LGBT identity secret were usually ostracized by their families and communities.

Economic pressure and employment discrimination

Given the emphasis placed on marriage and children, most LGBT individuals will feel pressured by family to continue the family line. In addition, the lack of a social security system often means that the older generation becomes heavily reliant on the support and care of the younger generations of their family. For these reasons, parental reactions to their children identifying as LGBT are often the strongest, leading to extreme measures being adopted to prevent their children from pursuing such relationships, which are considered to bring shame upon the family.

³² Interview conducted by CCHR in Kampong Cham province, 2 September 2010.

³³ Interview conducted by CCHR in Battambang City, 30 November 2010

³⁴ Ibid.

³⁵ RoCK – the working group responsible for organizing ‘PRIDE’ – is a voluntary non-profit group which aims to support Cambodian LGBT people by recognizing and promoting the need for equality and respect regardless of sexual orientation and gender identity.

³⁶ CCHR and RoCK, LGBT Rights Workshop held on 15 May 2010, Phnom Penh.

Pursuing a homosexual relationship is a path most individuals cannot socially or economically afford to take. The risk of ostracism from a close family network and economic difficulties posed by living alone may mean that LGBT persons do not live the lives they wish to or have to conduct homosexual relationships in secret. Economic survival and practicality therefore will often prevail over the expression of personal and sexual identity.

The economic pressures resulting from a lack of support from the traditional family unit may mean that those who do choose to openly live an LGBT lifestyle face an uncertain future. *Sreï sros* are particularly vulnerable. Transgender sex-workers have noted that discrimination in the community regarding their gender identity has led them into prostitution. For example:

*"I left home due to discrimination against me by my parents because of my transgender nature. I became a sex worker after I left home and followed my friends to earn my living through sex."*³⁷

Participants in the Workshop noted that ostracism from family networks resulted in economic hardship for LGBT individuals, who would often find themselves more vulnerable than before, without the support network of friends and family. Participants also noted that they faced discrimination both in the work place and when applying for jobs due to their sexual orientation and appearance. Specifically, some lesbians (who were mainly situated in the provinces) experienced abuse and discrimination due to their physical appearance.³⁸ One girl CCHR spoke to in Siem Reap explained that though her lesbian friends dressed like boys, *"I dress like a girl because, I need to find a job and make money."*³⁹

Discrimination and abuse from the State

While LGBT persons appear to most commonly face abuse from their own families and communities, they also sometimes suffer at the hands of the State through the actions of those in positions of authority. For example, there have been reports (the most recent which CCHR has heard have come from Kampong Chang) that homosexual males have been targeted and exploited by police for financial gain. Those targeted have said that while in public places they have been arrested by police under false charges (often relating to human trafficking, drug use or prostitution) and mistreated. They said that unless they agreed to pay between US\$10 and \$30, they were detained overnight. These men feel there is nothing they can do due to the stigma associated with being homosexual.⁴⁰

One transgender man in Battambang expressed his concern that the actions of one or a few gay men could tarnish the public perception of all gay men, in a way that did not happen with

³⁷ Ibid.

³⁸ Ibid.

³⁹ Interview conducted by CCHR in Siem Reap, 19 September 2010.

⁴⁰ Interview conducted by CCHR in Siem Reap, 29 September 2010.

heterosexuals. He said: *“if one gay made a mistake [the public] would think [all gays] are bad and against nature.”*⁴¹

Transgender sex workers have been subject to discrimination and sometimes brutal abuse by police. Transgender sex-workers have described the following abuse:

*“Sometimes the police say, “A-khtoeuy [a disparaging word for a transgender person] you fuck up the ass. You have HIV/AIDS and you infect other people. You deserve to be shot.”*⁴²

*“Three police officers beat me up seriously at Wat Phnom commune police station after I was taken from the park. One of the police officers pointed his gun at my head and pulled the trigger, but the bullet did not fire. They kicked my neck, my waist, and hit my head and my body with a broom stick. It lasted about half an hour. I begged them not to beat me. The police officers were cruel and they did not tell me any reason why they did this to me.”*⁴³

