



# BEING LGBT IN ASIA: CAMBODIA COUNTRY REPORT

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A Participatory Review and Analysis of  
the Legal and Social Environment for  
Lesbian, Gay, Bisexual and Transgender (LGBT)  
Persons and Civil Society



**USAID**  
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**HUMAN RIGHTS**  
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This report was written by Vicente S. Salas, with the assistance of Sathaboramana Kheang, LGBT Human Rights Officer for 'Being LGBT in Asia' based at the Office of the UN High Commissioner for Human Rights (OHCHR) Cambodia.

All photos in this report are of participants of the Cambodia National LGBT Community Dialogue. They were provided by Veronika Jemelikova, UN Youth Volunteer in Communication, Outreach and Youth; and Shuji Sekine, UN University Volunteer, Youth Volunteering.

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The Cambodia National LGBT Community Dialogue and country report were supported by UNDP, USAID, and OHCHR Cambodia through the regional 'Being LGBT in Asia' initiative. Covering eight countries—Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam—this joint learning initiative aims to understand the legal, political and social challenges faced by LGBT people, relevant laws and policies, and their access to justice and health services. The initiative will also review the needs of LGBT organizations, the space they operate in, their capacity to engage on human rights and policy dialogues, and the role of new technologies in supporting LGBT advocacy.



# ACRONYMS

APCOM	Asia-Pacific Coalition on Male Sexual Health
APTN	Asia-Pacific Transgender Network
ART	Antiretroviral Therapy
BC	Bandanh Chaktomuk (National MSM Network)
CACHA	Cambodian Alliance for Combating HIV/AIDS
CARD	Council for Agricultural and Rural Development
CBO	Community-Based Organization
CCHR	Cambodian Center for Human Rights
CDHS	Cambodia Demographic and Health Survey
CITA	Cambodian Independent Teachers Association
CLS	Community Legal Services
CMDG	Cambodia Millennium Development Goals
CPN+	Cambodian People Living with HIV/AIDS Network
CSO	Civil Society Organization
CSSD	Cooperation for Social Service and Development
EIDHR	European Instrument for Democracy and Human Rights
EW	Entertainment Workers
FGD	Focus Group Discussion
FHI 360	Formerly Family Health International
GBV	Gender-Based Violence
GFATM	The Global Fund to Fight AIDS, Tuberculosis and Malaria (also known as 'The Global Fund')
HACC	HIV/AIDS Coordinating Committee
HIV	Human Immunodeficiency Virus
HRC	Human Rights Council
ICFRW	International Council on Research for Women
ICJ	International Commission of Jurists
ICT	Information and Communication Technology
IDAHOT	International Day against Homophobia and Transphobia
IDPoor	Identification of Poor Households Program
IPPF	International Planned Parenthood Federation
KI	Key Informant
LGBT	Lesbian, Gay, Bisexual and Transgender
LICADHO	Cambodian League for the Promotion and Defence of Human Rights
MCH	Maternal and Child Health
MHC	Men's Health Cambodia
MHSS	Men's Health Social Services
MoEYS	Ministry of Education, Youth and Sports

MoH	Ministry of Health
Mol	Ministry of Interior
MoP	Ministry of Planning
MoWA	Ministry of Women's Affairs
MSI	Marie Stopes International
MSM	Men Who Have Sex With Men
MSMGF	The Global Forum on MSM & HIV
NAA	National AIDS Authority
NAPVAW	National Action Plan to Prevent Violence against Women
NCHADS	National Center for HIV/AIDS, Dermatology and STDs
NGO	Non-Government Organization
NSPS	National Social Protection Strategy
OHCHR	Office of the UN High Commissioner for Human Rights
PACT	Private Agencies Collaborating Together
PFLAG	Parents, Families and Friends of Lesbians and Gays
PSI	Population Services International
PYD	Paz Y Desarrollo (Peace and Development)
RGC	Royal Government of Cambodia
RHAC	Reproductive Health Association of Cambodia
RoCK	Rainbow Community Kampuchea
SMS	Short Message Service
SOGI	Sexual Orientation and Gender Identity
SPU	Social Protection Unit
SRH	Sexual and Reproductive Health
STIs	Sexually Transmitted Infections
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP APRC	United Nations Development Programme, Asia-Pacific Regional Centre
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Fund
UNGASS	United Nations General Assembly Special Session
UNV	United Nations Volunteer
UN WOMEN	United Nations Entity for Gender Equality and Empowerment of Women
UPR	Universal Periodic Review
USAID RDMA	United States Agency for International Development, Regional Development Mission Asia
VAW	Violence Against Women
VCSP	Village and Commune Safety Policy
VCT	Voluntary Counselling and Testing (for HIV)
WHO	World Health Organization
WNU	Women's Network for Unity
YVC	Youth Voices Count





# EXECUTIVE SUMMARY



Photo: The participants of the Cambodia National LGBT Community Dialogue

## BEING LGBT IN ASIA: THE CAMBODIA NATIONAL LGBT COMMUNITY DIALOGUE

This report reviews the legal and social environment for lesbian, gay, bisexual and transgender (LGBT) people in Cambodia. It is a product of the Cambodia National LGBT Community Dialogue held in January 2014 in Phnom Penh. The National Dialogue brought together 59 participants from 18 provinces representing Cambodia's LGBT organizations alongside representatives of multilateral and bilateral organizations, development partners, universities, and non-governmental and community-based organizations working in areas related to LGBT rights. The National Dialogue was co-hosted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme Asia-Pacific Regional Centre (UNDP APRC) in partnership with the United States Agency for International Development (USAID).

This country report is a product of a broader initiative, 'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society.' Launched on Human Rights Day, 10 December 2012, 'Being LGBT in Asia' is a first-of-its-kind Asia-wide learning effort undertaken with Asian grassroots LGBT organizations and community leaders alongside UNDP and USAID. In Cambodia, it has additionally partnered with OHCHR. With a focus on eight countries – Cambodia, China, Indonesia, Mongolia, Nepal, the Philippines, Thailand and Viet Nam – the effort examines LGBT lived experiences from a development and rights perspective.

'Being LGBT in Asia' has a number of objectives. It encourages networking between LGBT people across the region, building a knowledge baseline and developing an understanding of the capacity of LGBT organizations to engage in policy dialogue and community mobilization. Through this work, 'Being LGBT in Asia' promotes understanding of the inherent human rights of LGBT people and the stigma and discrimination faced regionally. It also outlines steps toward LGBT-inclusive development work for UNDP and the UN system; USAID and the US Government; and other development partners through research like this report and other social and multimedia products. Finally,

this initiative highlights the views generated by LGBT participants at community dialogues, linking stakeholders who are working to enhance LGBT human rights across Asia.

### ***A brief history of sexual orientation and gender identity issues in Cambodia***

While there is reference to diverse sexual behaviours and gender identities in Cambodia dating back to the 13<sup>th</sup> century, other descriptions have likely been destroyed during the Khmer Rouge era. There are some surveys and studies about same-sex desire between men in the 1950s and onwards, and some newspaper reports of transgender females in rural Cambodia from the 1950s to the 1970s. Sexual and behavioural studies starting in the 1990s, driven by the global HIV epidemic, resulted in raised awareness and discussion of sexual orientation and gender identity (SOGI). In the last decade, Pride events have been celebrated since 2003, and a public statement was made by Cambodia's former King, His Majesty King Father Norodom Sihanouk, in support of same-sex relations in 2004. The decade also witnessed the first networking of MSM and transgender persons in 2006 and the first officially recognized LGBT organization in 2014. Since then, the country has seen growing visibility of the LGBT community and increased amounts of community organizing and social activities.

### **Findings**

This report provides an overview of LGBT rights in Cambodia as related broadly to laws and policies, social and cultural attitudes, and religion; and more specifically to family affairs, education and schooling, work and employment, community and society, health including HIV, media including information communication technology (ICT) and the organizational capacity of LGBT organizations.

A summary of the overall context for LGBT rights in Cambodia is as follows:

- **National laws and policies:** While same-sex activities are not a criminal offence, laws and policies in Cambodia are silent on LGBT people and rights. There is no anti-discrimination legislation, sanctions for those who violate the rights of LGBT people, or reference to inheritance, tax or family rights issues for LGBT people. The current Civil Code does not state or define the genders of the spouses, so it could be interpreted to allow same-sex marriage but this is untested. There are reports of local authorities and police using various laws to infringe on the rights of LGBT people, including the forced separation of same-sex couples in response to parental demands and the prejudicial and discriminatory linking of LGBT people with social ills like drug use or sex work.
- **Social and cultural attitudes:** Cambodians understand gender and sexuality in terms less rigid than Western categories of 'male' and 'female'. Many Cambodian LGBT people define themselves according to their gender norm rather than sexual orientation. Similarly, society may show disapproval of individuals according to their gender norm rather than an LGBT identity. There does not seem to be overt persecution of LGBT people, and some LGBT individuals are tolerated if they do not challenge social rules and norms; it is reported that some same-sex couples are accepted within their villages.
- **Religion:** The dominant religion of Cambodia, Theravada Buddhism, is relatively free of homophobia and transphobia and does not distinguish between heterosexuality and homosexuality in its precepts about sexual activity. Theravada Buddhism suggests that celibacy is a step towards enlightenment and that sexual behaviour should be respectful, affectionate, and pleasurable.

This report also looked at differences in acceptance of LGBT people across Cambodia. It found that MSM and transgender females generally gather in larger cities and provincial capitals. Lesbians and transgender males find acceptance and easier living in Cambodia's provinces.

The report also reviews the areas of family affairs, education and schooling, employment and work, community and society, health, media and other issues.

- **Family affairs:** Many problems were reported in terms of negative treatment of LGBT people by their families, ranging from forced marriages, attempted 'cures' for being LGBT, family rejection and controlling behaviour. The results for LGBT people include running away, mental health issues, depression, and increased suicide ideation.
- **Education and schooling:** Dropout rates among LGBT youth are higher than the overall school-going population, due to bullying by peers and economic hardship from family rejection.<sup>1</sup> Grade school environments tend to enforce traditionally understood gender roles. There are some awareness-raising activities about LGBT issues taking place at Cambodia's universities.
- **Employment and work:** LGBT Cambodians do not feel comfortable being open about their sexual orientation in the workplace, and note limited job opportunities due to discrimination and exclusion. Little work has been done to raise SOGI issues among employers. Transgender persons are frequently harassed because of their appearance and their livelihood as entertainment or sex workers. Non-government organizations (NGOs) and community-based organizations (CBOs) working with MSM and transgender people do not typically hire LGBT people, or if they do, it is usually for low-level, low-paying positions.
- **Community and society:** Homophobic attacks and abuse are reported in public places such as markets and clubs and in community settings such as in the neighbourhood or family. This contrasts with some reports of acceptance of same-sex couples at the village level.
- **Health including HIV:** HIV is a key health issue for MSM and transgender women in Cambodia with higher reported rates of infection and risk. MSM and transgender persons are often treated as a homogenous group, ignoring their specific needs, but there has been some progress in policy and among health workers to distinguish between these populations. Stigma and discrimination in the health sector exists towards MSM and transgender persons. Transgender people require attention to health issues other than HIV such as gender-affirmation surgery, hormone therapy and the use of medications for gender transition. There are no existing health services specifically designated for lesbians. There is a lack of mental health services for LGBT people.
- **Media including information and communication technology:** Cambodia's media portrays LGBT people in a negative way, particularly transgender women. They lack information and training on human rights issues and SOGI. However, the recent production of some LGBT films is a positive development. Young LGBT Cambodians use social media and other communication technology to communicate with each other and share information.
- **Other issues:** The high rates, compared to the overall population, of domestic and sexual violence experienced by LGBT people is a major issue, including domestic violence perpetrated by family members against LGBT people. A report from Youth Voices Count reports self-stigma among young gay men and young transgender females in Asia. The dialogue also recommended looking at the needs of older LGBT persons as well as documenting the lived experience of Cambodian LGBT people and their coping and support mechanisms.

The National Dialogue examined the organizational capacity of Cambodian LGBT organizations. This included a desk review of the work done by 12 LGBT organizations and detailed survey responses from eight. Of four capacity areas, respondents rated their organizational capacity highest (6.6/10) followed by human resources (5.6/10).

<sup>1</sup> CCHR Report 2012, p.19, according to the Ministry of Education, Youth and Sports, 19.6 percent of students at lower secondary school level (grade 7 to 9) dropped out of school during the academic year 2010-2011. Although there has been no study commissioned into the reasons why so many students have dropped out of school and whether this rate is connected at all with homophobic and transphobic bullying, anecdotal evidence collected from CCHR research mission to Siem Reap in January 2012 strongly suggests that drop-out rates are particularly high among young LGBT people. Reasons for dropping out include not only economic hardship resulting from non-acceptance by their families but also name-calling and bullying by their classmates in connection with their sexuality or gender identity.

Financial resources ranked 5/10. The lowest score was given to the ability of LGBT organizations to collaborate and build coalitions (3.3/10). LGBT organizations vary widely in their organizational focus and their financial capacity.

## RECOMMENDATIONS

This report has developed a number of recommendations based on results from the National Dialogue as well as from background research.<sup>2</sup>

### *Family affairs*

- LGBT persons are advised to “Know yourself and understand your own rights. Be good, value yourself, and live with dignity of person and livelihood.”
- They are also advised to use helpful guides to understand themselves as LGBT persons and to find ways to educate their families—for example, RoCK, an NGO, has developed brochures on ‘Coming Out’ and ‘Frequently Asked Questions about LGBT’.
- They are recommended to find external help such as support groups, particularly when experiencing crises and problems, to talk about problems with others and help each other.
- Participants noted that once they started to earn some money and help the family and the community and society financially, there was greater acceptance. They were then able to exert more influence and power within the family.
- Family members should be educated and sensitized about the problems and effects of discrimination against their LGBT children.
- Government should review or revise laws, circulars, and department policies to protect LGBT persons and their rights. This may be done with support from the MoWA, Ministry of the Interior (Mol), Ministry of Justice (MoJ) and the National Assembly. Specific recommendations are to:
  - » Add SOGI specifically to the ‘other status’ provision stipulated in Cambodia’s constitutional references to non-discrimination. SOGI should be specifically cited as a status that should be protected from discrimination.
  - » Introduce an anti-discrimination law that refers explicitly to LGBT people in line with the proposed amendment to the constitution.
  - » Amend the Law on Marriage and Family to allow for same-sex marriage. Alternatively, publicize at all levels the abrogation of the 1989 Marriage and Family Law by the 2011 Law on Civil Code Implementation which supersedes 1989’s prohibition of same-sex marriage.
- All government ministries and state institutions should consider the problems and issues facing LGBT persons, as well as the solutions, and integrate these into their work programmes and policy documents. For instance MoWA should add LGBT issues into their 5-year National Action Plan on the prevention of Gender-Based Violence (2013–2017).
- Local authorities should be informed about problems or effects of discrimination imposed on LGBT persons by their family. They should mediate and advise parents not to use violence against their LGBT children, and provide mechanisms to protect or stop domestic violence linked to SOGI. They should intervene when there is family violence, both physical and mental, or when parents and relatives force their LGBT children or relatives to get married against their will to someone of the opposite sex. Commune chiefs should not issue marriage certificates to families who force their LGBT children to get married.
- Civil society should have mechanisms to provide public education about the effects of SOGI-related violence perpetrated by families against their LGBT members. They should consider organizing

<sup>2</sup> References for individual recommendations are generally found in the appropriate sections of in the main body of the report.

discussion groups on family acceptance, and plan projects similar to Parents, Families and Friends of Lesbians and Gays (PFLAG) in other countries in the region, such as China and Viet Nam.

- Civil society organizations should use innovative ways and mediums, such as art, film and music, to raise awareness about LGBT rights. Examples include the song, 'Whose mistake is it?' by Noy Sitha or the 'Rainbow Krama' project of the CCHR, which sells rainbow scarves to support livelihood activities of poor women while raising awareness of LGBT symbols and issues.
- Legal documents like ID cards, Family Books, travel documents, and IDPoor inclusion<sup>3</sup> by local village officials can cause challenges for LGBT people, for example, when they do not reflect an individual's chosen gender. Stakeholders should highlight and share with other local officials at the commune, district and provincial level relevant practices related to legal documents that promote social inclusion.

### ***Education and Schooling***

- The Ministry of Education, Youth and Sports (MoEYS) should include human rights and SOGI issues in the curriculum and in future strategic plans and policies.
- MoEYS should also develop SOGI-related resources for teachers to use in the classroom.
- MoEYS should take measures to eliminate discrimination in classrooms.
- MoEYS should work with UNESCO and CSOs to start a campaign against SOGI-related bullying in schools, particularly at the secondary school level and punish those who discriminate against or bully LGBT persons. UNESCO has a relevant document on homophobic bullying in schools with examples of good practice in other countries to reduce bullying.
- MoEYS should provide scholarships and vocational training courses for LGBT students.
- Schools and universities should be more flexible in the enforcement of school uniform policies and should permit students to wear the attire that they wish when attending class.
- School curriculums should integrate education on human rights and awareness of the situation and challenges of LGBT persons; and ensure they take into account the lives of LGBT people.
- Government and civil society should undertake a survey to identify the extent to which LGBT youth are dropping out of school and take remedial action to arrest this trend.
- Government and private schools should be non-discriminatory in hiring LGBT people as teachers, and should use them as role models for students when appropriate.
- The UN should encourage the MoEYS to include human rights and SOGI issues in the Cambodian educational system to prevent discrimination based on SOGI.
- In the education and schooling setting, LGBT community members are recommended to try to be more open about who they really are, and talk about their own natural feelings of same-sex attraction. This should only be done when they are ready, and when it is safe to do so.

### ***Employment and Work***

- Government and NGOs should establish more vocational training centres that are open to all, including LGBT persons, and provide assistance for LGBT people to find jobs.
- The relevant ministries and legislative bodies, such as the Ministry of Labour, Ministry of Interior, Council of Ministers, National Assembly and the Senate should create policies against discrimination in the workplace and reform labour laws to include provisions to protect people from discrimination based on SOGI.

<sup>3</sup> IDPoor is an abbreviation for the Identification of Poor Households Program, a government social protection programme that classifies households according to the degree of income and resource poverty. Those in the lower brackets are considered as priorities for receiving emergency support or assistance, social and health services. (Identification of Poor Households Programme, Ministry of Planning)



- The Ministry of Labour should launch a campaign on LGBT rights at the workplace to educate managers and staff in the government, at NGOs, and at public and private institutions to understand equal rights to work and SOGI issues; stop discrimination at work; and develop anti-discrimination policies similar to those developed under the AIDS Law.
- NGOs and CSOs that work on LGBT issues should consider recruiting LGBT persons when possible.
- Employers should respect the rights of sexual and gender minorities by adhering to labour laws and other relevant laws that protect and promote the rights of LGBT persons to work; build SOGI principles into wider activities with employers and employee associations including businesses; and call on unions to protect the rights of LGBT workers.
- The Cambodian LGBT community should make efforts to develop personal and community capacity—individually or collectively—through apprenticeships and formal training. Training should include vocational skills, leadership, human rights and communications.

### ***Community and Society***

- The government should develop laws to protect LGBT persons from discrimination or violence, both physical and emotional, treat all people equally under the law, and introduce anti-hate crime legislation.
- The government should undertake a systematic review of the Village and Commune Safety Policy and how it has been used to harass LGBT people on the pretext of controlling crime. It should not remain an informal piece of legislation, but be reviewed so it cannot be used to violate LGBT rights—and then passed as law with guidance for both law enforcers and the public on its appropriate use.
- The Ministry of Planning and local authorities should examine the issue of cards, which entitle bearers to receive social welfare, and identity cards as they relate to LGBT people:
  - » The Ministry of Planning should ensure that LGBT people are not excluded from receiving relevant cards because of discrimination or the non-recognition of same-sex partnerships.
  - » Local authorities should provide identity cards with a person's preferred gender, not necessarily the gender assigned at birth. Further investigation is recommended to find out who has the authority to issue and change identity cards.
- The Ministry of Social Affairs should officially allow LGBT persons to adopt children.
- All stakeholders should raise awareness in families, schools, hospitals and public places about human rights, sexual orientation and gender identity through media (TV, radio talk shows, and print/digital media), the arts, and cultural activities in order to eliminate discrimination.
- NGOs and CBOs should train activists about LGBT rights, SOGI issues and on legal advocacy and support, as well as provide legal services and advice that are appropriate to the situation of LGBT people.
- NGOs and CBOs should use and further disseminate existing resources on anti-stigma, such as the Cambodian version of the anti-stigma toolkit for MSM and transgender people by Private Agencies Collaborating Together (PACT) and the International Council on Research for Women (ICFRW); the Yogyakarta Principles; the 'Rainbow Krama' project; brochures on 'Coming Out' and 'Frequently Asked Questions about LGBT' produced by RoCK, and the briefs on SOGI and Human Rights produced by OCHCR.
- The government and society should support LGBT-specific community organizations and informal support groups such as associations of friends, parents, friendly pagodas and monks. Self-help groups should also be encouraged.

