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CCHR publishes new report on marriage, adoption, and gender recognition rights for LGBTIQ people in Cambodia, and urges the government to protect the rights of rainbow families

The Cambodian Center for Human Rights (“CCHR”) publishes today - 23 November 2017 - a ground-breaking new research report entitled “Cambodia’s Rainbow Families: Marriage, Adoption and Gender Recognition Rights in the Kingdom” (“the Report”). It is available for download in both English and Khmer on CCHR’s website. The Report is produced by CCHR’s Sexual Orientation and Gender Identity (“SOGI”) Project and is the product of both desk and field research, including 122 interviews conducted across ten provinces with co-habiting rainbow couples, former couples, local authorities, and representatives of the Royal Government of Cambodia (the “RGC”). The findings reveal previously unreported information about families in Cambodia which include same-sex or gender non-conforming couples (hereafter “rainbow families”).

The Report reveals that, despite the fact that same-sex marriage is not possible according to the Cambodian Constitution, many rainbow couples across Cambodia (21.50%) have received important legal recognition in the form of family books issued by commune authorities. In order to navigate legal restrictions, these family books predominantly classify the couples as husband and wife (39.13%) or siblings (21.74%), or simply list one individual as the head of the family (13.04%).

The Report highlights the lack of understanding that the majority of rainbow couples have regarding their own legal rights. For example, a large majority (80.37%) believes that unmarried same-sex couples have equal rights to each other’s property during their relationship. Similarly, most (76.64%) believe that if a member of a same-sex couple dies, their partner has a legal claim to their property. This lack of awareness leaves rainbow couples in an exceptionally vulnerable position.

Despite full adoption being only legally available to married couples, the Report reveals that many rainbow couples across Cambodia (32.71% of those interviewed) already have children in their care. Over two-thirds of these adoptions are based on simple adoption or informal agreements (67.64%), with many couples stating that they’ve adopted family members such as nieces or nephews (40%). Having a child is very important to the overwhelming majority (87.85%) of rainbow couples surveyed. Among those who feel that having a child is important, a large proportion (70.53%) give the reason that their children would be able to provide and take care of them when they are older.

The vast majority (99.17%) of all couples surveyed included at least one partner who identified as transgender or gender non-conforming. This finding is highly significant from a legal perspective, because it means that a gender recognition law (which, unlike the introduction of marriage equality
law, would not require a constitutional amendment) would enable the vast majority of Cambodia’s co-habiting rainbow couples to marry, without requiring any change to marriage laws.

The Report encouragingly documents that rainbow families report high levels of acceptance from their communities. Almost half feel that their community is ‘very accepting’ (48.60%), and just under a third feel that they are ‘somewhat accepting’ of them (29.91%). Many report an improvement in this regard because of Cambodia’s Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (“LGBTIQ”) rights movement gaining in prominence. This suggests that further advances in the legal recognition of LGBTIQ rights could lead to increased levels of acceptance, inclusion and understanding of sexual orientation and gender identity / expression (“SOGIE”) in Cambodia.

Despite identifying some encouraging trends, this Report reveals the exclusionary and discriminatory nature of the legal framework which leaves Cambodia’s rainbow families lacking essential legal protections in multiple areas of family life, including the right to marry, full adoption rights, and the right to legal gender recognition.

These findings require the immediate attention of the RGC if Cambodia is to meet its international human rights obligations. CCHR calls on the RGC to follow the detailed recommendations set out in this Report. CCHR recommends legislative changes, such as the introduction of a gender recognition law and the introduction of marriage equality, as well as amending the Civil Code governing adoption to ensure rainbow families’ rights are protected.

**CCHR’s Executive Director Chak Sopheap comments:**

“Cambodia has made great strides in respect of LGBTIQ rights in recent years. LGBTIQ communities have gained in confidence, pride and visibility, as the movement for equal rights has grown. However, this new visibility has served to shine a light on the serious inequalities and discrimination still facing LGBTIQ Cambodians. It is imperative that the government takes concrete legislative and policy steps to ensure that Cambodia’s rainbow families are embraced as equals.”

**For more information, please contact CCHR’s Executive Director Chak Sopheap via telephone at +855 (0) 11 943 213 or e-mail at chaksopheap@cchrcambodia.org.**

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**Notes to the Editor:**

CCHR, founded in November 2002, is a non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout Cambodia.

CCHR is a member of the International Freedom of Expression Exchange (IFEX), the global network for freedom of expression. CCHR is also a member of the World Organisation Against Torture (OMCT) SOS-Torture Network, Southeast Asian Press Alliance (SEAPA), and OECD Watch.

The Cambodian Human Rights Portal www.sithi.org is the 2011 winner of the Information Society Innovation Fund Award in the category of Rights and Freedoms and the 2013 winner of the Communication for Social Change Award awarded by the Centre for Communication and Social Change at the University of Queensland in Brisbane, Australia.