*“I am srey sros (transgender). I am single and live with my family. I do this work for 3–4 years because my family discriminates against me. My family members don’t like me to be half man and half woman like this. I do this work in the park, road, and in the nightclub. I have been abused by policemen working in the park and by male clients, such as hitting and rape without condom and without pay.”*⁴⁴

The violence, stigma and discrimination faced by LGBT individuals is perhaps best explained as a result of homophobic (fear of homosexuality) and heterosexist (bias and discrimination in favor of heterosexuality) attitudes rooted in Cambodia’s conservative culture, which places high value on the marriage and the traditional family unit.⁴⁵ Families may fear that children that do not adhere to traditional gender and sexuality norms will bring shame on the family and may believe that LGBT relationships threaten traditional family structures, including economic support networks.

Violence against LGBT individuals is often a manifestation of stigma and discrimination resulting from the fact that such individuals do not fit into traditional gender categories.⁴⁶ Those in positions of authority within the state who instigate or oversee discrimination or violence

⁴¹ Interview conducted by CCHR in Battambang, 30 September 2010.

⁴² Human Rights Watch, *Off the Streets: Arbitrary Detention and Other Abuses against Sex Workers in Cambodia* (Washington DC: Human Rights Watch, July 2010), p 33. The word ‘kh-toey’ is the same as that explained above in Chapter 2 and spelt ‘khteuy’, the slight variations in spelling being the result of different transliterations of the word from Khmer to roman script.

⁴³ *Ibid.*, p 37.

⁴⁴ Carol Jenkins, *Violence and Exposure to HIV among Sex Workers in Phnom Penh, Cambodia* (Washington DC: USAID, 2006) p 15. Available at: <http://www.hivpolicy.org/Library/HPP001702.pdf>

⁴⁵ Myra Berton and Evelyn Gonzalez-Figueroa, *Gender Identity and Violence in MSM and Transgenders: Policy Implications for HIV Services* (Washington DC: Futures Group, USAID, 2009), p vi. Available at: http://www.nfi.net/downloads/homepage/Other%20recent%20useful%20document-27%20july%202010/USAID-9129_Gender_Identity_and_Violence_in_MSM_and_Transgenders.pdf

⁴⁶ *Ibid.*

against LGBT individuals may consciously or unconsciously conceive of such treatment as 'punishment' for not adhering to accepted social norms. The perpetrators may also feel a sense of entitlement, seeing themselves as of a higher social status and morally superior to LGBT individuals, who they treat as morally deplorable and second-rate citizens.⁴⁷

The above are merely some examples of the discrimination and abuse that LGBT in Cambodia are subjected to today. However, obtaining such information is not easy. The few LGBT related NGO's in Cambodia tend to focus primarily on the provision of health services and HIV/AIDS, not documenting and reporting abuse and discrimination. Accordingly, empowering LGBT groups to document and report instances of abuse and discrimination will form a key part of the Project over the course of the next three years.

⁴⁷ Ibid.

4. LGBT rights are Human Rights

Lesbian, gay, bisexual and transgender people are entitled to all of the same rights as other individuals. Both Cambodian and international law prohibit discrimination against individuals based on their personal characteristics, guaranteeing equal rights and freedoms and equal application of the law to all individuals. Sexual orientation and gender identity can be considered prohibited grounds for discrimination due to references in legal provisions on discrimination to “sex” and the catch-all phrase, “or other status”. This means that LGBT people are entitled to all of the rights provided in Cambodian law and set out in international human rights instruments such as the Universal Declaration of Human Rights (“UDHR”), the International Covenant on Civil and Political Rights (“ICCPR”) and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”). Despite prohibitions on discrimination, international human rights law has, until recently, failed to explicitly recognize rights by reference to “sexual orientation”. Section 4.3 examines recent developments in this area.

Domestic Law

The Constitution of the Kingdom of Cambodia (the “Constitution”) is the supreme law of Cambodia; all other laws must be consistent with the constitutional principles and guarantees it sets out.⁴⁸ Article 31 of the Constitution guarantees equal rights to all citizens regardless of personal characteristics, stating:

“Every Khmer citizen shall be equal before the law, enjoying the same rights and freedoms and fulfilling the same obligations regardless of race, color, sex...or other status.”