- Local community support mechanisms—for instance savings associations, funeral assistance, community festivals and celebrations of holidays, village decision-making mechanisms—should be more inclusive to and accepting of LGBT people.

### ***Health and HIV***

- An LGBT health assessment is needed, including health-seeking behaviours and practices.
- The Ministry of Health, LGBT NGOs and health service providers (including those that work with HIV) should provide information and training to service providers on LGBT issues, SOGI and gender sensitivity.
- Counselling should be available for LGBT persons who have psychological problems or mental health issues as well as for family members of LGBT persons; those in psychological professions need training and specific skills to offer appropriate counselling services to LGBT persons.
- Sexual and reproductive health counselling and mental health service providers should provide balanced and extensive information about LGBT issues and concerns. Such service providers should not merely advise, 'do as your parents say.' They must offer a broader array of appropriate options to clients.
- More use of social media and online counselling services is needed; the scale and scope of these initiatives should be expanded.
- Health care providers and transgender people need to discuss and raise awareness of the problems and side effects of using various medications. These include various types of contraceptive pills and other supplements and medications, skin whiteners, and silicone injections and other substances such as hormones taken for their feminizing and/or masculinizing effects.
- Health and HIV service providers should consider the following additional recommendations from the HIV Prevention Report Card for MSM and transgender persons in Cambodia:
  - » Explore increasing the range of services at sexual health and family health clinics to include gynaecologic and rectal examinations, hepatitis B vaccinations, harm reduction services and specific health concerns of LGBT persons.
  - » Expand health service provision including LGBT-specific clinics, positive prevention for those living with HIV, mobile clinics, counselling on SOGI concerns, and integration with existing services.
  - » Train all clinic staff (providers, receptionists, guards, laboratory staff) in gender sensitivity, non-discrimination of LGBT and client relations.
  - » Train health care providers (doctors, nurses, medical assistants) on LGBT health issues, establishing rapport, doing routine breast, genital and rectal examinations, and holistic health approaches.
  - » Ensure clinic operating hours are accessible and more convenient for LGBT people for those who work at night in the sex industry.
  - » Include LGBT people as resource persons on the training of health care providers.
  - » Include MSM and transgender persons in HIV sentinel surveillance on a regular basis and release results in a timely manner to be used for program and intervention design.
  - » LGBT people should also be involved in the evaluation of health services and in the training of health workers, following the example of clinics like RHAC.

### ***Media (including information and communication technology)***

- The Ministry of Information should pass regulations to protect LGBT people from discrimination and stereotyping in the media.
- The media should follow its own Code of Ethics, and be objective and balanced in the portrayal of LGBT people.

- Awareness sessions with media on human rights, SOGI and LGBT are needed, in particular for local Khmer journalists.
- LGBT people should be more involved in media activities to share their lives, and success stories. Successful LGBT people should be featured so that society is able to gain positive views about LGBT persons.
- Training should be given for LGBT people and NGOs on how to address negative and false media reports about LGBT Cambodian people (i.e. through letters to the editor, position papers, or feature articles).
- NGOs, CBOs and LGBT persons should develop websites and join social networking groups that provide interesting, useful and balanced information on sexuality, life skills and LGBT realities.
- Awards schemes and recognition should be provided to media organizations and individuals for good work portraying LGBT persons as human beings or in reducing discrimination in their organizations and publications.





# INTRODUCTION

Lesbian, gay, bisexual and transgender (LGBT) people all over the world continue to face challenges. Examples include a lack of employment opportunities<sup>4</sup>, and prejudice when accessing health care<sup>5</sup>, housing<sup>6</sup> and education<sup>7</sup>. In other instances, “corrective rapes” are committed against lesbians<sup>8</sup>, while the killing of members of the LGBT community continues in different countries despite increasing calls for equality and freedom from all forms of discriminations and oppression. Transgender Europe reported in 2012 that 1083 transgender people became victims of homicide from 2008 to 2012.

In 2011, the UN Human Rights Council (UNHRC) adopted resolution 17/19, which paved the way for the Office of the United Nations High Commissioner for Human Rights (OHCHR) to issue the first UN report on human rights and sexual orientation and gender identity (SOGI). In the report, evidence of the discrimination faced by people because of their sexual orientation or gender identity was presented including inequities in employment, access to health treatment, care, and support (TCS) and education, as well as criminalization, physical violence and murder.<sup>9</sup>

- 4 Sears, B. & Mallory, C. (2011). Documented Evidence of Employment Discrimination and Its Effects on LGBT People. The Williams Institute. Retrieved 30 August 2013 from <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-July-2011.pdf>
- 5 Winter, C. (2012) Responding to LGBT Health Disparities. Ryan Barker & Thomas McAuliffe (Eds.). Missouri Foundation for Health. Retrieved 23 August 2012 from <http://www.mffh.org/mm/files/LGBTHealthEquityReport.pdf>
- 6 Grant, J. M., Mottet, L. A., Tanis, J. et al. (2011) Injustice at Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force. Retrieved from [www.thetaskforce.org/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/downloads/reports/reports/ntds_full.pdf)
- 7 Burns, C. (2011). Fact Sheet: LGBT Discrimination in Higher Education Financial Aid. Center for American Progress. Retrieved 20 August 2013 from [http://www.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/lgbt\\_factsheet.pdf](http://www.americanprogress.org/wp-content/uploads/issues/2011/08/pdf/lgbt_factsheet.pdf).
- 8 Brown, R. (2012). Corrective Rape in South Africa: A Continuing Plight Despite an International Human Rights Response. 2012 Annual Survey of International & Comparative Law (Spring, 2012). Golden Gate University School of Law.
- 9 Office of the High Commissioner of Human Rights (OHCHR) (2011), “Discriminatory Laws and Practices and Acts of Violence against Individuals Based on their Sexual Orientation and Gender Identity”, 17 November 2011 report submitted

High Commissioner Navi Pillay challenged UN member states to help write a new chapter in UN history by ending the discrimination faced by LGBT people. This call was echoed in a speech delivered in December 2011 by former US Secretary of State Hillary Clinton on LGBT rights on International Human Rights Day. As Clinton emphasized, LGBT people are an “invisible minority” who are arrested, beaten, terrorized and even executed. Many “are treated with contempt and violence by their fellow citizens while authorities empowered to protect them look the other way or, too often, even join in the abuse”. In 2009, for instance, a bill was introduced in Uganda that called for life in prison for homosexual offences. After much delay, sadly, in December 2013 the Uganda Anti-Homosexuality Act 2014 was passed by parliament and signed into law by the President in February 2014. Same-sex relations and marriage can be penalized by life imprisonment; even the ‘promotion’ of homosexuality is punishable by jail. Meanwhile, in June 2013, a law was passed in Russia with a clause banning “the propagandizing of non-traditional sexual relations among minors”, with prescribed fines for providing information about homosexuality to people under 18 ranging from 4000 rubles (US\$121) for an individual to 1 million for organizations.<sup>10</sup> Recently on December 2013, India recriminalized homosexuality under Section 377 of the Indian Penal Code that dates back to 1861. To date, 83 countries and territories still criminalize LGBT behaviour; seven countries have a death penalty for same-sex relations; fewer than 50 countries punish anti-gay discrimination in full or in part; and only 19 countries ban discrimination based on gender identity.<sup>11 12</sup>

World leaders are acting to counter stigma, discrimination, and human rights violations against LGBT persons. On 6 December 2011, U.S. President Barack Obama issued a Memorandum on International Initiatives to Advance the Human Rights of LGBT Persons. This directed all agencies engaged abroad to ensure that US diplomacy and foreign assistance promote and protect the human rights of LGBT persons. On 7 March 2012, UN Secretary-General Ban Ki-moon delivered a message during a Human Rights Council meeting on violence and discrimination based on SOGI. Noting the pattern of violence and discrimination directed at people because of their sexual orientation or gender identity, he said, “This is a monumental tragedy for those affected – and a stain on our collective conscience. It is also a violation of international law.” “The time has come,” he stated, to take action.



## A BACKGROUND OF LGBT ADVOCACY IN CAMBODIA

### *An Incomplete History*

Discussions in Cambodia, as in most countries, reflect a history of people who do not conform to conventional notions of sexual orientation and gender identity. An account written by a visiting Chinese diplomat in Cambodia in 1296, over 700 years ago, describes men wearing women's clothing in the Angkor Wat area.<sup>13</sup> Chou Ta-kuan (also spelled Zhou Daguan) wrote, “...in this country there are many catamites who hang around everyday in the market, in groups of ten or more. They are always trying to lure Chinese men in return for sumptuous gifts... it is shameful, disgusting...”

to the Human Rights Council. Retrieved 27 August 2013, from [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-41\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/A-HRC-19-41_en.pdf).

10 BBC (2013) Q&A: Gay rights in Russia (13 August 2013). Retrieved 29 August 2013 from <http://www.bbc.co.uk/news/world-europe-23604142>

11 United States Agency for International Development. (n.d.) LGBT Global Development Partnership: Promoting Lesbian, Gay, Bisexual, and Transgender Inclusive Development. Retrieved 20 August 2013 from <http://www.usaid.gov/sites/default/files/documents/2496/USAID%20Fact%20Sheet%20LGBT%20Global%20Partnership.pdf>

12 International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) (2014) State-Sponsored Homophobia: A world survey of laws: Criminalisation, protection and recognition of same-sex love. Itaborahy and Zhu. May 2014, 9th Edition. Retrieved 18 July 2014 from [http://old.ilga.org/Statehomophobia/ILGA\\_SSHR\\_2014\\_Eng.pdf](http://old.ilga.org/Statehomophobia/ILGA_SSHR_2014_Eng.pdf)

13 Daguan, Zhou (AKA Chou Ta-kuan) (1296) *The Customs of Cambodia*. Edited and newly translated from the French by Michael Smithies. The Siam Society, Bangkok, 2006. Smithies used the word ‘gay’ but other translations (from the original Chinese, or other French translations, such as that of Pelliot and Paul, from 1987 and 1992 respectively, use the word ‘catamite’.

Additional literature may have existed on Cambodia referencing same-sex attraction, behaviour and relationships from the Angkor period until the 1950s. However, much was destroyed during Cambodia's years of conflict between 1970 and the mid-1990s. During the Khmer Rouge era (1975–1979), the country was in turmoil, and up to a quarter of the population perished and most of the population became internally displaced. The family system, schools, professions, religion, monetary and economic systems were all thoroughly demolished—as well as history and literature.

The monograph, 'Ethnography of Male to Male Sexuality in Cambodia', among other studies and surveys, describes same-sex desire and experiences between men in Cambodia from the 1950s onwards.<sup>14</sup> Local English newspapers in Cambodia published recollections at the time about being gay or a 'lady boy' in rural Cambodia in the 1950s and the 1970s.<sup>15</sup> Even though this history is incomplete, it is clear that diverse sexual orientation and gender identities in the Cambodian context are not a Western invention.

### ***Fast Forward: Sexual Behaviour Studies and HIV***

The concept of 'homosexuality' as understood in the West is not necessarily directly transferable or understandable in the Cambodian context. There are no words in the Khmer language to describe homosexual, heterosexual, bisexual, gay or lesbian behaviour. According to Phong Tan, Cambodians understand gender and sexuality in terms less rigid than the Western categories of 'male' and 'female'.<sup>16</sup> The concepts of gender and sex are not clearly differentiated and identity is based not on sexual desire but on feminine and masculine traits such as whether a person is gentle or tough.

AIDS programs from Western countries provided impetus for the adoption of MSM and gay identities in Cambodia. Following the dramatic AIDS epidemic affecting gay men in Western countries following the first cases of AIDS identified in gay men in the US in 1981, studies of male-on-male sexual behaviours were initiated in other countries around the world. The term 'Men who have Sex with Men (MSM)' was introduced as a behavioural description in the mid-1980s and gained wide acceptance in the AIDS and public health field. This recognized that sexual behaviour was driving HIV transmission and that in many cultural contexts a male 'gay' identity (as used in the Western sense) did not exist. HIV and AIDS programs that targeted 'gay' men would be ineffective where local men who have sex with men did not adopt 'gay' as an identity.

Ironically, the term MSM, which is intending to describe behaviour only, was then adopted in some places as an identity.<sup>17</sup> In Cambodia, some men reached through HIV and AIDS programs appropriated the MSM acronym as an identity, referring to themselves as 'MSM'. However, outside of public health and HIV circles, the term 'MSM' is largely unknown.<sup>18</sup> As well, some leaders of MSM CBOs note that the literal Khmer translation of 'MSM' is *pros slan pros*, which literally means 'men who love men', indicating affection and emotion as well as simply a sexual behaviour.<sup>19</sup>

14 Tan, Phong (2008) 'Ethnography of Male to Male Sexuality in Cambodia' UNESCO HIV/AIDS program, Phnom Penh. pp. 49–83. Other studies include Catalla, Sovanara & Van Mourik (2003) "Out of the Shadows" Male to Male Sexual Behavior in Cambodia, KHANA and the International HIV/AIDS Alliance.

15 Menghourng, Ngo (2010) "A voice for the vulnerable", 7 days, Phnom Penh Post, 14–20 May 2010. Issue 41, pp. 16–18; Gharbi, Sylvain (2012) "A Loveless Life: A Ladyboy in the Provinces. 7 days, Phnom Penh Post, 14–20 Dec 2012, p. 8

16 Earth, Barbara. (2006). Diversifying Gender: Male to Female Transgender Identities and HIV Programming in Phnom Penh, Cambodia. Gender & Development 14:2, 260.

17 Altman, Dennis (2001) 'Imagining AIDS: And the New Surveillance' in Global Sex, Sydney: Allen & Unwin. pp. 68–85

18 Earth, Barbara. (2006) 'Diversifying Gender: Male to Female Transgender Identities and HIV Programming in Phnom Penh, Cambodia' Gender & Development 14:2, 259–271

19 Personal communication, Pal Sophat, 2013.

This points to the complications of identity, both related to gender and sexual orientation. There is the identity which Cambodians ascribe to themselves. There are also the identities that outsiders, such as researchers or development actors, use to identify target groups. Western terms like 'gay' and 'MSM', used by these outsiders, do not necessarily have local equivalents even though LGBT people may appropriate, adopt or alter terms of identification. While there are no studies to show how HIV programs and transmission have had an impact on gay identity in Cambodia, they have evidently raised discussion on sex and sexuality, if not contributed to the adoption of LGBT identities and spurred community organization around them.

Studies on young people's sexuality in Cambodia were first done by Tarr in 1994, with the support of the former WHO Global Program on HIV/AIDS.<sup>20</sup> This study reported that 'over 20' of the 146 young men interviewed admitted to having penetrative sex with another man. Some of those partners were described as *kteuy* or transgender women. The paper included accounts of men who enjoyed same-sex sexual encounters. There were no reports of sex between females among the 135 females interviewed.<sup>21</sup>

Other studies took place in the late 90s and early 2000s. In 1999, Family Health International Cambodia (FHI now known as FHI 360) mapped MSM in Phnom Penh, providing information on where MSM gather and socialize.<sup>22</sup> A 1999 Knowledge, Attitudes and Practice (KAP) survey of 678 male university students in Phnom Penh reported that 44 percent of the men surveyed had experienced sexual relations, and of this number, eight percent had experienced sexual relations with another man.<sup>23</sup> The first study showing HIV prevalence among MSM was done in 2000, with results released in late 2002. This groundbreaking study showed that 14 percent of MSM in Phnom Penh tested positive for HIV.<sup>24</sup>

Catalla et al. did the first qualitative description of male-to-male sexual behaviours in Cambodia in 2002—including different sub-groups, self-identities, sexual partner preferences and local terms used.<sup>25</sup> Implemented in Phnom Penh, Battambang and Siem Reap, some of the terms for sub-groups described include *sak klay* (short hairs), *sak veng* (long hair), *srey sros* (beautiful/charming lady), *pros saat* (handsome boy), *boroh pith brakat* (real man), *srey roth bambang kay* (the girl who hides herself), *chun cheat pheak tech* (minority group), *krom neak weang* (special workers in the royal palace) and *pros luk kluan* (male selling his body).<sup>26</sup> The word *kteuy* was deemed to be insulting when used by other people who were not part of MSM and transgender peer groups.

The report also noted that the different sub-groups described seldom mixed socially. In general, the 'short hairs' (described as more masculine-acting, not wanting to cross-dress, or feel and dress like females) tend to look down on the 'long hairs' (the more effeminate MSM who like to wear ladies clothes and use make up) and view themselves as 'short hairs' as a distinct group.<sup>27</sup>

20 Ogden, John. "Sex Survey Helps AIDS fight". Phnom Penh Post, 26 August 1994. Retrieved 16 July 2014 from <http://www.phnompenhpost.com/national/sex-survey-help-aids-fight>

21 Tarr, Chou Meng and Aggleton, Peter (1999) "Young People and HIV in Cambodia-Meanings Contexts and Sexual Cultures", pp. 13 & 16 <http://www.racha.org.kh/rc2008/142/HAP-05F.pdf> retrieved 14 February 2014

22 Girault, P. and Thaiy, 1999 unpublished. A Mapping of Men who have sex with Men. Phnom Penh, FHI

23 Glaziou, P. Bodet et al. (1999). 'Knowledge, attitudes and practices of University Students regarding HIV infection in Phnom Penh, Cambodia 1999. AIDS: Volume 13 (14), October 1999

24 Girault, P. Saidel, T. Ngak, S. et al: (2002). 'Sexual Behaviors, STIs and HIV among men who have Sex with Men in Phnom Penh'. FHI The data about university students is from Glaziou et al., noted in the report.

25 Catalla, TAP, Sovanara, K & Van Mourik, G. (2003). 'Out of the Shadows - Male to Male Sexual Behavior in Cambodia'. International HIV/AIDS Alliance & Khmer HIV/AIDS NGO Alliance (KHANA) pp. 15–19

26 Catalla et al., Ibid. p. 16

27 Lesley, E. and Rith, S. (2005) "Stepping Out", Phnom Penh post, 14 January 2005.

Others were described as being ‘short hair’ by day and ‘long hair’ by night—illustrating the fluidity and flexibility of gender identities and expressions. These terms overlap and in some contexts a ‘long hair’ may also be called a ‘beautiful lady’ and a ‘short hair’ as a ‘handsome boy’ or as a ‘real man’. Sexual orientation does not appear to play a distinction in these Cambodian terms. From here on therefore, the words ‘gay’, ‘MSM’, and ‘lesbian’ will be used to best approximate a local understanding of sexual orientation and gender identity as opposed to their Western definitions”

***Increasing Awareness about Human Rights, SOGI and LGBT Issues in Cambodia and Mobilizing Communities***



*Photo: Group discussion activity at the National Dialogue*

HIV work, particularly with MSM and transgender people, has opened opportunities for LGBT health and rights advocacy in Cambodia. Many years of work on HIV with MSM (many of whom are self-identified as gay) has led to an increased understanding in Cambodian society about different sexual orientations and gender identities and of the higher levels of discrimination faced by those who challenge traditional gender norms. HIV work has also increased focus among MSM and transgender people on communities and a sense of belonging, which are crucial to mobilizing people beyond their categorization by sexual acts into ‘risk groups’. There is gradual recognition in Cambodia that HIV is just one issue faced by MSM and transgender people and that this is linked to underlying discrimination, exclusion and marginalization. However, various studies, including on sexual and reproductive health and rights and gender-based violence, show that population groups like lesbians are excluded from HIV discussions.

In 2006, the first network of MSM and transgender persons known as Bandanh Chatomuk (BC) was established in Cambodia. BC was in many ways a creation of funders and NGOs working on HIV. Though its vision notes “MSM rights are human rights”, a review of its work in 2010 showed that “there is no specific activity, result or objective that directly addresses the first goal of BC, which



is to protect the human rights of MSM and Transgender people and the equality of MSM and Transgender people with other Cambodians.”<sup>28</sup>

One human rights organization in Cambodia, the Cambodia Center for Human Rights (CCHR), has been running a project on LGBT rights and SOGI since 2010. CCHR published the first situation assessment of LGBT people in Cambodia and initiated advocacy efforts.<sup>29</sup> Other NGOs mention LGBT people as part of their constituency, “some of our beneficiaries are LGBT”, but within work that is not specific to LGBT identities, for instance advocacy for rights to work and against sex trafficking.

The first LGBT organization to be officially recognized in the country is the Rainbow Organization Cambodia (RoCK), officially registered as an NGO in early 2014. It existed previously as an informal network of volunteers, most of whom were LGBT. The first week-long Pride celebrations in Phnom Penh were organized by an informal group of ‘RoCKers’ in 2009.