Article 35 guarantees the right of all Khmer citizens, regardless of sex, to participate actively in the political, economic, social and cultural life of the nation. Though there is no explicit mention of sexual orientation in these provisions it can be implied that they extend to LGBT individuals as the intent is to ensure equality regardless of personal characteristics.

Homosexuality is not illegal in Cambodia, but same-sex marriage is prohibited. Article 45 of the Constitution explicitly defines marriage as an agreement between a husband and wife, and this traditional conception of marriage is confirmed by the Law on Marriage and the Family, which states in Article 3 that “marriage is a solemn contract between a man and a woman,” and in Article 6 that a marriage shall be prohibited between a person whose sex is the same sex as the other. Despite these unequivocal legal provisions, at least one same-sex marriage has taken place in Cambodia with the support and acceptance of local authorities.

In 1996 The Phnom Penh Post reported on a 1995 marriage between two women in Kandal province. Khav Sokha, who married her partner, another woman named Pum Eth, told the

⁴⁸ Articles 16 – 19 of the Law on the Organization and Functioning of the Constitutional Council give the Constitutional Council the power to consider the constitutionality of laws.

newspaper: “The authorities thought it was strange, but they agreed to tolerate it because I have three children already (from a previous marriage). They said that if we were both single (and childless), we would not be allowed to get married because we could not produce children.”⁴⁹ The marriage appeared to have official approval and was reportedly a popular event, with 250 attendees, including Buddhist monks and high officials from the province.⁵⁰

Article 36 of the Constitution guarantees equal labour rights, regardless of gender: “*Khmer citizens of either sex shall enjoy the right to choose any employment according their ability and to the needs of the society. Khmer citizens of either sex shall receive equal pay for equal work.*”

Article 12 of the 1997 Labour Law also states that employers shall not discriminate based on the personal characteristics and beliefs of an individual, including their gender. Labour law in Cambodia does not specifically mention discrimination based on sexual orientation. A number of LGBT individuals have noted that they frequently face discrimination in the workplace and by their employers.⁵¹

Article 31 of the Constitution also recognizes the applicability of international human rights law in Cambodia, stating: “*The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human rights, the covenants and conventions related to human rights, women’s and children’s rights.*” A 1997 decision of the Constitutional Council confirmed this with the Council stating in its decision that amongst the applicable law that a trial judge should consider are the international conventions that Cambodia has recognized.⁵²

International Law

The UDHR, ICCPR and ICESCR guarantee civil, political, and social, cultural and economic rights to all individuals without discrimination.⁵³ Article 1 of the UDHR states that “*all human beings are born free and equal in dignity and rights*” while Article 2 states that everyone is entitled to the rights set forth in the UDHR “*without distinction of any kind*” including “*race, colour, sex...or other status.*” Article 2(1) of the ICCPR and Article 2(2) of the ICESCR also require all state parties to guarantee the rights set out in the respective covenants without distinction. It is, therefore, clear that international human rights apply equally to all, and discrimination against LGBT persons in recognizing those rights would be in violation of international human rights law.

Article 7 of the UDHR and Article 26 of the ICCPR also guarantee equality before the law and protection from discrimination with Article 26 stating that “*all persons are equal before the law*”

⁴⁹ Tivea Koam and Meng Hourng, “Gay marriage: not completely illegal after all,” *The Phnom Penh Post: LIFT*, 22 September 2010. Available at: <http://www.phnompenhpost.com/index.php/2010092242205/LIFT/same-same-but-married.html>

⁵⁰ Ibid.

⁵¹ CCHR and RoCK, LGBT Rights Workshop held on 15 May 2010, Phnom Penh.

⁵² Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007, dated July 10, 2007.

⁵³ The UDHR is a declaration that was adopted by the United Nations General Assembly on 10 December 1948. Article 31 of the Constitution states that Cambodia will “*recognize and respect*” the human rights stipulated in the UDHR. Cambodia has ratified the ICCPR and acceded to the ICESCR with both treaties entering into force in Cambodia on the 26 August 1992.

and are entitled to the equal protection of the law” and that “the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground” including sex or other status. International human rights law therefore creates a positive duty on state parties to the ICCPR such as Cambodia to ensure that LGBT persons have effective protection from discrimination in society.

The United Nations Human Rights Committee, a UN treaty body that monitors adherence with the ICCPR, confirmed the relevance of the above provisions to LGBT persons, stating in *Toonen v. Australia* that *“in its view, the reference to “sex” in articles 2, paragraph 1, and 26 [of the ICCPR] is to be taken as including sexual orientation.”*⁵⁴

Article 12 of the UDHR and Article 17 of the ICCPR also guarantee the rights to privacy stating: *“no one shall be subject to arbitrary or unlawful interference with [their] privacy” and “everyone has the right to protection against such interference or attacks.* In *Toonen v. Australia* the Human Rights Committee when considering Article 17 stated: *“it is undisputed that adult consensual sexual activity in private is covered by the concept of ‘privacy’.”*⁵⁵ Since then, the United Nations' human rights mechanisms have condemned violations based on sexual orientation and gender identity, including killings, torture, rape, violence, disappearances, and discrimination in many areas of life.⁵⁶ UN treaty bodies have called on states to end discrimination in law and policy. This has triggered legislative change in some countries⁵⁷ and provided guidance to interpreting existing human rights treaties.⁵⁸

International Developments

In April 2003, momentum towards recognition of human rights relating to sexual orientation was reflected in the presentation by Brazil of a draft resolution on human rights and sexual orientation to the United Nations Economic and Social Council for consideration by the Commission on Human Rights at its fifty-ninth session. The six-point draft resolution, which was supported by 19 other countries, stressed that *“the universal nature of human rights and freedoms is beyond question and that the enjoyment of such rights and freedoms should not be*

⁵⁴ United Nations Human Rights Committee, *Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol of the International Covenant on Civil and Political Rights, Communication No. 488/1992: Toonen v. Australia* (CCPR/C/50/D/488/1992), 4 April 1994, para. 8.7.

⁵⁵ *Ibid.*, para. 8.2.

⁵⁶ Amnesty International, *United Nations: General assembly to address sexual orientation and gender identity – Statement affirms promise of Universal Declaration of Human Rights* (AI Index: IOR 41/045/2008), 12 December 2008.

⁵⁷ For example, Ecuador revised its Constitution to include ‘sexual orientation’ and ‘gender identity’ within its anti-discrimination provisions (Article 11.2 of its Constitution); In 2000 Romania enacted specific anti-discriminatory law (Law 137/2000) to protect those who previously faced discriminatory treatment. The law which was subsequently amended in 2006 empowers the National Council for Combating Discrimination (“NCCD”) to investigate any breaches and report to parliament, from which they are politically independent. For discussion, see: Shaun Kirven, Enrique Eguren and Marie Caraj, *Protection Manual for LGBTI Defenders* (Brussels: Protection International, 2010), p 24. Available at: http://www.protectiononline.org/IMG/pdf/LGBTI_PMD_2nd_Ed_English.pdf

⁵⁸ Further, the European Court of Human Rights has considered in a number of cases that discrimination on the basis of sexual orientation is contrary to provisions within the European Convention on Human Rights (“ECHR”), such as the right to enjoy private life (Article 8), despite the fact that the ECHR does not specifically mention sexual orientation.⁵⁸ The ECHR is a regional Convention; while not applicable to Cambodia, the decisions provide guidance in the developing recognition of LGBT rights.

hindered in any way on grounds of sexual orientation."⁵⁹ It called upon all states to promote and protect the human rights of all persons regardless of their sexual orientation.⁶⁰

The Brazilian resolution attracted vigorous opposition from Islamic states and was postponed to be considered at the Human Rights Commission's 60th session the following year. However, Brazil later abandoned the resolution at the 60th session when it became clear that consensus was unlikely.