Recently the community and NGOs have increasingly documented discrimination and stigmatization faced by LGBT people. This affects LGBT people in all aspects of their lives, from family and neighbourhoods, to school and education, workplace and other aspects of community and society.<sup>30</sup>

### ***LGBT-Focused Research***

LGBT issues as a field of study is in its infancy in Cambodia. In 2012, a study with 149 LGT respondents (bisexuals were not included) in Phnom Penh and two rural villages showed high levels of exclusion, stigma and discrimination in a variety of settings.<sup>31</sup> These manifestations ranged from being ignored, not being allowed to express themselves and exclusion from school and community activities (such as some social protection schemes); to being insulted, attacked and subjected to frequent gender and domestic violence. The traditional ‘safety net’, the family, is instead a source of oppression. Male-to-female transgender persons reported more discrimination, insults and episodes of violence compared to lesbians and gay males, likely because they are more visible. There are also gaps in the attainment of higher education. A low proportion of transgender women progressed beyond secondary school, with a higher proportion reported being “forced to stop work or schooling” by the family. Lesbians also reported higher levels of domestic violence compared to the general population of women in national demographic surveys. 31 percent of younger respondents (below 19 years of age) reported slightly higher levels of family acceptance, compared to those above 19 years (23%).

Other sources of information on gay males were studies undertaken in all-male massage parlours. A 2012 study on ‘massage boys’ and sexual exploitation<sup>32</sup> in Siem Reap showed that of 50 respondents, about 40 percent said they liked having sex with men, 47 percent liked having sex with women, 11 percent liked having sex with both men and women, and one respondent (2%)

28 Salas, Vicente. Consultancy Report to HACC, on “Needs and Concerns of MSM in Cambodia, MSM NGO/CBO Profiles, and Recommendations for the Strategic Development of the national MSM and Transgender network, Bandanh Chatomuk”. January 2010.

29 [http://cchrcambodia.org/index\\_old.php?url=project\\_page/project\\_page.php&p=project\\_profile.php&id=3&pro=SOGI&pro\\_id=7&show=show](http://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=project_profile.php&id=3&pro=SOGI&pro_id=7&show=show)

30 Cambodia Center for Human Rights (CCHR). (2010) ‘Coming Out in the Kingdom: Lesbian, Gay, Bisexual and Transgender People in Cambodia’ (2010) and ‘Rainbow Khmer: From Prejudice to Pride’ (2012).

31 Salas, V. and Sorn, S. (2013). ‘An Exploration of Social Exclusion of Lesbians, Gay and Transgender Persons in Families and Communities and their ways of coping.’ Research report. Social Protection Coordination Unit, Council for Agricultural Research and Development (SPCU-CARD) Phnom Penh,

32 Davies and Miles, (2012) ‘The Lingha boys of Siem Reap - A baseline study of sexually exploited young men in Siem Reap’, Love 146, Chab Dai Coalition, First Step, Hard Places Community, p. 31

liked to have sex with ladyboys. Respondents in the studies also said they felt ashamed of the work they are doing and prefer not to tell others about where they work. Although they may be earning more in these establishments than through other work, sex work and work in massage parlours is looked down upon by society.

A baseline study on transgender women in the sex industry in Phnom Penh<sup>33</sup> cited high levels of violence and abuse, particularly from police, and also described health problems such as high rates of STIs, amphetamine and alcohol use, as well as the side effects of unsupervised injections to change their facial features. Transgender women selling sex are subjected to increased levels of discrimination and violence. They face a double layer of stigma because of who they are and because of the work that they do. If they are HIV positive, it adds yet another layer of stigma.

### ***A Growing Sense of LGBT Pride and Rights Advocacy***

In Cambodia, a nascent LGBT rights movement has taken inspiration from supportive statements from the King. In 2004, statements made by the former King, the late King Father Norodom Sihanouk, called for tolerance and acceptance of same-sex relations. In reaction to a TV show featuring same-sex marriages in the US, he issued a statement on his personal website in support of same-sex marriage, noting that *“as a liberal democracy, Cambodia should allow ‘marriage between man and man... or between woman and woman.’”* He said he had respect for homosexual and lesbians and said they were such because *“God loved a wide range of tastes.”*<sup>34</sup>

This was the first public statement made by the former King about LGBT issues. The few activists for LGBT rights in Cambodia took this as an inspiration for organizing an event to promote LGBT pride and the statement became a reference for advocacy work and acceptance of LGBT people. However, government authorities and policy makers did not take broad action on the King’s statement. More recently, public international declarations and statements from the US and UN that *“Gay Rights (or LGBT rights) are Human Rights, and Human Rights are Gay (or LGBT) Rights”*, have been popular among LGBT people in Cambodia.

Cambodia’s first Gay Pride celebration, held in 2003,<sup>35</sup> was a one-day event consisting of a music and dance program, a fashion show, and social gatherings. The Pride event was a voluntary community initiative funded through private, often individual donations and was led by a Khmer-American artist, Chath Piersath. Between 2005 and 2008, there were no organized Pride events. However, since 2009, Rainbow Community Kampuchea (RoCK) has led more extensive celebrations of LGBT Pride.<sup>36</sup> Week-long activities have expanded to other provinces, such as Battambang and Siem Reap. Celebrations now include art shows, performance events, workshops, drag shows, sports competitions, tuk-tuk races, book launches, and film showings. A family day and blessings from monks in a pagoda setting have also been key to engaging local LGBT people and their partners and families. Pride week is organized in mid-May to coincide with the celebration of IDAHOT (the International Day against Homophobia and Transphobia) which takes place on 17 May

33 Miles & Davies (n.d.). “More than Gender” – a baseline study of transgendered males in the sex industry in Phnom Penh. Powerpoint presentation by Love 146.

34 <http://news.bbc.co.uk/2/hi/asia-pacific/3505915.stm>, 20 February 2004. Downloaded 15 February 2014.

35 Some reports place the first pride celebration in 2003 ([www.utopia.asia.org](http://www.utopia.asia.org)) and [http://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Cambodia](http://en.wikipedia.org/wiki/LGBT_rights_in_Cambodia)

36 Mullen, D. “Everybody needs to have Pride”, Phnom Penh Post 7 Days, 14-20 2010, Issue 41, pp.18-19; “Pride 2009 Program”, AsiaLife Phnom Penh Issue 29, May 2009; “Love who we are”, LGBT Pride 2010 program; “Proud to be Me” Cambodia LGBT Pride 2011 program; “Different but the Same” Cambodia LGBT Pride Program 2012 – all organized and published by the Rainbow Community Kampuchea (RoCK) 2010, 2011 and 2012)

and marks the day that the World Health Organization (WHO) removed homosexuality from its list of diseases. Other NGOs such as CCHR have also organized activities, radio talk shows and other events during Pride. There are no apparent reactions from the government about these events.

International Human Rights Day celebrations have also been an occasion in Cambodia for advocacy on LGBT rights. In 2013, the celebration, titled 'My Voice Counts', detailed the lives of LGBT couples and families. Supportive local authorities, commune chiefs (the smallest unit of local government) and RoCK LGBT activists shared their experiences on having same-sex couples living in their villages.

In 2010, CCHR produced a Khmer translation and distributed the Yogyakarta Principles in Cambodia. The 'Yogyakarta Principles' is a landmark document analysing international human rights law and its application to Sexual Orientation and Gender Identity (SOGI) developed by a distinguished panel of experts in Indonesia in 2006.<sup>37</sup> The Principles affirm the primary obligations of states to implement human rights; each principle is accompanied by a detailed set of recommendations to states, and to other actors such as the UN, national human rights institutions, the media, NGOs, and funders.

In 2012, when Cambodia was the ASEAN chair, efforts were made by various LGBT groups in the ASEAN countries (the ASEAN LGBTIQ Caucus) to include LGBT issues and concerns into the ASEAN Human Rights Declaration. This was unsuccessful, despite lobbying by several countries to include SOGI in the non-discrimination clause.<sup>38</sup> The ASEAN Grassroots People's Assembly, an informal non-governmental group, issued a statement that included demands for repeal of laws criminalizing SOGI, recognition of LGBT rights as human rights, protection of sex workers rights, and that the Yogyakarta Principles be harmonized into national laws and policies.<sup>39</sup>

In 2013, a local Cambodian coalition that included both registered and non-registered associations—spearheaded by RoCK, Women's Network for Unity (WNU), Community Legal Services (CLS), Cambodia Network of People with HIV (CPN+), and CamASEAN—made a joint submission on LGBT rights to the Universal Periodic Review (UPR) of the UN Human Rights Council (HRC). CCHR, with other partners in the region, such as the Asia-Pacific Network of People with HIV (APN+) and the Sexual Rights Initiative, also made a related submission that focused on SOGI, sexual rights, and HIV.<sup>40</sup> Like many other submissions, this was ignored. Nevertheless, the fact that CSOs were able to come together and make these submissions illustrated an important advancement in LGBT rights advocacy.

Several initiatives to support awareness about LGBT rights have been developed in recent years. A number of Cambodian university professors have held seminars on LGBT and SOGI issues in their gender courses. Several self-help initiatives directly support gay men and transgender women in difficult situations, such as the 'Cindy Donation' (named after a popular transgender celebrity) and the Positive MSM Emergency Fund (supported by private donors from the Netherlands). These are charitable donations made by individuals responding to appeals for help from HIV-positive MSM or female transgender sex workers who are in situations of extreme poverty and poor health, alone

37 International Commission of Jurists, and the International Service for Human Rights, (2007). The Yogyakarta Principles: The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity.

38 CCHR (2012) 'Rainbow Khmer: From Prejudice to Pride', p.10.

39 ASEAN Grassroots Peoples Assembly (AGPA) Statement, 2012. Downloaded from: <http://iglhr.org/content/asean-grassroots-people's-assembly-people's-statement>

40 CCHR, Asia-Pacific Network of People living with HIV (APN plus) and the Sexual Rights Initiative (SRI). (2013). Statement Submission to the 18th UPR-Cambodia



and isolated without the support of their family. There are no similar targeted charitable initiatives for lesbians and transgender men, except for typical support from friends and family when in need.

### **Recent Developments: The Media, Urbanization and New Technologies**

The media and new technologies are being used for LGBT advocacy. As part of a SOGI project, the CCHR uses electronic media for advocacy. It hosts an online 'Rainbow Portal' that contains information and resources on LGBT human rights issues both in Cambodia and in other countries. The viewership of such sites tends to be low.<sup>41</sup> Several tools and manuals for advocacy and reducing stigma in MSM and transgender people have been developed such as the 2010 Cambodia adaptation of *Understanding and Challenging Stigma Toward Men who have Sex with Men*, and the upcoming Khmer and English versions of *Speaking Out – a Toolkit for Action* (Cambodia adaptation).<sup>42</sup> While this advocacy is mostly in the area of HIV and health services, work in other fields has also gotten underway in recent years.

With increasing urbanization, globalization, access to Internet and social networks, Cambodian youth in the cities are becoming more aware and increasingly confident about their sexualities and gender expressions. Many more Khmer youth<sup>43</sup> now identify themselves as gay or lesbian. Phnom Penh and in Siem Reap are considered safer spaces for people to socialize,<sup>44</sup> although this view is from an overwhelmingly gay male and transgender female perspective. Phnom Penh and Siem Reap have NGO drop-in centres, peer outreach and sexual health clinics.<sup>45</sup> Gay-friendly bars, clubs, discotheques, all-male saunas, spas and massage parlours, guesthouses, hotels and resorts have visibly increased in recent years.

LGBT-related art, film and performance are now more available. Drag performances are now a staple of the gay scene in both Siem Reap and Phnom Penh. Several art and photo exhibits with LGBT themes have been organized.<sup>46</sup> Gay- and lesbian-themed local films, both produced for mainstream cinemas or independently, have been shown at various venues in Phnom Penh, with generally positive reviews. Information on LGBT people is available in the general media, but this tends to be negative, biased and stereotypical, particularly in the local (Khmer language) media. For instance, transgender females are commonly portrayed as thieves.<sup>47</sup>

More local terms are emerging. *SIM pi* refers to having two Subscriber Identity Module (SIM) cards in one phone, and is used by many younger gay and lesbians to mean a person who enjoys sex with males and females.<sup>48</sup> *SIM bai* refers to people who might be attracted to males, females

41 Khmer Rainbow portal: <http://sogi.sithi.org>

42 USAID, PACT & International center for Research on Women (ICRW). (2010). *Understanding and Challenging Stigma toward Men who have sex with Men: A Toolkit for Action (Cambodia adaptation)*, p. 325 English and Khmer versions available. A forthcoming publication in 2014 is: from: Salas, Vicente. (2014) *Speaking Out – a toolkit for MSM and Transgender led Advocacy* (Khmer and English versions adapted for Cambodia). Global Forum on MSM and HIV (MSMGF)

43 "Khmer youth" refers to Cambodian youth who ascribe predominantly to ethnic minorities, most of whom have not had any formal education.

44 Lindstrom, N. "Drag Queen Divas" AsiaLife Phnom Penh, Issue 29, May 2009 pp. 25-26; Gharbi, S., "Gay Scene and Grindr on KohPich" 7 Days, Phnom Penh Post, 14-20 Dec. 2012. Issue 173, p. 8

45 Lindstrom, N. "M Style" AsiaLife Phnom Penh, Issue 29, May 2009, p. 27; several NGOs and CBOs such as MHC, MHSS, CSSD, KDFO, and KHEMARA are part of the M-style program. RHAC and MEC have special clinics for MSM and Transgender for HIV Prevention. The Cambodian National Network of People living with HIV, (CPN Plus) has a Positive MSM and Transgender project.

46 During the Pride celebrations, these have included a Gender & Sexuality Art exhibit (2009), Thoamada I & II, 2012 and 2013, and an award winning photo exhibit, "The Pink Choice" (Photo Phnom Penh, 2013)

47 MacIsaac, V, "Seven Questions" Phnom Penh Post, 20 April 2012. An LGBT rights activist is quoted in this piece.

48 Locally used terms for LGBT people in Cambodia are described in papers by Tan; Catalla et al; Earth; Salas V et al; and in "Speaking Out: A toolkit for MSM and Transgender –led advocacy" (Cambodia adaptation). Global Forum on MSM and

and transgender persons/kteuys. Younger urban lesbians have developed their own jargon and typology of lesbians—‘WLW’, ‘LB’, ‘LG’ and ‘LT’.<sup>49</sup> These terms are products of the collision of new technology and the need for secrecy, even as LGBT people strive for greater acceptance (See Annex 2: Glossary of Commonly Used Terms). Recently the phrase *pet ti bai* (literally, the third sex) seems to be gaining in popularity to describe LGBT people in the media, and is now considered a more acceptable term.<sup>50</sup>

### **Recent Developments: National, Regional and International Supporters**

Since Prime Minister Hun Sen’s December 2012 LGBT-supportive statements, the Ministry of Women’s Affairs (MoWA) increasingly recognizes the importance of LGBT issues. In 2014, MoWA will implement a Cambodia Gender Assessment, which includes sexual minorities. The second National Action Plan to Prevent Violence Against Women (NAPVAW) mentions violence against LGBT persons. Lesbian and transgender representatives participated in meetings for the Technical Working Group on Gender-Based Violence in NAPVAW’s development.<sup>51</sup>

Cambodia’s development partners have supported other initiatives. OHCHR provided legal advice in the case of a lesbian who was forcibly separated from her partner, and falsely accused of human trafficking and kidnapping. The UN family has provided supportive messages to Pride activities in Cambodia.<sup>52</sup> Several UN offices prominently displayed the LGBT rainbow flag during Pride week.

The UK, Swedish and US embassies have also supported Cambodia’s LGBT community including LGBT Pride activities. Other global and Asian regional initiatives include OHCHR’s ‘Free and Equal’ campaign<sup>53</sup>, and the USAID/UNDP ‘Being LGBT in Asia’ initiative.<sup>54</sup> Funding support for LGBT concerns and human rights is increasing. A recent call for proposals from the European Instrument for Democracy and Human Rights (EIDHR, 2013) specifically encourages media advocacy for the rights of marginalized groups, including LGBT people.

In the Asia-Pacific region, recent UNDP and the Asia-Pacific Coalition on Male Sexual Health (APCOM) publications focus on HIV and health for MSM. They also cover health, human rights and areas of concerns for transgender persons, including in Cambodia.<sup>55</sup> Transgender Cambodians have recently joined a newly organized regional network of trans-persons, the Asia-Pacific Transgender Network (APTN).

Cambodian LGBT activists are now recognized internationally. In February 2014, Sou Sotheavy won the David Kato Vision and Voice Award.<sup>56</sup> Given annually, the award is presented to an individual

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Transgender and HIV (forthcoming, 2014)

49 “WLW” – Women loving Women; LG – ‘feminine lesbian girl’; LB – ‘Masculine-acting Lesbian Boy’; LT – ‘Female to male tom or transgender male’

50 Personal communication: Chanthorn Phorng, Cindy, Bunthorn, Hong Reaksmeay, Meas Chanthan, and several other NGOs  
51 Personal communication, RC (Gender & Communications Advisor to the MoWA) Feb 2014

52 <http://www.un.org.kh/index.php/newsroom/speech-and-statement/629-2013-prideweek>, and <http://asiapacific.unwomen.org/en/news-and-events/stories/2012/6/op-ed-cambodia-pride-week-12-to-20-may2012>

53 OHCHR. (2012) *Born Free and Equal – Sexual Orientation and Gender Identity in International Human Rights Law*

54 USAID RDMA & UNDP APRC, (2012). ‘Summary Brief, Being LGBT in Asia-A Participatory Review and Analysis of the Legal and Social Environment for LGBT persons and Civil Society’

55 UNDP and the Asia-Pacific Transgender Network (APTN), (2012). ‘Lost in Transition: Transgender People, Rights and HIV Vulnerability in the Asia-Pacific Region.’ And APCOM & APTN, (2013) “Overlooked, Ignored, Forgotten-HIV and Basic Rights of Transgender People in Asia and the Pacific” – Policy Brief

56 <http://www.prnewswire.com/news-releases/cambodian-transgender-activist-sou-sotheavy-wins-2014-david-kato-vision-voice-award-244929501.html>. The David Kato Vision & Voice Award (DKVVA) recognizes and supports the work of leaders who strive to uphold the human rights and dignity of lesbian, gay, bisexual, transgender, and intersex (LGBTI) people around the world. More information about the DKVVA can be found at <http://www.visionandvoiceaward.com>.

who demonstrates outstanding courage and leadership in advocating for the rights of LGBT individuals, particularly so in challenging circumstances and unsupportive policy environments.



## THE CAMBODIA NATIONAL LGBT COMMUNITY DIALOGUE



*Photo: Participants at the National Dialogue*

The Cambodia National LGBT Community Dialogue was held in Phnom Penh on 20 and 21 January 2014 as a key activity of the Cambodian component of 'Being LGBT in Asia'. The National Dialogue was organized as a collaboration among the United Nations, the U.S. Government and independent consultants and was divided into two days.

The first day of the National Dialogue aimed to provide a safe space for LGBT community representatives to examine key issues and concerns of LGBT people in Cambodia. Meeting participants could speak freely and extensively about their personal experiences as well as issues and concerns covering the six thematic areas: personal and family, community and society, education, health, employment, and the media. 51 of the 59 participants were community members, with 8 participants from UN agencies and USAID to provide support for the running of the meetings. The 59 participants were from 18 of 24 different provinces and cities in Cambodia. Six organizations that work with or support LGBT issues were represented. Twenty-five representatives came from Phnom Penh and 34 from outside of Phnom Penh. The group was diverse and self-identified as 3 lesbians, 9 gay men, 5 bisexual women, 1 bisexual man, 6 transgender women, 16 transgender men, 1 MSM, 1 unidentified and 17 'allies' who were assumed to be heterosexual.

The meeting started with a sharing of personal experiences. Participants used a participatory tool called the 'lifeline' exercise to recall significant moments in a typical LGBT person's life. They then mapped this on a sheet of paper, indicating the age and time at which the event occurred, with different symbols and colours used to signify positive and negative impacts on the person. This was followed by the discussions according to themes including possible solutions and recommendations. Several participants were selected to make presentations to stakeholders on the second day.

The aim of the second day of the National Dialogue was to present outputs from the previous day's discussion to a larger group of participants from outside of the LGBT community with follow-up discussion. The day included statements from officials of UNDP APRC, OHCHCR Cambodia, USAID/ Cambodia, USAID/RDMA, and UNAIDS Cambodia. The findings from a research paper<sup>57</sup> about the social exclusion of LGBT people from social protection mechanisms in Cambodia (the 'Social Exclusion Report') were presented.

There were 99 participants on Day 2 from 11 NGOs working on LGBT issues, the full range of UN agencies (UNDP, OHCHCR, UN Women, UNV, ILO, WHO, UNAIDS and UNESCO), and bilateral development partners such as the US Embassy and the Embassy of Sweden. Media representatives, university lecturers, gender studies students, independent researchers and local commune officials also participated.



## BEING LGBT IN ASIA

'Being LGBT in Asia: A Participatory Review and Analysis of the Legal and Social Environment for LGBT Persons and Civil Society, a collaboration between UNDP and USAID, seeks to understand, map and analyse the situation of LGBT rights in communities and countries by producing an analysis and review of the situation of the LGBT community and their human rights in specific countries in Asia. The initiative comes at a time in the midst of the human rights challenges faced by LGBT people worldwide, but increasing international engagement with the UN Secretary-General, and US President and Secretary of State expressing concerns.

By developing important new knowledge and connections, 'Being LGBT in Asia' seeks to improve the networking of LGBT organizations in South, East, and Southeast Asia and to inform policy and programming in the development context through a participatory process that emphasizes innovative approaches, including the use of video, the internet, and social media. The initiative aims to achieve two-way learning, establish a baseline vis-à-vis legal and human rights issues, and empower LGBT participants. It will also help to create multimedia and social media tools and resources, engage youth leaders to support LGBT civil society, and to improve the capacity of the US Government and the UN family to work with LGBT civil society organizations across Asia.

An important objective of 'Being LGBT in Asia' is bringing together emerging communities of practice among individuals and organizations working on LGBT issues throughout the region, in the eight focus countries in particular, including development partners, governments, LGBT civil society organizations, and faith-based organizations. By investing in and developing a network of creative interactions among agencies and grassroots development partners, stakeholders will be better positioned in the future to realize LGBT-inclusive development approaches and programming. In each country, a "National Community Dialogue" is the first key activity.

57 Salas V & Srun S. (2013). 'An Exploration of Social Exclusion of Lesbians, Gay and Transgender Persons in Families and Communities and their ways of coping.' Research report. Social Protection Coordination Unit, Council for Agricultural Research and Development (SPCU-CARD) Phnom Penh.



# OVERVIEW OF LGBT HUMAN RIGHTS IN CAMBODIA



## LEGAL AND POLICY ENVIRONMENT

Cambodia's legal system is relatively neutral for LGBT people in comparison to other countries. On one hand, same-sex activities (either relationships or sexual activity) are not criminal offenses, but on the other, the law does not recognize LGBT people and is silent on discrimination against LGBT people. There are no legal protections for LGBT people. There is no prohibition of discrimination based on sexual orientation and/or gender identity and there are no sanctions for those who violate human rights of LGBT people. There is also no legal recognition of same-sex partnerships,<sup>58</sup> but same-sex partners are not prohibited from adopting children. The age of consensual sex is the same for all sexes and genders but laws relating to transgender persons are unclear. Transgender people are often not mentioned at all. There is little information available on gender-confirmation surgery, also known as sex-reassignment, gender-affirming and gender-reassignment surgery.<sup>59</sup>



## THE CONSTITUTION OF THE KINGDOM AND NATIONAL LAWS

The Cambodian landscape of law and policy can be confusing. There is a hierarchy of laws and policies, with the Cambodian constitution and international commitments and UN conventions perceived to be at the top. These are followed down the line by *Kram* (law), *Kret* (Royal Decree),

<sup>58</sup> Caceres, C and Pecheny, M et al. (2009). 'Review of Legal Frameworks and Situation of Human Rights related to Sexual Diversity in Low and Middle Income Countries' UNAIDS. [http://data.unaids.org/pub/Report/2009/20091215\\_legalframeworks\\_sexualdiversity\\_en.pdf](http://data.unaids.org/pub/Report/2009/20091215_legalframeworks_sexualdiversity_en.pdf)

<sup>59</sup> Baird, Vanessa. (2001). 'The No-Nonsense Guide to Sexual Diversity.' New Internationalist Publications. p. 133.



*Anukret* (Sub-Decree), *Prakas* (Decision) and *Sarachor* (Circular).<sup>60</sup> For practical and implementation purposes, *Prakas* are regulatory and not legal. They are more specific in nature and are considered as guidelines. In addition, a government ministry may issue policies that are implemented according to the power and resources of the particular ministry. Underpinning all these laws, decrees and policies are various cultural and gender norms that influence how laws are implemented.

The supreme law of the land, the Constitution, emphasizes equality and respect for the rights of all citizens. The Constitution can be interpreted to not prohibit same-sex marriage per se. Article 45 states, “Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife.”<sup>61</sup> The Constitution does not specify that a husband should be male, or a wife female. In an article in the Phnom Penh post, LGBT activist Srorn Srun claimed to know at least 15 couples who have obtained marriage certificates wherein one recipient is identified as the ‘husband’ and the other as the ‘wife.’<sup>62</sup>

The 1989 Cambodian Law on Marriage and Family was often cited as a major impediment to same-sex marriage equality. Article 6 had several prohibitions on marriage, including persons who are of the same sex.<sup>63</sup> Other prohibitions to marriage in Article 6 include impotence; illness such as cancer, tuberculosis, leprosy and venereal disease; mental disability; and one of the partners already being married. The more recent 2011 Law on the Implementation of the Civil Code abrogates, or cancels, most of the 1989 Law on Family and Marriage, including the Article 6 provisions prohibiting same-sex marriage. However, it is unclear whether same-sex marriage is now legal, or that it is simply not illegal.

Some lesbian, gay and transgender people live openly with their same-sex partners, and have undergone wedding ceremonies with the consent of local officials. These ceremonies are an important part of Khmer culture and community life, and show the community that the two people involved love each other and desire to share their future together. While these ceremonies may be permitted, and are attended by many people from the community, certificates of marriage are in a vast majority of cases not issued.

A Ministry of Interior official said there was no need to amend the marriage law, stating, “*We do not ban them from marrying... when there is a marriage between a woman and a woman, you can register one as a man and the other as a woman.*”<sup>64</sup> Some local officials have actually devised ways to allow people to live together and have joint property and custody of children through registering same-sex couples as ‘sisters’ or ‘partners’ in legal documentation such as Family Books. Each household keeps a record of their children and property. However, these measures relate only to property and custody and not to other family rights such as inheritance, tax and visitation rights in hospitals for same-sex partners.

60 Advocacy Handbook, Cambodian Independent Teachers Association (CITA), 2011, p. 5

61 It is assumed, but not specified, that a husband must be male or a wife must be female

62 Kunthear, M and Drennan, J. “Laws can’t stop lovers Marrying”, Phnom Penh Post, 20 May 2013

63 Articles III, V, VI, VII & VIII Cambodian Law on Marriage and the Family (1989, unauthorized English version) [http://www.gocambodia.com/laws/data%20pdf/Law%20on%20Marriage%20and%20Family/Law%20on%20the%20marriage%20and%20family\(EN\).pdf](http://www.gocambodia.com/laws/data%20pdf/Law%20on%20Marriage%20and%20Family/Law%20on%20the%20marriage%20and%20family(EN).pdf) (retrieved 30 January 2014); The Marriage Law also prohibits marriage by force (Article III), and specifies minimum age of males and females; it also prohibits marriage between relatives up to third level of consanguinity.

64 Kunthear M and Drennan, J. “Laws can’t stop lovers marrying” Phnom Penh post, 30 May 2013, p. 4

In a 2012 report<sup>65</sup>, the CCHR analysed the overall legislative landscape in Cambodia in terms of existing legal safeguards for LGBT people, examining different aspects of their lives (families, communities, health, education) and providing legislative and non-legislative recommendations, citing applicable laws and initiatives in other relevant countries. Many of these recommendations could be useful for future legal and human rights advocacy efforts, such as decreasing homophobia in schools; training to raise awareness about LGBT and SOGI issues; and promoting non-discrimination among police, law enforcers and health providers.

In general, research into how laws and policies affect LGBT people is absent. There is no information about the impact of inheritance, tax, family rights, and the right to visit one's same-sex partner in health facilities if they have been subject to a traumatic accident or are in longer-term care for an illness, on same-sex families.



### THE NEW CAMBODIAN CIVIL CODE: IMPLICIT RECOGNITION OF SAME-SEX MARRIAGE?



Photo: "I Want the Right to Get Married Like Others and to be Recognized Under the Law"

Recent analysis of relevant laws and policies indicates that most of the 1989 Marriage Law is no longer in effect. At the USAID/Cambodia-funded Cambodia LGBT Law Conference held on 5–6 March 2014, an activity under the Program on Rights and Justice II and the first of its kind, legal expert from East Management Institute noted that the 2008 Civil Code<sup>66</sup> governs restrictions on parties to a marriage and uses the word 'spouses' to describe couples, while noting two different types of marriage—heterosexual and homosexual (as described in the section on Adoption Law<sup>67</sup>). In Book Seven, Chapter Three of the Civil Code, same-sex marriage is not prohibited in that it does not state that marriage is required between a man and a woman.<sup>68</sup> NGOs and human rights groups

<sup>65</sup> CCHR (2012). Rainbow Khmer: From Prejudice to Pride.

<sup>66</sup> Crothers, Lauren. 'Discussions center on equalizing Cambodian LGBT rights', 5 March 2014. <http://www.cambodiadaily.com/news/discussions-center-on-equalizing-cambodias-lgbt-rights-53529>

<sup>67</sup> Civil Code, unofficial English translation. Chapter 2, Module 2, sub-section V, Article 1023, provision 2. (p. 237).

<sup>68</sup> Civil Code of Cambodia, unofficial English translation, 2008, Book Seven, Chapter 3, pp. 221–224.

working on LGBT issues were unaware of this aspect of the Civil Code until the conference; for some, this was the first time they had heard of the Civil Code.

Further, the more recent Law on the Implementation of the Civil Code (2011) states in Article 78: “Law on Family and Marriage shall become ineffective from the date of Application [of the 2011 Civil Code], except for provisions of Article 76 and 77, and Articles 79 and 81”.<sup>69</sup> This Law therefore, abrogates, or cancels most of the 1989 Law on Family and Marriage, including the Article 6 provisions prohibiting same-sex marriage.

However, the changes in the laws of the country through the 2008 Civil Code, the Law on the implementation of Civil Code in 2011, and the abrogation of the 1989 Marriage Law have not been widely disseminated beyond the legislative bodies. Attendees of the Cambodia LGBT Law Conference reported that the information was new to them, as was information about the abrogation of the 1989 Marriage Law.

Neither local officials who issue marriage certificates nor NGOs, human rights groups, LGBT groups and LGBT people who wish to marry are familiar with the changes in Cambodian law. Further advocacy for marriage equality must, however, be based on the official and original Khmer version of the law. The English translation cannot be legally used as it has a specific caveat stating that it is ‘unofficial’.<sup>70</sup>

It will probably take a test case in a court of law to clarify this issue, and if same-sex marriage is permitted, to ensure that these provisions are understood and can be implemented. For now, the prohibition of same-sex marriage remains by precedent and a lack of clarity of the relevant laws. In the USA, in states where same-sex marriage is not “illegal”, neither is it yet legal unless a specific law has been passed to allow them. So the situation may be the same in Cambodia. The issue will continue to be monitored.

The aforementioned USAID/Cambodia-funded Cambodia LGBT Law Conference was a small step forward in the development of LGBT-positive legislation in Cambodia. Lawyers, law students, paralegals, and Ministry of Justice officials discussed legal issues facing the LGBT community, and possible remedies for issues such as marriage equality and inclusion of SOGI issues in laws and policies. It was an important event for informing stakeholders on the issues though acknowledged that changing laws can take decades.



## LOCAL AUTHORITIES AND POLICE: VARYING INTERPRETATIONS OF DIFFERENT LAWS

RoCK case reports show that LGBT people have been forcibly and legally separated from partners. Authorities, often in collusion with parents, have used laws such as the Anti-Kidnapping Law to separate same-sex partners. In one case report, parents of a lesbian accused her partner of kidnapping their daughter. In order to separate them, the family pressured the daughter to leave her work in a garment factory and get married to a man of their choice.

<sup>69</sup> Law on Implementation of the Civil Code was passed by the National Assembly on April 6, 2011 and approved by the Senate May 9, 2011. From the unofficial English translation, page 1, and Article 78, page 28.

<sup>70</sup> While the original law is official in Khmer, the translation has a caveat: “This is an unofficial translation of the Law. It contains translation mistakes and incoherent wording, and could lack some information. It is provided for information purposes only and we are not responsible for any errors or ambiguities. Reliance may only be placed upon the official Khmer version.”



There is at best ambiguity in statements made by the prime minister. In a 2007 speech, he disowned his lesbian daughter while, at the same time, calling for non-discrimination. In a speech following human rights day in 2012, he called on the public to be more tolerant of the LGBT community.<sup>71</sup>

Officials from the police and the Ministry of Interior deny that there is systematic discrimination against LGBT people, or that discrimination is a problem and there is a need for special protections. They claim that human rights NGOs are responsible for *“making it appear to be a big problem, when it was not”*.<sup>72</sup>

However, there is evident discrimination in some areas of society. Research done in 2009 on the Law on Suppression of Human Trafficking and Sexual Exploitation showed that while the number of arrests of female entertainment workers (EW) decreased considerably between 2007 and 2008, arrests of MSM and transgender EW increased threefold.<sup>73</sup> In major tourist areas in Siem Reap, transgender women are barred from entry, or are periodically targeted for arrest on suspicion of being thieves.<sup>74</sup>

According to NGO reports, another policy that is often used to justify arrests and harassment of LGBT persons (as well as those who sell sex) is the VCSP, formulated in 2011. The VCSP focuses on security and public order. It calls on local authorities to eliminate all forms of crime at the village level, with specific references to illegal drugs, prostitution, human trafficking, domestic violence, gang activity, illegal gambling and illegal weapons. However, according to a CCHR report, this policy is used as a means to simply suppress and control the population. It authorizes the police to scrutinize their fellow Cambodians, and round up people pre-emptively. This includes LGBT people sitting inconspicuously in parks, and those presumed by the police to be gang members and sex workers.<sup>75</sup> Human rights groups have a major concern with the VCSP that it is not a formal piece of legislation that has been debated and passed in the national assembly. Rather, it is an executive edict from the Mol.

A 2010–2011 UNGASS report cited challenges with laws and policies, stating that some have hampered progress in HIV prevention, care and support.<sup>76</sup> The National AIDS Authority (NAA) specifically cites the Law on Drug Control and the VCSP, which have *“made access to people who use drugs, and provision of services, as more difficult, due to misunderstanding of law enforcement officers, especially at the commune level”*. The NAA does not specifically mention MSM and transgender but many transgender people who sell sex but deny possessing drugs have experienced arrests. The majority of them exchange money or valuables with the police to be released from jail, and believe that police arrest them in order for this extortion to take place.

71 Ip, Stephanie. “LGBT Community to be respected-PM”, Phnom Penh post, 12 December 2012; Knox, Claire, “Girls will be boys and boys will be ladies: the art of Drag” Phnom Penh Post, 7 Days, issue 173, 14 Dec. 2012, p. 8; Kunthear, M & Drennan, J. “Laws Can’t Stop Lovers Marrying” Phnom Penh Post, 20 May 2013, p.4.

72 Drennan, J. and Chanyda, “Shift in LGBT policy urged” Phnom Penh Post, 2 Jan. 2013; Baron, Laignee. “Groups insist on Equal Rights”, Phnom Penh Post, 11 Dec. 2013.

73 CACHA & National AIDS Authority (2009). Research Report, “Policies environment regarding universal access and the right to work of Entertainment Workers in Cambodia” pp. 65–67.

74 Personal communication from MSM and Transgender network volunteers and NGO transgender peer educators (2013 & 2014)

75 CCHR report, (2012). Ibid. p. 16

76 National AIDS Authority (NAA). (2012). UNGASS Country Progress Report, 2010–2011. p. 15



## CULTURAL AND SOCIAL ATTITUDES AND PERCEPTIONS TOWARDS LGBT PEOPLE IN CAMBODIA

As earlier described, the concept of ‘homosexuality’ as understood in the West is not necessarily directly transferable or understandable in Cambodia. The Khmer language does not describe homosexual, heterosexual, bisexual, gay or lesbian behaviour. According to Phong Tan, Cambodians understand gender and sexuality in terms less rigid than the Western categories of ‘male’ and ‘female.’<sup>77</sup> 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”. In other words, no clear differentiation is made between the concepts of gender and sex. The words *gni* and *chmol* also denote gender, but are more generally applied to animals and plants. In the Khmer language, a person’s identity is not based on their sexual desires, partners or identity, but on character and personality, traits believed to be innate. Persons of the male sex can be of two types: feminine (gentle, docile) and masculine (firm, tough).<sup>78</sup> It is unknown whether this typology applies to females.

A word often used to describe a third gender is *kteuy*, which has a number of different interpretations. The Buddhist Institute dictionary published by Chuon Nat (as cited in the paper by Phong Tan) defines *kteuy* as “...a person who is intersex and possesses both male and female genitalia...(sic)” It is also used to describe those who may be a biological man or a woman but displays the personality or behaviour of the opposite sex. *Kteuy* is thought to have its origins in the ancient Khmer language.<sup>79</sup> In Cambodia, *kteuy* has a derogatory connotation, and is considered insulting, particularly when used by outsiders to describe people who consider themselves transgender.

The focus on outwardly visible characteristics, and character traits instead of sexual orientation, means many Cambodians who are homosexual do not identify themselves as such. When the word ‘gay’ is used, they generally refer to men who outwardly look, speak and dress like women.<sup>80</sup> It is often used as an equivalent term for *kteuy*. Accordingly, individuals may describe themselves as ‘straight’ despite their homosexual activities. As one Cambodian asserted, “I am not gay, I just like having sex with men.”<sup>81</sup>

Deeply ingrained cultural norms illustrate how men and women should behave, and have been codified into the *Chbap Srey* (Rules for Women) and the *Chbap Pros* (Rules for Men). These are written, customary laws that go back centuries. While not official laws or statutes, they have a deep influence on society.

In the ‘Out of the Shadows’ research report (2003), transgender respondents said they prefer to follow the *Chbap Srey*, citing an excerpt from the *Chbap Srey*, “Women are expected to walk slowly and softly, be so quiet in their movements that one cannot hear the sound of their skirt rustling...”<sup>82</sup>

77 Earth, Barbara. (2006). Diversifying Gender: Male to Female Transgender Identities and HIV Programming in Phnom Penh, Cambodia. *Gender & Development* 14:2, 260.

78 Tan, Phong. (2008). *Ethnography of Male to Male sexuality in Cambodia*. HIV/AIDS Prevention Program, UNESCO, Phnom Penh.

79 Beyrer, C. (1998) *War in the Blood: Sex, Politics and AIDS in South-East Asia*. Palgrave and Macmillan: “the word *katoey* is thought to come from archaic Khmer. “*Ka*” is derived from the word for person, “*toey*” from a word signifying “other” or “stranger”, literally, another kind of person”. p. 165.

80 Tan, Phong, *Ibid*. pp. 24–26.

81 CCHR. (2010) *Coming out in the Kingdom: Lesbian, Gay, Bisexual and Transgender people in Cambodia*. p. 11

82 CatallaTAP et al., p. 16–17.

While the *Chbap Pros* and the *Chbap Srey* are no longer taught in schools (at one time children had to recite them out loud), they are still influential. Like in many cultures, Cambodian proverbs and sayings reflect accepted gender norms. For example, “Men are like gold, women are like cloth” illustrates the comparative value that Cambodian society places on men and women.<sup>83</sup> How these may apply to LGBT people has not been studied.

Cambodian society can be tolerant of male homosexual behaviour provided it is discreet and does not affect traditional family structure. Men are expected to marry and have children. By doing so, sexual relations with other males may continue unnoticed or ignored.<sup>84</sup> Like in many other societies, gay people get married to the opposite sex, even if they don’t want to, to avoid suspicion or to follow expected cultural norms. In most studies of MSM and transgender people who were living with HIV, a minority were in heterosexual marriages.

The Social Exclusion Report<sup>85</sup> notes comments about LGBT people that reflect deeply held gender norms. Some authorities from a local commune expressed disbelief that two people of the same sex could live together, as this was “*not natural*”; “*most of those women who love other women are jobless and can’t earn a living, but men, if they want to live together, it is possible because they are strong*”; “*if there are more lesbians and gays, our country will be slow to develop, many will not go to school, there will be less children, it is not Cambodian*”. However, in the same study, there were also villages where cohabitating female couples were accepted, mainly because they have lived together for a long time and raised children, adoptive or natural from a previous marriage. RoCK activists estimate at least a thousand LGBT couples in Cambodia. During Pride 2013, 76 lesbian and five male cohabiting couples attended a RoCK workshop in Phnom Penh.<sup>86</sup>



## **MEN’S ATTITUDES TOWARDS HOMOSEXUALITY: SHAMEFUL, BUT LAWS SHOULD PROTECT AGAINST DISCRIMINATION**

To measure men’s views of homosexuality, a nationwide survey in 2012,<sup>87</sup> part of a communications campaign against Violence Against Women (VAW), asked two questions about homosexuality. Women were not included in this survey. Of the 1519 male respondents, 63 percent agreed that, “I would be ashamed to have a homosexual son”. A slightly higher number of respondents (65%) agreed that “there should be laws protecting gays and homosexuals from discrimination.”<sup>88</sup> The survey had no questions relating to female homosexuality.