In November 2006, a group of international human rights experts met in Yogyakarta, Indonesia and drafted the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (the "Yogyakarta Principles").⁶¹ According to their authors, the 29 Yogyakarta Principles "reflect the existing state of international human rights law in relation to issues of sexual orientation and gender identity."⁶² The Yogyakarta Principles were introduced at two high profile launches, the first at a session of the Human Rights Council in Geneva in March 2007, and the second later that year at the UN General Assembly session in New York.⁶³

A 2010 article in the *Michigan Journal of International Law* noted the influence of the Yogyakarta Principles, stating: "*Despite the tension between activism and strict legal accuracy, the Principles have already attained a high degree of influence. They have become a fixture in the proceedings of the United Nations Human Rights Council; have been incorporated into the foreign and domestic policies of a number of countries; been acclaimed and debated by regional human rights bodies in Europe and South America; and have worked their way into the writings of a number of United Nations agencies and human rights rapporteurs.*"⁶⁴

On June 3, 2008, the momentum continued when all 34 countries of the Organization of American States approved a resolution on human rights, sexual orientation and gender identity that reaffirmed the universality of human rights, expressed concern about human rights violations committed against individuals because of their sexual orientation and gender identity, and resolved to include the subject on the agenda of its Committee on Juridical and Political Affairs.⁶⁵

On December 18, 2008, a French-sponsored Declaration on sexual orientation and gender identity was presented to the United Nations General Assembly, attracting the support of 66

⁵⁹ Permanent Representative of Brazil to the United Nations, *Draft resolution on human rights and sexual exploitation* (E/CN.4/2003/L.92), 17 April 2003. Viewable at: <http://ilga.org/ilga/en/article/406>

⁶⁰ *Ibid.*

⁶¹ Conference of International Legal Scholars, Yogyakarta, Indonesia, November 6-9, 2006, Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, March 26, 2007. Available at: http://www.yogyakartaprinciples.org/principles_en.pdf

⁶² *Ibid.*, Introduction.

⁶³ David Brown, "Making room for sexual orientation and gender identity in international human rights law: an introduction to the Yogyakarta Principles," *Michigan Journal of International Law*, Summer 2010, 31:4, p 842.

⁶⁴ *Ibid.*, pp 825-826.

⁶⁵ Organization of American States General Assembly, *Resolution 2435: Human Rights, Sexual Orientation, and Gender Identity* (AG/RES. 2435 (XXXVIII-O/08)), Adopted at fourth plenary session, June 3, 2008.

countries. The declaration called upon “all States and relevant international human rights mechanisms to commit to promote and protect human rights of all person, regardless of sexual orientation and gender identity,” and urged states “to take all necessary measures...to ensure that sexual orientation or gender identity may under no circumstances be the basis for criminal penalties, in particular executions, arrests or detention.”⁶⁶ A counter-statement opposing the declaration was signed by 57, mostly African and Middle Eastern countries. Cambodia did not sign either statement.

These developments are part of an expanding movement that recognizes that the issue of LGBT rights is not simply about those rights that relate to sexuality, but the universal human rights that apply to all regardless of sexual and gender orientation.⁶⁷

⁶⁶ Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations, *Letter dated 18 December 2008 from the Permanent Representatives of Argentina, Brazil, Croatia, France, Gabon, Japan, the Netherlands and Norway to the United Nations addressed to the General Assembly (A/63/635)*, 22 December 2008.

⁶⁷ This movement involves actors including the International Gay and Lesbian Human Rights Commission, see: www.iglhrc.org; it also includes the Declaration of Montreal, created at the International Conference on LGBT Human Rights at the 1st World Outgames on 29 July 2006, the Declaration identifies that, whilst the World has gradually come to respect human rights for all regardless of sex, religion and race, little has been done to address the progress of rights regardless of sexual orientation and gender identity, see: www.declarationofmontreal.org/declaration (accessed on 12 October 2010); LGBT Youth Scotland have produced a Charter of Rights that, similar to the Montreal Declaration, is based on the fundamental human rights set out in the UDHR, see: www.lgbtyouth.org/charter.htm (accessed on 12 October 2010).