83 “See also <http://sochua.wordpress.com/2010/12/02/from-white-cloth-to-precious-gems-cambodian-women-challenge-gender-stereotypes-and-defend-against-hiv/>

84 CCHR. (2010) ‘Coming Out in the Kingdom’ p. 14

85 Salas V & Srun S. (2013). ‘An Exploration of Social Exclusion of Lesbians, Gay and Transgender Persons in Families and Communities and their ways of coping.’ Research report. Social Protection Coordination Unit, Council for Agricultural Research and Development (SPCU-CARD) Phnom Penh.

86 Kunthea M and Drennan, J. “Laws can’t stop Lovers marrying”, Phnom Penh Post. 20 May 2013

87 Domrei Research & Consulting. (2012) Baseline Survey on a Joint Communications Campaign on Violence against Women. Report prepared for PYD (Paz Y Desarrollo)

88 Domrei Research and Consulting. (2012). Ibid. pp. 27–28 and p. 39



## BUDDHIST PERCEPTIONS OF SEXUALITY AND SEXUAL BEHAVIOURS

Theravada is the prominent form of Buddhism practiced in Cambodia. At least 96 percent of Cambodians practice Buddhism.<sup>89</sup> The Pali Canon does not specifically prohibit homosexuality. Buddhist teachings are relatively free of misogyny, homophobia and transphobia.<sup>90</sup> The steps of the Eightfold Path to enlightenment speak about sexual activity. The second step states, “You must renounce all pleasures of the senses.” This is thought to refer to all forms of sexual activity, and imply complete celibacy. The fourth step prohibits “unlawful sexual acts”. Buddhist commentators usually interpret such acts to refer to “rape, sexual harassment, molestation of children, and unfaithfulness to one’s spouse.”

No distinction is made between homosexual and heterosexual behaviour—both must be free from harm; with mutual consent; the breaking of a commitment to another person is not involved; and sexual behaviour must be carried out with the intention to express affection with respect, and give pleasure to each other. These precepts apply irrespective of one’s gender or sexual orientation. The same principles are used to evaluate all relationships and sexual behaviour, heterosexual or homosexual.<sup>91</sup> The Dalai Lama very recently expressed support for gay marriage, though noted legalization of such unions was a matter for each country to decide.<sup>92</sup>

During the 2012 LGBT Pride celebration, the festivities ended with a blessing at a pagoda.<sup>93</sup> The head of the Toul Dombong Khou pagoda said, “...*Buddhism has never been in conflict with issues of sexuality or gender identity... Our Buddha taught us to love each other, to help each other and not to discriminate against each other...*”



## DECENTRALIZATION AND DIFFERENCES ACROSS CAMBODIA: LGBT RELATIONSHIPS AND PARTNERSHIPS

The acceptance of LGBT people has not been studied systematically in Cambodia. However, like in other countries of the world, larger cities and the provincial capitals tend to be where many gay and other MSM and transgender people congregate. This is not surprising as there are dependable social networks, more work and socializing opportunities and the locations are more anonymous. Many LGBT services such as drop-in centres run by NGOs and clinics, particularly for MSM and transgender females, are located in the cities. In the past few years, in both Phnom Penh and Siem Reap, gay- and lesbian-friendly establishments such as bars, discos, guesthouses, and all male saunas and massage places have opened.

Anecdotal evidence shows lesbians and female-to-male transgender persons prefer to stay in the provinces, particularly if they have partners and have been living together for some time. A supportive village chief shared stories about families headed by two women in commune and

89 [http://en.wikipedia.org/wiki/Religion\\_in\\_Cambodia](http://en.wikipedia.org/wiki/Religion_in_Cambodia), retrieved 28 March 2014.

90 [http://www.religioustolerance.org/hom\\_budd0.htm](http://www.religioustolerance.org/hom_budd0.htm). Downloaded 28 Mar 2014

91 Trembath, Kerry. “Buddhism and Homosexuality” <http://www.enabling.org/ia/vipassana/Archive/T/Trembath/buddhismAndHomosexualityTrembath.html> retrieved 28 March 2014

92 <http://abcnews.go.com/blogs/politics/2014/03/dalai-lama-says-he-supports-gay-marriage/> 28 March 2014

93 Roth Meas, “Pride closes with a Buddhist Blessing”. Phnom Penh Post, 22 May 2012. <http://www.phnompenhpost.com/lifestyle/pride-closes-buddhist-blessing>

district-level meetings, “...there seem to be so many of them (females in same-sex relations, living together) in this village... but there do not seem to be any gay and transgender persons (males dressing up as females) as they all go to live in the city.”<sup>94</sup>



## KEY INSTITUTIONS FOR LGBT RIGHTS PROTECTION



Photo: Sharing of ‘Life Line’ Activity at the National Dialogue

No government institutions work specifically on LGBT rights. All Cambodians are theoretically to receive equal treatment under the Constitution, the supreme law of the land, regardless of sex, age, race or religious beliefs. The Cambodia National Human Rights Commission has not been involved in LGBT issues, and did not comment on LGBT rights issues raised in reports to the UN Human Rights Commission (UNHRC) for the 2013 UPR.

Government ministries do not have specific programs or projects for LGBT people. The National AIDS Authority (NAA) and Ministry of Health, (through its National Center for HIV/AIDS and Dermatology, or NCHADS) developed a national framework for responding to HIV in MSM and transgender females. Informed by HIV epidemiology, it does not mention lesbians or transgender men.

The Ministry of Women’s Affairs has recently started to include bisexual women, transgender women and lesbians in the draft National Plan of Action for Prevention of Violence against Women (NAPVAW). This is a positive move. Whether these populations will be named in the final document is not currently assured.

Many NGOs focus on HIV and work with MSM and transgender women. They have STI and HIV counselling services, though this tends to be limited to the recognition of clinical symptoms, medical treatment and condom use. SOGI issues are not discussed, nor is there training for counsellors in these areas. If rights violations take place that are not health-related, such as arbitrary arrests and detentions, these HIV-focused NGOs tend refer those affected to human rights and legal advocacy organizations.

94 Salas V & Srun, S. (2013) pp. 16 & 18

The human rights NGO, CCHR, has run a SOGI and LGBT rights project since 2010. Other NGOs working on human rights include the Cambodian League for the Promotion and Defence of Human Rights (LICADHO). They occasionally provide legal advice for LGBT people, though prioritize issues like landlessness and police violence. Organizations working on women's rights (including sexual and reproductive rights) or to prevent domestic and gender-based violence do not mention lesbians or transgender persons.

Awareness among LGBT people may be inadequate of relevant laws on human rights. The Social Exclusion Report asked if LGBT respondents had heard of certain national laws and policies. The laws on child rights were known to 72 percent of respondents, followed by labour laws (known to 62 percent), divorce, anti-human trafficking and the Commune Safety Policy (known to 59, 57 and 47 percent respectively).<sup>95</sup>

Several laws such as the anti-kidnapping law, the anti-trafficking law and the Commune Safety Policy have been used as a basis for separating partners.<sup>96</sup> One particular case attracted the attention of the OHCHR in Cambodia in 2012. It was alleged that a family had bribed officials to change their daughter's age on documents in order to take legal action against her female partner.<sup>97</sup>

At the commune level, local activists note that complaints about beatings and violence have been brought to the attention of local officials and police, but were often disregarded. Victims were told, "this is a personal matter", or "just follow what your parents say."<sup>98</sup>

In 2008, it was argued that the Khmer Rouge Tribunal should include forced marriages as one of the crimes that should be tried. This was the policy of the regime to marry cadres to each other, regardless of whether they knew each other or not. A transgender woman was one of the first persons to speak out about this issue.<sup>99</sup> However, it is doubtful that these cases will ever be heard. Only two cases out of potentially several hundreds of thousands have been decided over the last six years, and the tribunal no longer has resources.

95 Salas V & Srun, (2013). p.14

96 CCHR Report 2012, p.16; personal communication from RoCK LGBT activists

97 Lewis, M. "Coming Out in Cambodia: Women in same-sex relationships stand up for human rights". <http://www.theguardian.com/journalismcompetition/professional-longlist-20121>

98 Personal communication, Sorn Srun (2014)

99 Freeman, J. and Chanida, C. "Civil parties put forced marriage back into the spotlight", Phnom Penh Post, 18 February 2013. <http://www.phnompenhpost.com/national/civil-parties-put-forced-marriage-back-spotlight>





# PROTECTION OF THE RIGHTS OF LGBT PERSONS IN CAMBODIA

This section looks at the protection of the rights of LGBT people in Cambodia under the broad categories of family affairs, education and schooling, employment and work, community and society, health, media, and other issues and concerns. Each area contains a description of issues and concerns, and recommendations for the LGBT community, and for other stakeholders such as civil society organizations, government ministries, policymakers, program implementers, development partners and others.



## FAMILY AFFAIRS

LGBT participants report a long list of problems within the family including non-acceptance, differential treatment compared to other siblings, and rejection. Some parents believe that being gay is a mental illness and consider their children crazy. They bring them to psychologists, psychiatrists and traditional healers, or to be blessed with holy water, in order to 'cure' them. Some families feel that LGBT children bring shame and dishonour to the family. National Dialogue participants reported insults, beatings, cursing, blaming, and confiscating of personal belongings such as phones and motorbikes. They reported threats to disown children because their behaviour differs from the norm or for effeminate males, because they wear their hair long. They reported not being allowed to see friends or to choose the partners they wanted. Transgender participants reported that their families would not allow their gender to be changed on official documents, though it is unclear whether families have any say on changing gender on official documents. They also moved children to the homes of relatives to try to change them and to be away from 'bad' influences. Many reported being forced to separate from partners they loved and pressured into heterosexual marriages.

As a consequence, many reported running away from home, moving in with friends or 'those like me'. Others reported feeling depressed and suicidal. Some felt deeply hurt about the lack of love

and intimacy in the family for being different. They also felt frustration and anger at not being able to change who they are. This early rejection by family, which is supposed to be a source of protection, have significant impacts on the lives of many LGBT people, as illustrated in the case study below.

**CASE  
STUDY  
#1**

*"When I was born, my parents were very happy, since I was a son and the fortune teller said that it was very lucky because I was born in an auspicious year and that I would be bringing luck and success to the family... later my father was so disappointed..."*

*In school, even as I was a young child, there were many problems and classmates insulted, teased and threw chalk at me. The teachers did not do anything to stop them, and they did not like how I expressed myself, how I walked and talked. I only finished up to fourth grade.*

*My family used to scold me because of who I am, they stigmatized me and didn't like me, including my siblings... and they also kicked me out of the house, for three months, when they saw me wearing girl's clothing. I was around 15 years old at that time. After they threw me out of the house, I then lived with my friends... I had many difficulties, as I did not know how to support myself... I did not have an education and had to sell sex in order to survive, even if I did not want to do this.*

*Once the police arrested me. My family tried hard to make me change. I told them, 'Even if I am like this, I do not hurt anybody... I do not do anything illegal or criminal...'*

*I feel sad for my father. He passed away because I never got the opportunity for him to recognize me, to improve our relationship and to feel his love for me. We had this gap—we never talked, I never called him 'papa' and he disowned me and didn't want me to call him 'papa'."*

*Shella (pseudonym), transgender female*

**Recommendations by members of the Cambodian LGBT National Dialogue to LGBT community members:**

- Several National Dialogue participants noted that once they started to earn some money and help the family and the community and society financially, there was greater acceptance. They were then able to exert more influence and power within the family.
- Find ways to explain yourself to your family—for example, RoCK, an NGO, has developed brochures on 'Coming Out' and 'Frequently Asked Questions about LGBT.' These are helpful guides to understand oneself as an LGBT person.
- Join support groups—particularly when LGBT people experience problems. It is critical to find external help and talk about problems with others. Help each other in times of crisis.
- Family members should be advised about the problems and effects of discrimination against their LGBT children.

**Recommendations to the National Government, Policy Makers, Local Authorities and CSOs:**

- Government should review or revise laws, circulars, and department policies to protect LGBT persons and their rights. This may be done with support from the MoWA, MoI, MoJ and the National Assembly. Specific recommendations:



- » Add SOGI specifically to the 'other status' provision stipulated in Cambodia's constitutional references to non-discrimination. SOGI should be specifically cited as a status that cannot face discrimination.
- » Introduce an anti-discrimination law that refers explicitly to LGBT people.
- » Amend the Law on Marriage and the Family to allow for same-sex marriage. Alternatively, publicise at all levels the abrogation of the 1989 Marriage and Family Law by the 2011 Law on Civil Code Implementation which cancels 1989 provisions that prohibit same-sex marriage.
- All government ministries and state institutions should consider the problems and issues facing LGBT persons, as well as the solutions, and integrate these into their work programmes and policy documents. For instance the MoWA should add LGBT issues into their 5-year National Action Plan on the prevention of Gender-Based Violence (2013–2017).
- Local authorities should be informed about problems or effects of discrimination imposed on LGBT persons by their family. They should mediate and advise parents not to use violence against their LGBT children, and provide mechanisms to protect or stop domestic violence linked to SOGI. They should intervene when there is family violence—both physical and mental, or when parents and relatives force their LGBT children or relatives to get married. Commune chiefs should not issue marriage certificates to families who force their LGBT children to get married.
- Civil society should have mechanisms to provide public education about the effects of SOGI-related violence perpetrated by families against their LGBT members. They should consider organizing discussion groups on family acceptance, and plan projects similar to PFLAG (Parents, Families and Friends of Lesbians and Gays) in other countries in the region, such as China and Viet Nam.
- Civil society organisations should use innovative ways and mediums, such as art, film and music, to raise awareness about LGBT rights. Examples include the song, 'Whose mistake is it?' by Noy Sitha with lyrics in the text box below or the 'Rainbow Krama' project of the CCHR, which sells rainbow scarves to support livelihood activities of poor women while raising awareness of LGBT symbols.
- Legal documents like ID cards, Family Books, travel documents, and IDPoor inclusion<sup>100</sup> by local village officials can cause challenges for LGBT people, for example, when they do not reflect an individual's chosen gender. Stakeholders should highlight and share with other local officials at the commune, district and provincial level relevant practices related to legal documents that promote social inclusion.<sup>101</sup>

100 IDPoor is an abbreviation for the Identification of Poor Households Program, a government social protection programme that classifies households according to the degree of income and resource poverty. Those in the lower brackets are considered as priorities for receiving emergency support or assistance, social and health services. (Identification of Poor Households Programme, Ministry of Planning)

101 Salas V & Srun S., "Exploratory Study of Social Exclusion of LGBT from Social Protection Mechanisms in Cambodia", SPCU-CARD & RoCK, 2014. (unpublished) Figure 2, and table III, p. 7 & 10

***Whose mistake is it? (A poem by Noy Sitha)******Our family does not like us******They say it is contrary to the natural law...******Our bodies are male but our minds are female******Whose mistake is it?******Why does fate not tolerate us?******Do not separate us please—our parents please forgive us...******Do not separate us please—our parents please forgive us...******All people should not discriminate against us or against our fate...******Please give us the right to choose whom to marry******Just like ordinary people in the world...******(Translation by Kong Bunthorn & Mana Kheang)*****EDUCATION AND SCHOOLING*****Issues and Concerns***

Access to formal education is key to human development, higher incomes and an overall better quality of life. Cambodia has had significant gains in education and literacy rates over the past ten years. The gender gap in education is narrowing, particularly in primary and secondary education. A comparison of data from the 2005 and 2010 Cambodian Demographic and Health Surveys (CDHS) shows that the percentage of females without any schooling has dropped from 25 to 16 percent (for males, from 13 to 8 percent). The proportion of females with at least some secondary education has risen from 16 to 35 percent between 2005 and 2010; for males, it has risen from 31 to 51 percent.

The Education Strategic Plan for 2009–2013 includes assurance that all Cambodian children and youth have equal opportunity for access to basic education, both formal and informal, without discrimination on the grounds of race, skin colour, gender, languages, religion, political affiliations of parents, place of birth or social status. But this plan fails to mention SOGI status.<sup>102</sup>

Nationally, roughly one in five students dropped out during the school year 2010–2011 at the lower secondary school level.<sup>103</sup> Anecdotal evidence from the CCHR suggests this rate may be higher among LGBT youth. Reasons given include economic hardship from non-acceptance by families to name calling and bullying by classmates because of their sexuality.<sup>104</sup> The Social Exclusion Report showed for levels of education higher than secondary school, 20 percent of gay males reached university (compared to 23.2% of male Phnom Penh residents in the 2010 CDHS study) and 17 percent of lesbian respondents reached university (11.6 % of female Phnom Penh residents had more than secondary education). Only six percent of transgender females reached higher than secondary school. For transgender females, family pressure to stop schooling plays a critical role.

<sup>102</sup> CCHR report, 2012, p. 19

<sup>103</sup> School Dropout Prevention Pilot Program-Drop Out Trend Analysis: Cambodia. USAID, August 2011, p. 51

<sup>104</sup> CCHR report, 2012, p.19

Thirty percent reported that the family “tried to stop [the person from] schooling or work” while eight percent of gay males reported the same.<sup>105</sup>

National Dialogue participants reported that families put pressure on children to behave according to their biological sex, and controlled the way they dressed and expressed themselves. In the school setting, LGBT students often experience bullying and teasing. School regulations for uniforms are inflexible: boys have to wear blue pants; girls, blue skirts. If dressed or behaving differently in school, teachers make them stand, forbid them to sit, and embarrass them in class. As a result, many report leaving school. This is a factor that may limit access to job opportunities and skills. Many transgender women resort to sex work to survive. A lack of vocational training opportunities for LGBT persons was also reported.

Some National Dialogue participants who were teachers said they also experienced problems and discrimination when starting to teach, but acceptance grew as they demonstrated competence as teachers and school administrators.

Initiatives to raise awareness about LGBT issues take place in a few universities in Phnom Penh and Siem Reap, such as the Pannasastra University, the Royal University of Phnom Penh, and the Build Bright University. NGOs such as RoCK and CCHR are invited as resource persons, and to show films, share experiences, organize workshops, and create LGBT discussion groups. Students are asked to write a paper responding to the session. Many report changes in their attitudes and gaining greater understanding of the daily issues and challenges faced by LGBT people.<sup>106</sup> Some university professors try to integrate these sessions with undergraduate learning modules on gender. An initiative called Cam-ASEAN started by an all-volunteer group of students is analysing Cambodian laws and policies as they relate to LGBT and SOGI issues, and provide information to LGBT people through a helpline and social networks like Facebook.

### ***Recommendations***

Members of the Cambodian LGBT National Dialogue recommend that LGBT community members try to be more open about who they really are, and talk about their own natural feelings of same-sex attraction. This should only be done when they are ready, and when it is safe to do so.

### ***Recommendations for Government, Schools, the UN, and CSOs***

- The MoEYS should include human rights and SOGI issues in the curriculum. Human rights and SOGI issues should also be included in future strategic plans and policies. MoEYS should take measures to eliminate discrimination in classrooms and punish those who discriminate against LGBT persons or engage in homophobic bullying.
- MoEYS should work with UNESCO and CSOs to establish campaign against SOGI-based bullying, particularly at the secondary school level.<sup>107</sup> UNESCO has a document that provides responses to homophobic bullying in schools and shows samples of good practice in other countries to reduce bullying.<sup>108</sup>
- MoEYS should provide scholarships and vocational training courses for LGBT students.

<sup>105</sup> Salas V. & Srun S, p. 21

<sup>106</sup> CCHR report (2012). p. 20

<sup>107</sup> CCHR 2012, p. 21

<sup>108</sup> United Nations Educational, Scientific and Cultural Organization. (UNESCO)(2012). Good Practices in HIV and Health Education, Booklet 8. “Education Sector Responses to Homophobic Bullying”, p. 60

- Schools and universities should be more flexible in the application of the 'school uniform' policies and should permit students to wear the attire that they wish when attending class.
- School curriculums should integrate education on human rights and awareness of the situation and challenges of LGBT persons; and ensure they take into account the lives of LGBT people.
- Government and civil society should undertake a survey to identify the extent to which LGBT youth are dropping out of school.
- Government and private schools should be non-discriminatory in hiring LGBT people as teachers, and should use them as role models for students when appropriate.
- The UN should encourage the MoEYS to include human rights and SOGI issues in the Cambodian educational system to prevent discrimination based on SOGI. Additionally, MoEYS should develop resources for teachers to use in the classroom with respect to SOGI issues.

**CASE  
STUDY  
#2**

### LOBBYING FOR CHANGES IN UNIFORM REGULATIONS TO ALLOW STUDENTS TO ATTEND IN THEIR PREFERRED ATTIRE

Van, one of the dialogue participants, has been a schoolteacher and administrator for over 20 years. She has worked for the provincial education department in Kampong Chhnang. As the girls' football team's coach, some of her athletes were lesbian and preferred to go to school in pants and shorts like the boys. Some of the teachers in the public school did not allow them into the classrooms, saying they were not properly dressed. Van met with the principal of the school, explaining the problem. She wrote a letter to the principal requesting permission for students to dress in the way they felt appropriate. Her main argument was, "if we do not allow students to attend school, we will not be meeting the country's goals for education." The principal and teachers relented. From that day on, the athletes could go to school in the attire that they felt comfortable in.

In a public university in Phnom Penh, students are required to follow a strict dress code. Males must be in dark blue pants and females in blue ankle-length skirts. Phiphi (a pseudonym) always wore pants, and used to bring her skirt in a bag and change into it just before attending classes. After attending awareness sessions with an LGBT rights group and working as a data collector for an LGBT research project, Phiphi decided to be a bit bolder and come to class in pants. As expected, her teacher later called her aside, and asked why she was not in uniform. She, inquired: "Is this really what you want to wear in class?" Phiphi explained her case patiently. Her teacher allowed her to wear her preferred attire in future lectures.

As a postscript, participants at a recent Cambodia LGBT Law Conference developed a draft for a prakas (implementing policy) to be proposed to the MoEYS to allow more flexibility in the use of school uniforms.



## WORK AND EMPLOYMENT

### Issues and Concerns

LGBT people experience marked discrimination and stereotyping at work, from application to interviews through to hiring and performing their jobs. Some report passing written examinations and being called for interviews, but the interview was cancelled after they presented themselves, or they were told outright they were not suitable for the job. LGBT people often need to hide their sexual orientation or gender identity at work. Even so, they may experience harsh comments from clients and colleagues such as "*what kind of establishment is this that hires kteuys?*" or belittling comments from colleagues that they cannot work like 'normal' people.

Fewer opportunities are available for some LGBT people with low education levels and skills. There is a lack of vocational training opportunities. Sometimes they turn to selling sex out of desperation and lack of employment. Transgender women may find themselves limited to certain types of work such as make-up artists and hairdressers. There are a few transgender celebrities in the local entertainment industry.<sup>109</sup> As entertainers, they are typecast as comedians where they often are the subject of demeaning humour. In general, National Dialogue participants said they cannot express who they really are in the workplace. They might suffer from discrimination and harassment and become the object of ridicule and negative jokes from their colleagues.

Little work has been undertaken in Cambodia to discuss SOGI issues with employers—including state organs such as the military, police, legislature and the judiciary, or with employer associations and unions. Such lack of inertia, according to the CCHR 2012 report, is mainly due to other priority labour issues such as advocacy for a living, or minimum, wage. Major economic growth in the country is thought as a means to expanded work opportunities. International companies tend to give more emphasis to corporate social responsibility, labour rights and general human rights, including targeting SOGI-based discrimination, in the workplace.<sup>110</sup>

The implementation of legislation such as the Law on Human Trafficking and Sexual Exploitation has had a disproportionately negative impact on LGBT people, particularly transgender sex workers. The law has increased arrests, decreased their income, and reduced their access to health and social services. 2009 research on this law showed that while the number of arrests of female EW decreased considerably between 2007 and 2008, arrests of MSM and transgender EW increased threefold. 55 percent of MSM and transgender women arrested were released by paying money or giving valuable items to the police as compared to 34 percent of the female EW.<sup>111</sup> Currently in Siem Reap, NGOs report that transgender females are not allowed to go into the main tourist area (Pub Street in the Old Market) as they are presumed to be thieves. There are also random arrests made by local authorities.<sup>112</sup> Ironically, Siem Reap hosts a popular cabaret show featuring female impersonators, many of whom are transgender Cambodians. They may be stars in one show, bringing in cash and tourists for government coffers, yet are not allowed to walk in some of the tourist areas of the city.

Even in the HIV sector where NGOs are expected to work with MSM and TG, discrimination may exist. From 2009 to 2012, the national network of MSM and transgender persons did not have a single paid staff person who self-identified as MSM or transgender.<sup>113</sup> Few of the NGOs and CBOs working with MSM and transgender people have openly gay or transgender staff in management or supervisory positions. Most MSM and transgender people are at the lowest level in the organizational hierarchy as either volunteers or peer educators and facilitators. Recruitment announcements by NGOs working on the issues may state, “MSM and transgender are encouraged to apply”. But there is no way of monitoring applications to the recruitment process or whether

109 Sreyngang C. and MacIsaac, V, “Cambodia’s first transgender star opts for natural look” Phnom Penh Post 7 Days, 13 July 2012, p. 12; Knox, C, “Girls will be boys and boys will be ladies: the art of Drag” Phnom Penh Post, 7 Days, issue 173, 14 December 2012, p. 8

110 CCHR. (2012). “From Prejudice to Pride”, p. 22

111 Cambodian Alliance for Combatting HIV and AIDS (CACHA) & National AIDS Authority, (2009) Research Report, “Policies environment regarding universal access and the right to work of Entertainment Workers in Cambodia”. pp. 65–67.

112 Personal communication from MSM and Transgender network volunteers and NGO transgender peer educators

113 Salas V. (2012) Report on Assessment of the MSM and Transgender Network in Cambodia, (done for Bandanh Chatomuk and UNAIDS Cambodia), internal document.

these considerations are seriously followed. A reason often given for not hiring is that “they (MSM and transgender) still have low capacity”.

**CASE  
STUDY  
#3**

### NO JOBS FOR YOU

“In November 2012, I applied for a job as a Thai language and English language teacher, as a private tutor at a student’s home. I started to teach at the ‘beginner’ level, with a salary of \$40 per month, teaching one hour, five days a week. During recruitment, the person in charge was open when they talked to me, and apologized in advance, saying that the student had the right to refuse a teacher if they did not like my effeminate characteristics. I held a few classes, but after a week, I was told by the recruiter: ‘I am so sorry, our institute lacks teachers and we really need someone with your skills, but at that student’s home, he said he doesn’t want a guy who acts like a girl to be his teacher.’ The recruiter called me to apologize and said they would let me know if there were other classes needing teachers, but they have never called again. After that experience, I also submitted my CV to many other places but only two called. One refused me outright after a phone interview and the other recruited me as an English teacher for beginners at the Jin Fa International Language School, but I taught there for only a week as there were only a few students. The receptionist told me, ‘Teacher, we have only three students in the class so we would like to transfer these students to another class and we will try to find the class for you next time’. I was disappointed and still hope for their call, but until now, they have not called.

*Shenelyn Boredom (pseudonym)*

### Employment and work

For the Cambodian *LGBT community*, National Dialogue participants recommend that efforts be made to develop personal and community capacity—individually or collectively—through apprenticeships and formal training. Training should include vocational skills, leadership, human rights and communications.

#### **Recommendations for Government, Ministries, CSOs and NGOs:**

- Government and NGOs should establish more vocational training centres that are open to all, including LGBT persons, and provide assistance for LGBT people to find jobs.
- The relevant ministries and legislative bodies, such as the Ministry of Labour, Ministry of Interior, Council of Ministers, National Assembly and the Senate should create policies against discrimination in the workplace and reform labour laws to include provisions to protect people from discrimination based on SOGI.
- The Ministry of Labour should explain LGBT rights at the workplace, educate managers and top-level staff at NGOs, public and private institutions, etc. to understand equal rights to work and SOGI issues; stop discrimination at work; and develop anti-discrimination policies similar to those developed under the AIDS Law.
- CSOs and NGOs that work on LGBT issues should prioritize hiring LGBT persons.
- CSOs should call on employers to respect the rights of sexual minorities by adhering to labour laws and other relevant laws that protect and promote the rights of LGBT persons to work; build SOGI principles into wider activities with employers and employee associations including business activities; and call on unions to protect the rights of LGBT workers.





## COMMUNITY AND SOCIETY



Photo: Sokvann Varn shared his story at the 'Sharing of My Lifeline' activity

### *Issues and Concerns*

LGBT people, particularly youth, are vulnerable to homophobic attacks and abuse in the communities where they live, often from family, relatives and neighbours. A lack of understanding from families and communities has already been described above. Cultural, social and economic pressures and expectations shape community norms. Sons and daughters are pressured to marry and have children.<sup>114</sup> The 2012 CCHR report notes that 'hate crimes' motivated by the SOGI status of victims are common. These may largely go unreported to authorities. Victims know their complaints will be disregarded, and the police can be easily bribed.

Quantitative information about these types of crimes is lacking. There are reports of both gangsters and police attacking LGBT people who gather in parks, as well as reports of forced sex.<sup>115</sup> In public places (parks, markets, clubs and entertainment places), LGBT people reported discrimination and exclusion. This manifested as insults, name-calling, not being served and ignored, not being allowed to enter the facility, or being looked at with disdain by others. Of 149 LGBT respondents in the Social Exclusion Report, 56 percent reported experiencing such incidents.<sup>116</sup> LGBT people report being considered convenient scapegoats and blamed for increases in criminal activities, while being an easy source of money for corrupt officials and local authorities.

During the National Dialogue in Phnom Penh, participants were asked to illustrate or draw a message that they wanted to share with others. Messages included appeals to stop discrimination, have better understanding, be granted equal rights as others and be allowed to marry, as well as

114 CCHR. (2010) 'Coming Out in the Kingdom: Lesbian, Gay, Bisexual and Transgender people in Cambodia', CCHR, pp.14–15.

115 CCHR report, (2012). 'From Prejudice to Pride' 2012, p. 15.

116 Salas V & Srun S., Ibid. p. 17-18

expressions of the desire to be loved and to love, and hope for a brighter future. Some messages expressed hopes for less discrimination within and among LGBT people themselves, and to be in solidarity with other members of the LGBT community.

In this context, the definitions of 'community' from the Commission of AIDS in Asia report are useful to keep in mind:



### **The Meaning of 'Community'**

Like many social constructs, the meaning of 'community' is not fixed. At least two definitions have emerged in the context of the HIV epidemic.

#### **Community as a sense of place**

This notion constitutes the most basic interpretation of community. In this case, community refers to a group of people linked together by virtue of being in the same location. Although their personal circumstances and needs may differ, members of the community share certain characteristics, such as the same traditions and values. They usually share a language, a dialect or a set of religious beliefs. Membership is relatively easily defined, since it is based on physical location.

#### **Community as a form of identity and belonging**

Here the notion of community refers to a group of people who are linked through a sense of common circumstances and experiences – such as people living with HIV, or people who share certain behavioural traits. The sense of community is strengthened by the awareness of common experiences; often this sense emerges gradually but it can be fomented and supported by external actors. This notion of community is based on a subjective sense of identity. It is defined as much by a sense of who does not belong as a sense of who does belong. (Emphasis supplied).

*From: Commission on AIDS in Asia and the Pacific (2008), Redefining AIDS in Asia: Crafting An Effective Response, pp. 153–154*



In Cambodia, people will often mean a physical place, i.e. a neighbourhood or a village, when speaking about the concept of community. However, for many LGBT people who have left homes, either forcibly or of their own accord, community is more than a sense of place. It means being with people like themselves who share the same aspirations and desires, including the desire for love, intimacy, affection, and solidarity with others who may be of the same sex or gender as themselves. In an online world, this can also refer to 'Internet communities' and various social networks to which people can belong.

Communities, in both senses of the word, are also sources of nurturing and belonging. During the National LGBT Community Dialogue, one of the groups reporting, mostly composed of lesbians and female-to-male transgender individuals who had lived in rural areas for many years, said:

*"Our group did not note any major problem—we enjoy the support of the community, the Red Cross... we have housing support in the village. Everyone seems supportive. If you want to get married, they can facilitate it, issue you an IDPoor card and family book. Our message is to be given the right to choose whomever they like, or love... it is how we are from birth, and this is natural for us."*

This unusual show of community acceptance in a village in Kampong Thom may be due to the couples having lived in the commune for a long time, and recognized socially as a couple, through

wedding ceremonies. However, as noted during the National Dialogue and in other reports,<sup>117</sup> this is not often the case for same-sex partners who may not be considered a 'family'. Many of those who are homeless, sharing a room with parents and relatives, mobile and transient move to the cities in search of work and anonymity. Many of these gay men and transgender women end up living in ghetto-like conditions, where neighbours—the 'community'—are fearful and uncomfortable with their presence.<sup>118</sup>

In the Social Exclusion Report,<sup>119</sup> when LGBT respondents were asked about whom they could count on for support during critical shocks, 65 percent said 'close friends', followed by parents (48 percent), siblings and other relatives. NGOs were listed by 31 percent; 12 percent listed government agencies.

### ***Recommendations for the Cambodian Government: Legal and Policy Reform***

- The government should develop laws to protect LGBT persons from discrimination or violence, both physical and emotional, treat all people equally under the law, and introduce anti-hate crime legislation.
- The government should undertake a systematic review of the Village and Commune Safety Policy and how it has been used to harass LGBT people on the pretext of controlling crime. It should not remain an informal piece of legislation, but be reviewed so it cannot be used to violate LGBT rights—and then passed as genuine law with guidance for both law enforcers and the public on its appropriate use.
- The Ministry of Planning and local authorities should examine the issue of IDPoor cards and identity cards as they relate to LGBT people:
  - » The Ministry of Planning should ensure that LGBT people are not excluded from receiving IDPoor cards because of discrimination or the non-recognition of same-sex partnerships.<sup>120</sup>
  - » Local authorities should provide identity cards with a person's preferred gender, not necessarily the gender assigned at birth. Further investigation is recommended to find out who has the authority to issue and change identity cards.
- The Ministry of Social Affairs should allow LGBT persons to adopt children.

### ***Recommendations for the General Community: Public Awareness Raising on Stigma and Discrimination, and support for Community Organizations***

- All stakeholders should raise awareness in families, schools, hospitals and public places about human rights, sexual orientation and gender identity through media (TV, radio talk shows, and print/digital media), the arts, and cultural activities in order to eliminate discrimination.
- NGOs and CSOs should train activists about LGBT rights, SOGI issues and on legal advocacy and support, as well as provide legal services and advice that are appropriate to the situation of LGBT people.

117 Salas & Srun, p.16. Similar support from local officials in Takeo, Svay Rieng and Prey Veng provinces have been shared by RoCK activists.

118 <http://sunnarin.wordpress.com/2010/11/13/cambodias-first-gay-town/CAMBODIA'S FIRST GAY TOWN> Global Post, retrieved 10 March 2014

119 Salas & Srun, *ibid.*

120 Salas V & Srun S. (2013). 'An Exploration of Social Exclusion of Lesbians, Gay and Transgender Persons in Families and Communities and their ways of coping.' Research report. Social Protection Coordination Unit, Council for Agricultural Research and Development (SPCU-CARD) Phnom Penh. P. 15–16

- NGOs and CBOs should use and further disseminate existing resources on anti-stigma, such as the Cambodian version of the anti-stigma toolkit for MSM and transgender people by Private Agencies Collaborating Together (PACT) and the International Council on Research for Women on (ICFRW); the Yogyakarta Principles; the 'Rainbow Krama' project; brochures on 'Coming Out' and 'Frequently Asked Questions about LGBT' produced by RoCK, and the briefs on SOGI and Human Rights produced by OCHCR.
- The government and society should support LGBT-specific community organizations; informal support groups such as associations of friends, parents, friendly pagodas and monks. Self-help groups should also be encouraged.
- Local community support mechanisms—for instance savings associations, funeral assistance, community festivals and celebrations of holidays, village decision-making mechanisms—should be more inclusive to and accepting of LGBT people.



## HEALTH INCLUDING HIV

### *Issues and Concerns*

General health indicators such as life expectancy rates and infant mortality rates have improved in Cambodia but there remain major gaps in the quality, comprehensiveness and access to health services. The cost of health services is considered to be the major barrier for the poorest. Physical access, including distance and transport, knowledge of assistance schemes, beliefs and socio-cultural practices, and lack of trust in the public health facilities also reduce access.<sup>121</sup>

Cambodia has been cited for its success in bringing down HIV infection rates in the general population and in increasing access to Anti-Retroviral Treatment (ART). Significant progress has been made in bringing down HIV prevalence rates nationwide, from 3 percent in 1997 to 1.9 percent in 2003, and to 0.7 percent in 2010 (UNGASS report). Cambodia is also positively cited for providing almost universal access to ART through donor-supported HIV programs.

The Cambodian HIV epidemic now appears to be concentrated in most-at-risk populations (MARPs). In Cambodia, MARPs are MSM and transgender people, people who inject drugs (PWID) and entertainment workers (EW) who are female workers in massage parlours, beer gardens and karaoke bars who may occasionally or regularly sell sex.

HIV and behavioural surveillance studies among MSM and transgender persons have been infrequent. The first one was a limited study in 2000 (released in late 2002), the next in 2005, and the last in 2010. Such infrequent studies will likely miss changing trends in transmission. In the latest studies from 2010, HIV rates in MSM in Phnom Penh were 3.4 percent, twice that of other males, and close to five times that of the general population (0.7%). The difference was more pronounced in Siem Reap where 4.9 percent of MSM were HIV positive. In MSM 35–44 years old, HIV rates are 14 percent, or roughly one in seven; in younger age groups, HIV rates are 0.8–1.5 percent. Self-identified long-hair MSM have comparatively higher rates of HIV than short-hair MSM (3.6% vs. 3.1%). Almost 33 percent of MSM and transgender persons in the study reported using illegal drugs, which, if injected, create an additional risk factor for HIV infection.<sup>122</sup>

121 WHO and MoH Cambodia. (2013) Cambodia Health Service Delivery Profile 2012. p.5

122 Liu, Kai-Li and Chorvann, C. (2010), "Behavioral Risks On-Site Serosurvey among At-risk Urban Men in Cambodia (Bros Khmer study)" FHI 360. pp. 46-48

The HIV prevention needs of diverse target groups must be comprehensively addressed beyond HIV testing and condom use. Major gaps in the availability and access to sexual and reproductive health services remain, as well as in general and primary health services. Differences within the sub-groups of MSM and transgender persons need to be recognized and accounted for such as age, education, sexual practices and peer groups.

### ***Making a Distinction between MSM and Transgender Persons in HIV and Health Programming***

A conscious effort has been made in the past few years to recognize and make distinctions between MSM and transgender persons in HIV prevention programming. MSM and transgender persons are now recognized in the HIV sector as separate groups with distinct needs and issues. The National Strategic Plan for AIDS (2011–2015) now sets different target indicators for MSM and transgender people.<sup>123</sup> Standard Operating Procedures have been updated and revised.<sup>124</sup> However, these efforts appear token and superficial with the word ‘transgender’ merely added to ‘MSM’ as an afterthought. Health issues specific to transgender persons—such as the use of hormones, implants and surgery—are ignored. Transgender people are reported to suffer complications or even death from unsupervised and ill-informed use of injections and oils, as part of gender transitioning.<sup>125</sup>

In a policy brief on Self-Stigma among Young MSM and Transgender Women, one Cambodian participant in a Focus Group Discussion (FGD) noted that HIV-focused interventions were not always relevant or appropriate. She stated: *“Outreach workers always bring me to a VCT for an STI but they do not understand about our real problems—sometime I have pain in my face because of silicon surgery, I have side effects from injecting hormones... we really need counselling, but no one can help us.”*<sup>126</sup>

The ‘Report Card on HIV Prevention among MSM and Transgender persons in Cambodia’ (2012) contains recommendations for revising law and policy, increasing access and availability of services and increasing participation of MSM and transgender persons.<sup>127</sup>

MSM and transgender persons report stigma and discrimination from health professionals and other health facility staff. In the Social Exclusion Report,<sup>128</sup> seven percent of research participants (but 18% of transgender females) reported some form of discrimination in health facilities. It is unclear if this was primarily due to inability to pay, or to their gender expression. The possibility of self-stigma and self-exclusion from the services has not been studied. Some health providers feel that discrimination comes from within. They say that *“...the health providers do not discriminate, but they (the MSM and transgender) exclude themselves from health services.”*<sup>129</sup> Persons who are not openly LGBT may not be able to understand this type of self-exclusion. They may not realise that

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- 123 National AIDS Authority, (NAA). (2010). National Strategic Plan for a Comprehensive and Multi-sectoral Response to AIDS for 2011–2015. p. 29.
  - 124 Ministry of Health & NCHADS, April 2013. ‘Standard Operating Procedure (SoP) for the Boosted Continuum of Prevention, Care and Treatment (CoCPT) for Most At Risk Populations (MARPs) in Cambodia’. pp. 2–3.
  - 125 Bunthorn Kong and the National MSM and Transgender network, personal communication, 2013.
  - 126 Youth Voices Count (YVC). (2013). ‘I feel like I do not deserve happiness at all’. Policy Brief: Self-Stigma among young MSM and Transgender women and linkages with HIV in Asia.
  - 127 IPPF, MSMGF, UNFPA & RHAC, (2011). HIV Prevention Report Card for MSM and Transgender People in Cambodia. This briefing paper recommends programmatic, policy and funding actions to enhance HIV prevention for MSM and Transgender people in Cambodia.
  - 128 Salas, V & Sorn, S. *ibid*.
  - 129 Salas V & Sorn S. (2013). *Ibid*, p. 4, 17–18; Personal communication with VS.



discriminatory attitudes are manifested not just in words but also through non-verbal behaviours and facial expressions.