5. An LGBT rights movement for Cambodia

There are encouraging developments taking place in Cambodia that indicate the emergence of an LGBT community. The shift away from civil conflict and a move towards regional and international cooperation in human rights has created a more favorable environment for LGBT people in Cambodia to network with other LGBT communities around the world. In addition increased access to the internet and the growth of its content has expanded available information and communication opportunities. The internet has allowed gay Cambodian people to connect to other gay people, thus raising awareness of a wider, global LGBT community and the possibilities of participating in this.

In 2003, international and Cambodian activists began 'Pride' in Phnom Penh, an annual celebration and recognition of LGBT rights which includes workshops, film festivals, art exhibits and social gatherings and coincides with the International Day against Homophobia.⁶⁸ This culminated in the largest Pride event in Phnom Penh in 2009, with an attendance of over 400 people.

Following the success of this event, its coordinators decided to establish RoCK. The purpose of this group is to support, strengthen and extend the existing LGBT community in Cambodia and to raise awareness and understanding of LGBT issues and rights. The organization is sub-divided into four working groups: Community education, LGBT rights and advocacy, Lesbian support, and the Pride Organization Committee 2010. The establishment of RoCK indicates a clear progression for LGBT people in Cambodia to actively pursue their human rights.

The following organizations and initiatives are contributing to an LGBT movement in Cambodia:

- RoCK is a voluntary non-profit group which aims to support LGBT people by recognizing and promoting the need for equality and respect regardless of sexual orientation or gender identity.⁶⁹ In early 2010, RoCK established an LGBT Rights Working Group that aims to promote and protect LGBT rights. It aims to liberate LGBT Cambodian people from all forms of discrimination and abuse, gain acceptance of diverse sexual and gender identities as well as realize equality in union rights for people identifying as LGBT.
- The Cambodian Center for Human Rights LGBT Rights Project is researching the situation of LGBT people in Cambodia from a human rights perspective and supporting efforts by LGBT Groups and Individuals to advocate for greater acceptance of LGBT Cambodians and an end to discrimination and abuse.

⁶⁸ See: <http://phnompenhpride.blogspot.com/>

⁶⁹ See <http://phnompenhpride.blogspot.com/> for information on RoCK's Pride activities.

- Khmer HIV/AIDS NGO Alliance (KHANA),⁷⁰ which was initially established in 1996 as a project of International HIV/AIDS Alliance, has developed a database connecting smaller grassroots initiatives that deal with LGBT issues.⁷¹
- A number of lifestyle blog spots have also been created by local and foreign supporters of an LGBT scene in Cambodia.⁷² Although these are substantially dedicated to MSM, an effort to accommodate WSW users has begun.
- The website, ‘Mstylekhmer’,⁷³ is endeavoring to build an LGBT community by offering social support and information across the LGBT spectrum.
- Meta House, a bar and cinema in Phnom Penh, is showcasing monthly movies dealing with LGBT issues.
- Baitong Restaurant provides an LGBT friendly environment for LGBT Groups and Individuals to meet and socialize as well as hold workshops and other events.
- Mstyle Clubs is supporting MSM and provide the opportunity for LGBT people to meet and discuss their personal lives.
- Taza Cafe, a cafe and restaurant in Phnom Penh, is newly open to give more space for LGBT people, particularly lesbians to share their experiences.

What is evident in the developments occurring is that discussion of lesbian issues distinctly lags behind discussion of male homosexuality.⁷⁴ Aside from regional LGBT organization, Utopia Asia,⁷⁵ which provides WSW resources on a par with its MSM counterpart, there do not as yet appear to be any local lesbian organizations operating in Cambodia. While the Women’s Network for Unity (primarily a grassroots representative of Phnom Penh sex workers) has supported an LGBT workshop facilitated by RoCK, there is a need for further specific WSW initiatives.

Further, the transgender community, often grouped for consideration with sex workers by NGOs and media, is also underrepresented in the little discussion that is occurring within Cambodia. However, recently transgender issues have been highlighted by dedicated activist Som Southevy who not only works to promote the rights of sex workers today but suffered at the hands of the Khmer Rouge as a transgender woman and was the first to submit a complaint about gender related abuse to the Extraordinary Chambers in the Courts of Cambodia.⁷⁶

LGBT social scene

The LGBT social life has improved in Cambodia with Phnom Penh and Siem Reap having what might be described as intimate LGBT social scenes. While this might lead people to believe that

⁷⁰ See <http://www.khana.org.kh/> for more information.