The government and NGOs provide STI and HIV diagnosis, and HIV treatment. Family health clinics have started to integrate STI and HIV services. Several NGOs with Maternal and Child Health Services (MCH) and Family Planning and Sexual Reproductive Health (SRH) clinics support freestanding MSM- and transgender-specific services or integrate them into their existing facilities. RHAC has involved MSM and transgender persons in evaluating the quality of clinical services, through the use of innovative methodologies such as ‘mystery clients’.<sup>130</sup> Some NGO health providers such as the Marie Stopes International (MSI) clinics use SMS and the Internet to provide information on sexual and reproductive health anonymously. They also encourage clients to follow up.

During the National Dialogue, health issues identified by LGBT participants include the inadequacy and lack of comprehensiveness of services. Unaddressed LGBT-specific health issues include problems related to the use of hormones, contraceptive pills such as ‘OK’ contraceptive pills and skin whiteners—as well as procedures to become more feminine or more masculine, such as cosmetic surgery including breast and chin implants, the injection of plant oil products such as *prengchan* (a certain type of fragrant oil extracted from plants), and the use of traditional medicine.

### ***Lack of LGBT-Specific Information and LGBT-Friendly Services***

Few medical practitioners in Cambodia are thought to have broad and comprehensive experience of LGBT health issues. Many people depend on friends for information about gender-confirming procedures. Some administer medical care by themselves. As a result, severe complications and side effects have been reported.<sup>131</sup> Gender-confirmation surgery is not available in Cambodia. It may be done in Thailand where some transgender people with the financial means travel for surgery, accompanied by a broker or other contact.<sup>132</sup> Lesbians and female-to-male transgender persons report health problems such as body pains from the use of chest binders to minimize breast size.

National Dialogue participants also noted the lack of counselling and mental health services for LGBT people. Some have been forced into psychiatric treatment, considered crazy and forced to visit traditional healers to ‘cure’ same-sex attraction. Some have attempted suicide. Counsellors frequently have no training or expertise in LGBT and SOGI issues. A common piece of advice, according to those who have undergone counselling (voluntarily or forced by parents)<sup>133</sup> is “just try to change and follow your parents’ wishes.”

At the National Dialogue, participants reported no existing health services for lesbians: “For lesbians, there is nothing... even if they say the health services is for all, but when some lesbians go, they find it hard to find a service provided... the health provider treats them unequally, especially the transgender women—this may be due to the behaviour of the transgender people themselves, [or] that the service provider actually don’t like them...”<sup>134</sup>

130 Salas, V. Evaluation Report, (2013). “Improving Sexual Reproductive Health of MSM in Phnom Penh, Kampong Cham and Kampong Speu provinces”. Reproductive Health Association of Cambodia (RHAC), internal document.

131 Personal communication from Bandanh Chatomuk coordinator (2014)

132 Personal communication, Tan Ung Sea (2012)

133 Personal communication from RoCK facilitators and community activists

134 Remarks from small group discussions during national dialogue



### ***Recommendations on Health including HIV***

- An LGBT health assessment is needed, including health-seeking behaviours and practices.
- The Ministry of Health, LGBT NGOs and health service providers (including those that work with HIV) should provide information and training to service providers on LGBT issues, SOGI and gender sensitivity.
- Those in psychological professions need training and specific skills to offer appropriate counselling services to LGBT persons.
- Counselling should be available for LGBT persons who have psychological problems or mental health issues as well as for family members of LGBT persons.
- Sexual and reproductive health counselling and mental health service providers should provide balanced and extensive information about LGBT issues and concerns. They should not merely advise 'do as your parents say' but offer a broader array of appropriate options to clients.
- More use of social media and online counselling services is needed and to expand the scale and scope of these initiatives.
- Health care providers need to discuss among themselves and with transgender people the problems and side effects of using various transgender-associated medications. These include various types of contraceptive pills and other supplements and medications, skin whiteners, and silicone injections and other substances such as hormones taken for their feminizing and/or masculinizing effects. Awareness of the side effects of these treatments should be raised with the persons using the treatments.
- Health and HIV service providers should consider the following additional recommendations from the HIV Prevention Report Card for MSM and transgender persons in Cambodia:
  - » Explore increasing the range of services at sexual health and family health clinics to include gynaecologic and rectal examinations, hepatitis B vaccinations, harm reduction services and specific health concerns of LGBT persons.
  - » Expand health service provision including LGBT-specific clinics, positive prevention for those living with HIV, mobile clinics, counselling on SOGI concerns, and integration with existing services.
  - » Train all clinic staff (providers, receptionists, guards, laboratory staff) in gender sensitivity, non-discrimination of LGBT and client relations.
  - » Train health care providers (doctors, nurses, medical assistants) on LGBT health issues, establishing rapport, doing routine breast, genital and rectal examinations, and holistic health approaches.
  - » Ensure clinic operating hours are more convenient for LGBT people in order to increase accessibility for those who work at night in the sex industry.
  - » Include LGBT people as resource persons on the training of health care providers
  - » Include MSM and transgender persons in HIV sentinel surveillance on a regular basis and release results in a timely manner to be used for program and intervention design.
  - » LGBT people should also be involved in the evaluation of health services and in the training of health workers, following the example of clinics like RHAC.



## MEDIA INCLUDING INFORMATION AND COMMUNICATION TECHNOLOGY

### *Issues and Concerns*

National Dialogue participants noted that the media may fabricate news, use discriminatory words, and that reporters did not understand human rights issues and SOGI. The local Khmer language media is considered by most local LGBT activists to be overwhelmingly negative with their representations of LGBT. Biased information and broad generalizations about LGBT persons often appear in the local news. For example, when one transgender woman was caught stealing, local Khmer news reports made generalizations about all transgender women using drugs or being thieves. A local magazine showed a photo of the members of BC (the National MSM and Transgender network) taken from an unrelated news report, and labelled them with inappropriate and insulting terms.<sup>135</sup> Local English media and news agencies have been consistently more positive and balanced in their representation of LGBT people and issues.<sup>136</sup>

Transgender persons are often portrayed as crazy, weak and stupid. Most of the time, they are portrayed as and are relegated to play low-level, treacherous or villainous roles in local films. One recent TV advertisement for a mobile phone company pokes fun at transgender persons. It shows rival phone companies with poor line connections, phone lines getting 'confused' and connecting callers to transgender persons instead of a beautiful lady. The CCHR and local LGBT activists protested in the newspapers.<sup>137</sup> This ad seems to have been discontinued. The CEO stated that they "did not foresee a backlash." The advertising agency that developed it did not respond to the article.<sup>138</sup>

Nevertheless, there are positive developments in film and publishing. A movie about lesbian lovers in Cambodia was a local box-office hit in 2009, *'Who am I?'*<sup>139</sup> The 2010 movie 'High School Love's Story' addresses HIV, discrimination and "gay sex".<sup>140</sup> The first novel about gay men in Khmer, *'Boyfriend'* was published in 2010.<sup>141</sup> Several independent films on transgender, gay and lesbian life have been produced with the support of RoCK. Two of these, *'Two Girls against the Rain'* and *'Daughter and the Palm Blossoms'*, have been accepted for screenings at overseas film festivals.<sup>142</sup> RoCK also published a photo book on LGBT lives by the artist Vuth Lyno in 2013.<sup>143</sup>

Young Cambodians rely on the Internet, blogging, social media networks such as Facebook, and SMS messaging for information on daily issues as they see the press as politically influenced. Local Cambodian-language print media is seen as not truly independent and subservient to the political party in power. A few so-called 'independent' media are perceived to be favourable to the political

135 Personal communication, Kong Bunthorn & Sovoun Ong

136 Sreyneang C. and Mclsaac V. "Cambodia's first transgender star opts for natural look", 7 Days, Phnom Penh Post, 13-19 July 2012, p.12; Knox, C., "Girls will be boys and boys will be ladies: The Art of Drag" Phnom Penh post, 7 days, 14-20 December 2012, p. 7.

137 Kasztelan, Marta. Mar 03, 2014 <http://asiancorrespondent.com/120120/rights-group-cambodia-cellcard-ad-discriminatory-against-lgbt-people/>

138 Morton, Eddie. "Cell card advert questioned" Phnom Penh post, March 4, 2014.

139 <http://archive.indianexpress.com/news/first-cambodian-lesbian-film-is-a-hit/444976>. Viewed 22 June 2014

140 <http://www.phnompenhpost.com/lifestyle/new-film-raise-hiv-aids-awareness>. Viewed 22 June 2014.

141 <http://khmerbird.com/writing/boyfriend-first-gay-novel-in-khmer-language.html>. Viewed March 2014.

142 Thiemann, J. "Seven Questions with Sao Sopheak", Phnom Penh post 7 days, 15 February 2013. <http://www.phnompenhpost.com/7days/7-questions-sao-sopheak>

143 Knox, C. "Coming Out Cambodia Art Series Captures Stigma". Phnom Penh Post. 25 July 2013. <http://www.phnompenhpost.com/lifestyle/coming-out-cambodia-art-series-captures-stigma>

opposition. Popular social networking sites for young Cambodians include Facebook groups such as RoCK, CamASEAN Legal and LGBT counselling, and the Rainbow Portal website run by the CCHR. The biggest groups currently have between 700 to 800 members, thought to be a small percentage of the online Khmer community.

### ***Recommendations for media including information and communication technology***

- The Ministry of Information should pass regulations to protect LGBT people from discrimination and stereotyping in the media.
- The media should follow its own Code of Ethics, and be objective and balanced in the portrayal of LGBT people.
- Awareness sessions with media on human rights, SOGI and LGBT are needed, in particular for local Khmer journalists.
- LGBT people should be more involved in media activities to share their lives, and success stories. LGBT people should be presented as decent people so that society is able to gain positive views about LGBT persons.
- Training should be given for LGBT people and NGOs on how to address negative and false media reports about LGBT Cambodian people (i.e. through letters to the editor, position papers, or feature articles).
- NGOs, CBOs and LGBT persons should develop websites and join social networking groups that provide interesting, useful and balanced information on sexuality, life skills and LGBT realities.
- Awards schemes and recognition should be provided to media organizations and individuals for good work portraying LGBT persons as human beings or in reducing discrimination in their organizations and publications.



## **OTHER ISSUES AND CONCERNS**

Several other areas of concern for LGBT people in Cambodia were raised at the National Dialogue or have been discussed in desk literature outside of the six areas of focus above. These include domestic and sexual violence, self-stigma, CSO strengthening and research on LGBT issues.

### ***Domestic and Sexual Violence***

A major issue for LGBT people is domestic violence as noted by some of the participants in the National Dialogue in their small group sessions. The Social Exclusion Report specifically asked about forms of violence experienced from family members and/or partners. The majority of gay and lesbian respondents (57 percent) reported experiencing domestic violence. This was higher in transgender females (66 percent). Different types of domestic violence (physical, emotional, sexual) and different perpetrators within the family were cited—parents, siblings, uncles, aunts, grandparents and partners.<sup>144</sup>

The proportion of LGBT in the Social Exclusion Report reporting domestic violence is between three to ten times higher than rates reported by the general female population in Cambodia, when compared to the last available study reporting on domestic violence, the 2005 Cambodia Demographic and Health Survey (CDHS). The 2005 study was a randomized cluster sampling from a national census of 2037 women.

144 Salas V. and Srorn, S. (2014). An Exploration of Social Exclusion of LGBT persons in Cambodia and their ways of Coping. SPCU-CARD, pp. 11–12

The differences are evident from various indicators of domestic and sexual violence taken from the 2005 CDHS and the 2012 Social Exclusion Reports (the table below is adapted from Table 6, p. 12 of the Social Exclusion Report):

Comparing prevalence of some types of domestic and sexual violence ( <i>Modified Conflict Tactics Scale used for both surveys</i> )	CDHS 2005 (2035 women)	2012 (149 LGBT)
Physically forced to do sex acts I did not want to do (except sexual intercourse)	0.5%	19%
Physically forced to have sexual intercourse even if I did not want to	2.5%	12%
Push, shake, or throw something at me	7.8%	32%
Slap me or twist my arm	9.5%	26%
Attack with a weapon (knife, gun or other)	1%	9%

While there may be differences in the description of ‘sex acts’ between the two studies, the high rates of reported sexual violence<sup>145</sup> suffered by LGBT respondents is troubling. As many as one in five LGBT persons report being forced into sexual acts other than intercourse, compared to one in 200 married women.

A recent multi-country study from the UN on Violence Against Women (2013) included questions on male-perpetrated sexual violence as well as the experience of males having been raped by other men.<sup>146</sup> Among six countries in this study, only Cambodia had a credible, nationally representative sample. Of approximately 1,800 male respondents, 3.3 percent reported perpetrating a rape of other men or boys. In the same study, 3.7 percent of Cambodian men reported having experienced sexual violence, including rape by other men. Initial findings analysis by the authors shows that gay or effeminate men were more likely to be victims of rape. Some of the factors associated with rape of other males included alcohol abuse, current drug use and membership in gangs.

The UN study notes the complexity and interplay of factors contributing to domestic and sexual violence. It concludes that domestic violence and rape are fundamentally related to unequal gender norms, power inequalities, and dominant ideals of manhood that support violence and control over women.

### ***Self-Stigma Among Young MSM and Transgender Women***

Self-stigma was the focus of a policy brief published by Youth Voices Count (YVC) in 2013.<sup>147</sup> The policy brief defines self-issues as a set of concerns that positively or negatively impact on self-acceptance, self-perceptions, self-efficacy, self-esteem, and self-confidence. Self-stigma results when self-issues interact with external factors such as discrimination and violence in the school, in the home and the community, resulting in depression, low self-esteem and self-harm. The report includes testimony from young MSM and transgender women in Cambodia such as:

<sup>145</sup> Salas, V & Sorn, S. *ibid.*

<sup>146</sup> Fulu E, Warner X, Miedma S, Jewkes R, Roselli T and Lang, J. (2013). 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. Bangkok: UNDP, UNFPA, UN Women and UNV. (pp. 17, 47, 49, 83–84)

<sup>147</sup> “I feel like I do not deserve happiness at all”. Policy Brief: Self-Stigma among young MSM and Transgender women and linkages with HIV in Asia. Youth Voices Count (YVC), 2013

*“Some partners pressured me to take drugs and alcohol before having sex, and I did not have the self-confidence to refuse... I experienced violence and abuse from other MSM who used drugs and contributed to my negative feelings about myself.”*

### **Areas for Further Research and Documentation**



Photo: 'Share Your Voice' Activity at the National Dialogue

The Social Exclusion Report (2013) recommends several areas for research, in order to inform future policy development. More information is needed about younger LGBT persons (12–18 years), as this is when gender orientation and sexual expression start to be recognized. At these ages, young people are most vulnerable to shocks such as violence, bullying, and being thrown out of the house or schools. Another subset of the LGBT population for further research are older LGBT persons (age 50 and up) who may have no family or children, are isolated, and are not entitled to government support through social protection mechanisms.

Documentation of LGBT lives and coping mechanisms, including support received from various community groups, government, local officials and others, is also recommended.



# CAPACITY OF LGBT ORGANIZATIONS IN CAMBODIA



## BACKGROUND

Modern Cambodia, post-1970, has had a tragic, turbulent history with over two decades of civil war, genocide, massive population displacement, famine and a complete destruction of government, social, family and community structures and institutions. Up to one in four Cambodians perished during these years. It has been just over 30 years that the first international NGOs started operations in Cambodia in the context of a post-conflict, humanitarian and refugee crisis. The first local NGOs were recognized by the government only in the 1990s.<sup>148</sup>

The country has been relatively stable since 1998. There has been high macroeconomic growth, (averaging 6–7 percent annually in 2010 and 2011). GDP per capita has doubled since 2005, from \$USD 471 to \$897 in 2011.<sup>149</sup> The percentage of people living below the poverty line decreased by close to 50 percent in three years. In 2008, 38.8 percent were below the poverty line. This decreased to 20.5 percent in 2011, the last year for which figures are available.<sup>150</sup> In the 2013, the ruling party lost an unprecedented number of seats and the opposition gained popular support, especially among young people. Since then, there have been both increased opportunities for CSOs but also major restrictions imposed by the ruling party on demonstrations and assemblies, which effectively curtail the rights to freedom of peaceful assembly and free expression.

Areas generally considered 'more sensitive' by the government are human rights, land rights, economic concessions, anti-corruption, and environmental degradation. CSOs also face the threat

148 Bennet, Jon and Benson, Charlotte. (1995). 'Cambodia: NGO Cooperation in a Changing Aid context, 1979–1994.' In *'NGO Coordination in Practice'* London, Earthscan publications.

149 <http://data.un.org/CountryProfile.aspx?crName=Cambodia> retrieved 2 April 2014

150 <http://data.worldbank.org/country/cambodia> retrieved 2 April 2014



of increased government regulation through an 'NGO Law' that has undergone numerous revisions over the past ten years. However the final version has neither been released nor discussed with CSO representatives.

LGBT rights work, in general, does not face the same sort of scrutiny from authorities, but neither does it find support from other NGOs and CSOs. This is probably due to the fact that this is a relatively new topic in the country, and that the national policy environment on sexual minorities is not as restrictive as in other countries. As described in the previous section on policy, RoCK is the first officially registered NGO (in February 2014) that explicitly includes LGBT rights and issues in its charter. A few NGOs started working with MSM and transgender female beneficiaries in 1999. Some are still active in 2014.



## SURVEY OF NGOS

During the National Dialogue, representatives of organizations were asked to answer questions on the 'Resources and Capacity of LGBT organizations'. The survey questions were developed by the UNDP Asia-Pacific Regional Centre (UNDP APRC) and distributed to participants during the workshop. Some NGOs were sent surveys after the National Dialogue. Some groups mailed in their responses a few days later.

There were four main focus areas in the questionnaire: Financial Resources, Human Resources, Organizational Capacity, and Collaboration and Coalitions. Each had related questions as described below.

- **Financial Resources:** The amount of funding, funding sources (government, businesses, INGOs and the UN), internal revenue-generating capacity, availability of longer-term and reliable funding sources, funding mechanisms, and funding restrictions related to advocacy.
- **Human Resources:** Attraction and retention of solid directors, administrators and finance officers; retention of high-quality program staff with expertise in politics, governance and public policy; knowledge of international standards and programs, and provisions for systematic capacity building
- **Organizational Capacity:** Presence of strong and visionary leadership, clear and appropriate strategies, strong organizational systems and structures of management, and capacity to learn and apply lessons learned
- **Collaboration and Coalitions:** Working effectively with other change agents, effective networking, national and regional coordination mechanisms, ease of networking and coalition building with other change agents to address common issues, effectiveness of media outreach, effectiveness of interaction with government and legislature, and ability to mobilize communities to address priority issues.

To supplement the survey, a limited desk review of 12 organizational websites and public information was done to gather information about organizational vision and goals, strategies and activities, and geographical focus. This information was supplied by the organizations and was not subject to validation. It is assumed to be correct at the time of this report.



## FINDINGS

### *Desk Review*

The desk review of 12 NGO websites and other public information showed only one reflected LGBT issues prominently in its vision and/or mission. One other group focused on MSM and female transgender persons. One was a general human rights organization with an LGBT project. Several others have been working on HIV issues including MSM and transgender populations, as well as other risk populations including garment workers, entertainment workers, and university students. Other organizations primarily work on anti-child trafficking issues, women and child protection, or on the 'empowerment of people's organizations'.

Activities and strategies were mainly focused on HIV prevention, awareness raising, education, training, outreach and referrals, running drop-in centres, counselling and legal advice. A few of the organizations mentioned casework, research and advocacy. Some worked with the media, ICT, and reproductive health. Only two organizations specifically mentioned LGBT organizing and LGBT networking as a major strategy and activity. Some of the beneficiaries of these organizations are assumed to be LGBT people, though this not explicitly stated. Most of the organizations are in effect working with a sub-population of the broader 'LGBT community'—mainly, MSM and transgender females—and do not have strategies or activities for lesbians and transgender males.