⁷¹ An example of this is Men’s Health Social Service, which is available at: www.khana.org.kh/images/OD/Men1.htm

⁷² See, for example: “Cambodia Out” (www.cambodiaout.com/) and “Queer Cambodia” (www.queercambodia.blogspot.com/)

⁷³ Available at: www.mstylekhmer.com

⁷⁴ Meghan Lewis, *Cambodian lesbians lack sexual health information*, undated submission, HealthDev.net. Available at: <http://healthdev.net/site/post.php?s=6671>

⁷⁵ See <http://www.utopia-asia.com/>

⁷⁶ Andrew Nette, “Khmer Rouge Trials Bare Sexual Abuse,” *Inter Press Service*, 8 September 2008.

the younger generation does not feel inclined to conceal their sexuality, many Cambodians are only able to reveal their sexuality within particular closed circles. Many have to lead 'double lives', enjoying the gay bars and social life while maintaining the appearance of being heterosexual in other, more public, spheres of their lives.

Cambodian films focusing on LGBT people are also beginning to emerge, helping bring LGBT identities to the mainstream. While lesbians and lesbian issues perhaps have the least visibility in Cambodia, a recently produced Khmer film, *Who Am I?*, tells the story of the love between two women.⁷⁷ A groundbreaking film for Cambodia given the subject matter, *Who Am I?* became a surprise hit, attracting more than 4000 viewers during its first week in theatres.⁷⁸

While the developments set out above are encouraging, it is important to note that most Cambodians live in rural areas and therefore are not exposed to developments mainly occurring in Phnom Penh or online communities. The experience of LGBT people living in Phnom Penh and other major centers differ markedly from those living in the provinces, where LGBT people are less likely to have access to the support provided by like-minded groups and individuals. CCHR, through its LGBT Rights Project, hopes to help support these individuals by providing information and resources about LGBT issues in Cambodia and helping them network with other LGBT Cambodians.

⁷⁷ *Who am I?* (1999) was produced and directed by Phoa Phoung Bopha.

⁷⁸ Lim Seang Heng, "Who am I? brings same-sex issues out in the open," *The Phnom Penh Post*, 27 April 2009.

6. Conclusion

LGBT people in Cambodia face a wide-range of discrimination. The treatment of LGBT people by society means that many are forced to marry and have children, unable to pursue the lives or relationships they wish. Those that are openly LGBT face being ostracized from family and, with no support network or economic support, are often left even more vulnerable. When LGBT people face abuse, those who they should be able to turn to for protection, such as police, are often either indifferent or complicit in such abuse themselves. The fact that LGBT rights rank very low, if at all, on the current human rights agenda in Cambodia compounds the problem.

Given the lack of readily available information and support, it is necessary to assess the current situation for LGBT people in Cambodia by documenting instances of abuse and discrimination and bringing together LGBT Groups and Individuals. Together with advocacy for recognition and protection of the rights of LGBT people, it is hoped that this eventually this will effect long-lasting change for the situation of LGBT. However, bringing about change will be a step-by-step process. The first step in this process is initiating dialogue about LGBT rights and issues.

CCHR's LGBT Rights Project will aim to bring together LGBT Groups and Individuals as well as provide mechanisms for documenting and accessing information on instances of abuse occurring throughout Cambodia. While this Report does not seek to suggest approaches for advocating LGBT rights, consideration of such approaches based on CCHR's research and experience will form part of the Project over the course of the next three years. Through the Project, CCHR will endeavor to play a key role in empowering LGBT Groups and Individuals to advocate for a better human rights situation for LGBT Cambodians. CCHR hopes to introduce Cambodian society and LGBT individuals themselves to the issues surrounding recognition of the human rights of LGBT people and to stimulate discussion on LGBT issues. Everyone is entitled to freedom from discrimination and to be treated equally. LGBT people are no different. LGBT rights are simply human rights for LGBT people.

Cambodian Center for Human Rights
10 December 2010

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