All organizations were based in or had offices in Phnom Penh. Five NGOs said they had activities in Kandal province, just a few kilometres outside of Phnom Penh. Several other provinces of Cambodia's 24 provinces were mentioned.

### *Questionnaire Survey*

Twelve organizations who attended the National Dialogue were sent the survey questions, and eight responded. Seven answered the questionnaire directly while one responded through a phone interview. Unfortunately, most of the organizations did not provide detailed information in their responses or may not have fully understood the questions. Most of the questions were incompletely answered.

The survey responses do not represent a comprehensive view of LGBT NGOs in the country. One must be cautious in drawing conclusions or generalizations about LGBT NGO capacity from the survey. They are merely a rough snapshot. Where 'LGBT NGOs or LGBT organizations' are mentioned, this is only in reference to the NGOs who submitted responses to the survey.

### *Financial Resources*

*Finding 1: Financial Resources for LGBT organizations in Cambodia are considered inadequate. There is virtually no support from government, and limited support from businesses, international donors and the UN system.*

Most of the organizations surveyed stated they did not have sufficient financial resources for LGBT activities. The range of annual funding reported was from 'no funding' to \$40,000. Most funding was restricted to certain activities, such as research. One new group is a purely volunteer initiative, small-scale with two or three beneficiaries. Finding financial resources is not a priority for them at this time.

All respondents said that the government did not provide funding for LGBT NGOs. One group felt that the government was receiving money from donors, but this was used to organize their own meetings for sharing information and the challenges faced by MSM and transgender people. The government tried to show what was happening to external audiences on behalf of the group.

Generally, businesses do not finance LGBT NGO activities. Two NGOs provided estimates of how much is given: 'a few hundred dollars' and one stated, 'less than \$20,000 per year.' If they do, it is for one-off special events, mainly relating to Pride Week celebrations.

All survey respondents except for one replied that international donors or the UN financed LGBT NGO activities. Most of those who responded in the affirmative stated that these funds were from the Global Fund to Fight AIDS, TB and Malaria (GFATM or the Global Fund) and were for HIV work. Amounts reported were from \$10,000 to \$45,000 per year. There seems to be an assumption among these NGOs (as well as national authorities) that HIV work with MSM and transgender women is equivalent to or may be reported as LGBT activities. However, this is not the case. HIV work that is specifically targeted to MSM and transgender women does not address the needs of lesbians, bisexuals, transgender men or intersex individuals.

With declining resources for HIV, it appears that many NGOs are now more keen to work on LGBT rights issues. They may have worked on HIV issues for MSM and transgender women in the past, or are working on human rights issues, women's issues or issues of democracy and governance. Some may be sincere while others are simply looking for more resources for their activities.

GFATM has a SOGI strategy. However, there is no earmarked funding in Cambodia for specific SOGI work. It is doubtful whether the NGOs receiving money from GFATM are aware that such a strategy exists.

*Finding 2: LGBT NGOs have some internal revenue-generating capacity to support activities, but most of them do not have long-term, reliable funding sources. Sources of funding for advocacy activities are limited.*

Three of the eight NGOs reported having some internal revenue-generating capacity to support activities. This includes the sale of T-shirts and some other products, limited small business support, and the collection of contributions from members to help other members when they needed hospitalization. These amounts do not seem to be sufficient to support organizational core costs.

Only one NGO among eight surveyed stated that they had long-term, reliable sources of funding from committed donors. One very new organization said, "We never apply for funding."

Half of the respondents, four out of eight, felt that funding was restricted to non-advocacy areas. The funding was mostly specifically allocated for HIV prevention and health activities. Interestingly, when talking about 'advocacy' in the Khmer context, there are different opinions about the types of words that need to be used, and NGOs seem to be careful about the local translations.<sup>151</sup> One survey respondent commented, "Most of the funding focus is on health (services). Every time the topic of 'advocacy' (using the Khmer word *tosu mite*) is raised, it is not permitted and the subject is changed. The local Khmer language terms used are changed to one that literally means 'finding support'.<sup>152</sup>

151 Salas, V. "Speaking Out" – A toolkit on MSM and Transgender-led advocacy (Cambodia Adaptation). (2014). Global Forum on MSM and HIV (MSMGF). Forthcoming. Used with permission.

152 Marston, J. has a similar finding about the use of appropriate Khmer language terms that are often used for "advocacy". See: Marston, J (2000). 'Impact of Human Rights Advocacy' (Report No. 37, SIDA/Forum Syd, September 2000) – A report on the

NGOs and health officials favour the use of this second word as it seems to be less demanding or provocative. However, this limits what our organization can do on anti-discrimination.”

### **Human Resources**

*Finding 3. LGBT NGOs are unable to consistently attract and retain solid directors, administrators and finance officers, as well as quality programme staff with the required expertise in governance, management and public policy.*

Half of the NGOs responding felt they could retain solid directors, administrators and finance staff. One NGO was confident that its organization had a strong structure. Others were less confident, explaining that staff had to be let go because of budget limitations and others had to take on various concurrent management functions. One NGO stated, “We used to have seven members... due to budget limitations, the director is currently doing administration and finance work as well.” Other NGOs expect challenges in finding staff with the right set of skills and attitudes. Roughly the same proportion of NGOs (50%) believe they can attract quality staff; others are not sure.

*Finding 4. It is unclear if LGBT NGOs in Cambodia possess ‘knowledge of international standards and programs’ relevant to their field of work.*

There were mixed responses to this question. 50 percent (4 of 8) of respondents felt that they had ‘knowledge of international standards and programs relevant to their field of work’. One stated that they continually seek to strengthen the capacity of their organization through appropriate learning opportunities and linkages.

*Finding 5. Most LGBT NGOs in Cambodia have provisions for systematic capacity building of their staff.*

Six of eight NGOs felt that they had systems in place for capacity building of staff. One said their organization has a staff capacity-development policy but that donors do not provide direct organizational support and instead directly train staff themselves. Another noted that staff capacity development has been sporadic and not systematic.

### **Organizational Capacity**

*Finding 6. Most of the LGBT NGOs in Cambodia claim to have ‘strong and visionary leadership, with clear and appropriate strategies in place.’*

Almost all (7 of 8) NGOs answered in the affirmative. They stated they had clear and appropriate strategies in place.

*Finding 7. Most LGBT NGOs lack strong organizational systems and structures of management. They also claim to have limited capacity to learn and apply lessons learnt.*

Responses here were mixed: five of eight felt that NGOs did not have strong organizational systems and structures of management. Half of the NGOs felt that their capacity to learn and apply lessons was limited. One reflected, “It seems most NGOs prioritize following the donor-led approach rather than being committed to a clear set of activities and values.” Others noted that supporting staff or members to study subjects such as English, accounting and computers would lead them to do more advocacy on LGBT rights.

## ***Collaboration and Coalitions***

*Finding 8. Most LGBT NGOs feel they work effectively with other change agents. They are able to network effectively and enter into coalitions.*

Most of the NGOs felt that they worked effectively with other change agents and networks, such as the HIV and AIDS Coordinating Committee (HACC). One expressed scepticism, saying:

“We cannot comment very clearly on this. It would seem that NGOs work closely with others who can benefit them in terms of reaching their own goals. We do not see a very collective way of working yet, not just in LGBT NGOs, in all NGOs. It seems many NGOs are protecting their own status and reputation so this works against a strong collective collaborative way of working. It is also not clear when you say LGBT NGO—what is this? An NGO focused only on LGBT issues? An NGO with one project about LGBT issues? I think it is hard to find numbers of LGBT NGOs in Cambodia, except the second kind.”

Four felt that their NGOs worked effectively, citing their experience as part of a national HIV network. Half of the respondents felt that LGBT NGOs could easily enter into coalitions and networks. One said that they network if the coalition is relevant to LGBT work. One replied that many NGOs claim to network but rarely address common issues.

*Finding 9. LGBT NGOs do not have a national or regional coordination mechanism.*

Such a coordination mechanism for LGBT NGOs does not exist in Cambodia. One noted that some coalitions work together to share information, but not necessarily on LGBT issues.

*Finding 10. LGBT NGOs in Cambodia feel that they are effective in their media outreach, but are not interacting effectively with government and legislature.*

Most feel they are effective at media outreach but one commented, “Media needs to be more educated on LGBT rights.” Most NGOs feel they are not interacting effectively with government and legislature. Only one respondent felt that their NGO had good connections, citing examples with two government ministries.

*Finding 11. A minority of LGBT NGOs felt able to mobilize communities to address their priority issues.*

Three of the NGO respondents felt that they could mobilize communities. One commented that for many NGOs, not only LGBT-related NGOs, using money is the normal way of mobilizing communities. This approach is neither sustainable nor effective.

*Finding 12. Of the four key capacity areas, LGBT NGO respondents tended to rate their general ‘Organizational Capacity’ as highest, with ‘Coalitions and Collaboration’ as the lowest.*

Organizations were also asked to give an ‘average score’ from between 1 to 10 in each of the four focus areas. Of the eight NGOs, just three answered this question. This makes interpreting the averages difficult. Nevertheless, of those who replied it is interesting to compare relative ratings: Organizational Capacity had the highest aggregate rating overall (6.6/10), followed by Human Resources (5.6/10) and Financial Resources (5/10), while Collaboration and Coalitions ranked the lowest at 3.3/10.



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<http://www.visionandvoiceaward.com>

# ANNEX 1: LIST OF PARTICIPATING ORGANIZATIONS IN CAMBODIA

Name of Organization	Name of Key Contact	Phone Number	Email	Mailing Address
<b>Rainbow Community Kampuchea (RoCK)</b>	Collette O'Regan	(+855) 17 559-150	colletteoregan@gmail.com	#54i, street 103, BoeungTrobek, Chamkarmon, Phnom Penh, Cambodia
<b>Cambodia Center for Human Rights (CCHR - SOGI project)</b>	Sidara Nuon	(+855) 92 805-808	<a href="mailto:sidara.nuon@cchrcambodia.org">sidara.nuon@cchrcambodia.org</a>	#798, St.99, BoengTrabek, Chamkarmon, Phnom Penh, Cambodia
<b>Network Men-Women Development Cambodian (CNMWD)</b>	Sotheavy Sou	(+855) 11999-271	cnmwd.khmer@gmail.com	N/A
<b>Bandanh Chatomok (BC) – National Network for MSM and Transgender</b>	Bunthorn Kong	(+855) 92 445-186	bunthornkong@gmail.com	#33, St. 71, SangkatTonleBassac, Khan Chamkar Morn, 12301 Phnom Penh (KHANA)
<b>Women Network for Unity (WNU)</b>	Tha Keo	(+855) 12 471-093	wnu.cambodia@gmail.com	#3-4, St. 339, SangkatBoengKak 1, Khan ToulKok, Phnom Penh, PO Box 308, Phnom Penh
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# ANNEX 2: GLOSSARY OF COMMONLY USED TERMS

(This section of the National Report is adapted from: Salas, V. (2014) Speaking Out – A toolkit for MSM-led advocacy, Cambodia Adaptation. Copyright by MSMGF (The Global Forum on MSM and HIV). Forthcoming.

Key References for the English language definitions, unless otherwise indicated:

- Private Agencies Collaborating Together (PACT) Cambodia & International Center for Research on Women (ICRW). (2010) Understanding and Challenging Stigma towards MSM: A toolkit for Action. Cambodia adaptation.
- International Commission of Jurists & International Service for Human Rights. (2007). The Yogyakarta Principles – Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity
- Fact Sheets on LGBT Rights: Frequently Asked Questions. From <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTFactSheets.aspx> and <https://www.unfe.org/en/fact-sheets>

Term or Acronym	Explanation or Definition
<b>Bisexual</b>	Someone emotionally and sexually attracted to men and women
<b>Gay</b>	Used to describe both men and women whose emotional and sexual attraction is directed towards people of the same sex. The word 'Gay' is preferred to 'homosexual' as the latter term can have negative connotations and linked to the time when homosexuality was considered to be a sickness or a mental disorder. In recent years, the use of 'Gay' applies mostly to males as women prefer to use 'Lesbian'
<b>Gender Expression</b>	How one shows one's gender identity as usually expressed through such traits as appearance, clothing, movement, body language, way of speaking and voice, in terms of what is culturally accepted as masculine or feminine
<b>Gender Identity</b>	Refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned at birth, including the personal sense of the body (which may involve, if freely chosen, modification of bodily appearance or function by medical, surgical or other means) and other expressions of gender, including dress, speech and mannerisms
<b>Heterosexual</b>	Someone emotionally and sexually attracted to a person of the opposite sex or gender
<b>Homophobia, Transphobia</b>	Homophobia is an irrational fear of, hatred or aversion towards lesbian gay or bisexual people; transphobia denotes an irrational fear, hatred or aversion towards transgender people. Because the term homophobia is widely understood, it is often used in an all-encompassing way to refer to fear, hatred and aversion towards LGBT people in general.
<b>Homosexual</b>	Someone emotionally and sexually attracted to a person of the same sex or gender. As a general term, homosexuals include both gay Men and lesbians.

<b>Intersex</b>	People who are born with a combination of male and female genitals that are either fully or partially developed. They may also have chromosome patterns that do not fit the typical definition of 'male' and 'female'. Intersex people are usually assigned a gender at birth. This process is often arbitrary and many intersex people choose either to identify with a different gender later in life, or choose to embrace their identity as an intersex person who is both male and female. Intersex is a biological variant and not a sexual orientation, nor does it refer to sexual behaviour, sexual orientation or gender identity. Intersex people experience the same range of sexual orientations and gender identities as non-intersex persons.
<b>Lesbian</b>	A term used for women who identify as gay. 'Gay' has largely been associated with men, so many women prefer a separate term applied specifically to a woman's sexual orientation.
<b>LGBT, or LGBTI</b>	An inclusive acronym commonly used to talk about the entire lesbian, gay, bisexual, transgender and intersex population. Transgender and intersex people are often linked with lesbian, gay and bisexual identities because they face similar struggles in being harassed or discriminated due to their gender expression. However, transgender and intersex persons may also be gay, heterosexual or bisexual.
<b>MARP</b>	Acronym for most-at-risk populations for HIV, used in the health sector. In Cambodia, these populations include MSM and transgender women, people who inject drugs, and 'entertainment workers'.
<b>MSM</b>	An acronym for 'Men who have Sex with Men'. MSM is a behavioural term used to refer to biological males who have sex with other males. This term does not imply that MSM necessarily have a sense of identity based on this, although many have such an identity. Many MSM are married. MSM as a term is not widely used outside of the HIV and health sector. In Cambodia, the meaning of MSM is often translated into <i>pros slan pros</i> which means 'men who love men'.
<b>Sexual Orientation</b>	Refers to each person's capacity for profound emotional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender, or the same gender, or more than one gender. Everyone has a sexual orientation which is integral to a person's identity. Three sexual orientations are commonly recognized: bisexual, heterosexual or homosexual. Sexual orientation is NOT related to gender identity.
<b>Transgender</b>	Used to describe people who identify their gender as the opposite of their biological sex. Transgender people often feel that they are trapped in the wrong body. There are both male-to-female as well as female-to-male transgender persons.
	It is an umbrella term for persons whose gender identity and expression does not conform to norms and expectations traditionally associated with their sex assigned at birth. Transgender persons may self-identify as transgender, male, female, transwoman, transman, transsexual, 'katoey', 'waria' or other specific cultural identities, and may express their genders in a variety of masculine, feminine, and/or androgynous ways. (Centre for Transgender Excellence, UCSF)
<b>Transsexual</b>	People who have had some type of surgical alteration to their genitals and/or hormone treatment to change their bodily appearance in alignment with their gender identity.

## SOME LOCAL TERMS IN CURRENT USE IN CAMBODIA

### A quick note on language:

Language is constantly evolving. New terms are developed and first start being used and understood in a small group of peers, before becoming more widely used and adapted. During this time the meaning may be retained or it may be modified. Some words are adapted straight from a foreign source, others are given a Khmer modification, and others are purely invented, for example, *SIM pi*<sup>153</sup> (which refers to having two SIM cards in one phone, and is used by many younger Gay and Lesbians to mean a person who enjoys sex with males and females). This is a term which would never have been in use had dual-SIM phones not been invented.

153 "SIM" is an abbreviation for "Subscriber Identity Module" – or your mobile phone card where information is stored.

Some words are more popular in particular sectors (i.e. the use of MSM is generally confined to the public health and the HIV sectors. Interestingly, in Cambodia, MSM has been translated into *Pros Slan Pros* (Men Loving Men), which no longer simply describes the sex act between two males but also adds elements such as desire, emotions, affection, intimacy and love. Some words may be more popularly used in other provinces, or lapse into disuse or obscurity. The origins of specific words are not often known, but certainly many words are invented, in order to allow for close communication between peers without other persons around them understanding what they are talking about—a sort of a ‘coded’ language. Some also refer to words used by the royal family and the elite among themselves. Some older persons have claimed that “*even during the time of the Khmer Rouge, we had this type of language that only we can recognize.*” This phenomenon exists in different countries, communities and cultures. People devise ways to communicate about themselves if there is stigmatization or discrimination, so secrecy is needed, and sharing a language or jargon is essential if one is part of a ‘community’.

As much as possible, words used should not be derogatory and must be acceptable to the persons. Some other groups also object to the use of words by those considered ‘outsiders’ and they can appropriate certain words for their own use. For example, *ktoey* has a derogatory connotation and considered insulting when used generally, but when in use by peers within an MSM and transgender network, it can be considered acceptable or may be used jokingly and teasingly. Thus the context, the tone, manner of speaking, and intent behind the use of the word can be just as important as the word itself. Recently, some NGOs claim that the local media has improved in its use of words for LGBT—*pet ti bai* (third sex) is used more often and is considered a more acceptable word.

A few selected words in Khmer (written according to English pronunciation) and their explanation and use are described in the list below:<sup>154</sup>

Khmer word	Description/Meaning
<b>Bros slan bros</b>	Men who love (i.e. sexually intimate, desire) other men
<b>Kteuy (also, Katoey)</b>	A human being with sex organs, half-male, half-female (Buddhist Institute dictionary, Chuon Nat); a ‘sexually deficient individual’; a person with genitals of both sexes; a man who dresses like a woman, or a woman who dresses like a man
<b>LG, LB, LT</b>	Lesbian Girl, Lesbian Boy, Lesbian Tom – generally used by younger, urban lesbians to differentiate feminine-acting lesbians (LG) from masculine-acting ones (LB) from those who are transgender (LT or Lesbian Tom)
<b>Pros Luk Kloun</b>	Men who sell their bodies for sex
<b>MSM short hair</b>	A man who is characterized as ‘100% man’ but who has sex with other men, long hair or short hair; also known as <i>reng peng</i> or, a man who identifies as a man and wears male clothing but who has some feminine behaviours, and who has sex with other men, long hair or short hair.
<b>MSM long hair</b>	A man who identifies as a woman and wants to look like a woman. See also <i>tuon phloun</i>
<b>Reng Peng</b>	A male with a masculine character, firm, strong, energetic, tough and performing heavy work; see also: MSM short hair

154 Most local terms in this table are from (1) Tan, Phong. (2008) “Ethnography of Male to Male Sexuality in Cambodia”, UNESCO Cambodia; PACT Cambodia & ICRFW. (2010) (2) Understanding and Challenging Stigma towards MSM and Transgender – A Toolkit for Action, Cambodia Adaptation; (3) Catalla, TAP, Sovanara K and Van Mourik, G. (2003). ‘Out of the Shadows – Male-to-Male Sexual Behavior in Cambodia’. International HIV/AIDS Alliance & KHANA, and (4) Salas, Vicente and Srun, S. (2013). ‘An Exploration of Social Exclusion of Lesbians, Gay and Transgender Persons in Families and Communities and their ways of coping’. Research report. Social Protection Coordination Unit, Council for Agricultural Research and Development (SPCU-CARD)

<b>Sbian</b>	Short of lesbian—mainly in use by some academics and urban dwellers
<b>SIM Pi</b>	Literally, ‘two SIM cards’, referring to persons who have sex with, or are intimate with partners of both the opposite sex and their own sex, (SIM Pi) (SIM – Subscriber Identity Module)
<b>Srey Slan Srey</b>	Females who love (sexually intimate) other females. A term for both lesbian women and transgender males.
<b>Srey Sros</b>	Literally, ‘beautiful lady’. The preferred term used by transgender females to refer to themselves
<b>Toun Phloun</b>	Men who possess a personality similar to women, being mild and reserved, tending to shy away from violence, avoiding heavy work, and preferring light, domestic work; see also: ‘MSM long hair’





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