The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Employment in Cambodia

Generously supported by: 

December 2019
Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s economic development. CCHR promotes the rule of law over impunity, strong institutions over strong men, and a pluralistic society in which variety is welcomed and celebrated rather than ignored and punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

About the Report

This Report is an output of CCHR’s Sexual Orientation and Gender Identity/Expression (“SOGIE”) Project. The SOGIE Project was launched in 2009 with the aim of empowering Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (“LGBTIQ”) individuals, advocating for their rights and networking with various partners to increase the promotion and protection of LGBTIQ rights in Cambodia.

Acknowledgements

This Report has been made possible by the support of the Swedish Association for Sexuality Education (Riksförbundet för Sexuell Upplysning) (“RFSU”) through the financial support of Sida, the Swedish International Development Cooperation Agency. CCHR would also like to thank partner organizations Rainbow Community Kampuchea (“RoCK”), Men’s Health Cambodia, and LoveisDiversity. CCHR also wishes to thank the government official who took their time to partake in this research. Our thanks is also due to the professionals who provided their support through conducting peer reviews of the final draft of our report to provide their valued and expert perspective - Kasumi Nakagawa, a gender academic at Pannadastra University and Pat de Brún, Independent Researcher. Finally, CCHR wishes to thank each of the participants who took part in the interviews which form the basis of the research, and particularly the local activists. The report would not have been possible without their commitment and dedication. The responsibility for the contents of the Report lays solely with CCHR.

Queries and Feedback

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

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

Cambodian Center for Human Rights
#798, Street 99, Boeung Trabek, Khan Chamkarmon, Phnom Penh, Cambodia
Table of Contents

Acronyms .......................................................................................................................... 1
Definitions ............................................................................................................................ 2
1. Executive Summary and Introduction.............................................................................. 4
2. Purpose, Scope and Methodology .................................................................................... 9
   2.1 Purpose ......................................................................................................................... 9
   2.2 Scope ............................................................................................................................. 9
   2.3 Methodology and limitations...................................................................................... 9
   3.1 International human rights law and standards................................................................. 13
       The International Covenant on Economic, Social and Cultural Rights recognizes the right to non-discrimination on the basis of SOGIESC in employment......................................................... 13
       The right to non-discrimination in the International Labour Organization Conventions .......... 14
       The Yogyakarta Principles and the right to non-discrimination on the basis of SOGIESC in employment......................................................................................................................... 15
       The Sustainable Development Goals (“SDGs”) and discrimination on the basis of SOGIESC in employment......................................................................................................................... 16
   3.2 International progress towards realizing the right to non-discrimination ...................... 17
   3.3 Cambodian laws and policies......................................................................................... 17
       Lack of explicit legal protections against discrimination on the basis of SOGIESC in Cambodian law................................................................................................................................. 17
       Existing national policies and strategies relevant to the right to non-discrimination in employment based on SOGIESC in Cambodia .................................................................................. 18
       Statements from government officials on non-discrimination on the basis of SOGIESC .......... 19
       Commitment during the third Universal Periodic Review of Cambodia on the enactment of laws and policies prohibiting SOGIESC-based discrimination in employment ................................................. 20
   3.4 The role of the business sector in tackling discrimination on the basis of SOGIESC in employment................................................................................................................................. 21
       International guiding principles and standards of conduct ................................................ 22
   3.5 The case for LGBTIQ inclusion at the workplace.............................................................. 24
   3.6 The role of employers to promote SOGIESC inclusion in Cambodia .............................. 24
4. Experiences of LGBTQ individuals in Cambodia in relation to the right to non-discrimination on the basis of SOGIE in employment.................................................................................................... 26
4.1 Discrimination on the basis of SOGIE in accessing employment ........................................... 26
4.2 Discrimination and bullying in the workplace ........................................................................ 29
4.3 Impact of SOGIE-based discrimination in employment .......................................................... 31
4.4 Social importance of employment for wider acceptance ......................................................... 31
4.5 Perceptions of unequal opportunities ..................................................................................... 32
4.6 Recommendations identified by LGBTQ respondents to better protect the right to non-
discrimination in employment .................................................................................................. 33
5. Conclusion and Recommendations ......................................................................................... 35
  5.1 Recommendations to the Royal Government of Cambodia .................................................. 36
  5.2 Recommendations to public and private sector employers operating in Cambodia ............ 37
  5.3 Recommendations to trade unions ....................................................................................... 37
  5.4 Recommendations to international and domestic civil society organizations working on LGBTIQ
      issues in Cambodia .............................................................................................................. 37
  5.5 Recommendations to the international community .............................................................. 37
Bibliography ............................................................................................................................... 38
## Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCHR</td>
<td>Cambodian Center for Human Rights</td>
</tr>
<tr>
<td>CESCR</td>
<td>United Nations Committee on Economic Social and Cultural Rights</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
</tr>
<tr>
<td>GBV</td>
<td>Gender Based Violence</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>LGBTIQ</td>
<td>Lesbian, Gay, Bisexual, Transgender, Intersex, Queer</td>
</tr>
<tr>
<td>MoEYS</td>
<td>Ministry of Education, Youth and Sports</td>
</tr>
<tr>
<td>MoLVT</td>
<td>Ministry of Labor and Vocational Training</td>
</tr>
<tr>
<td>MoWA</td>
<td>Ministry of Women’s Affairs</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
</tr>
<tr>
<td>OHCHR</td>
<td>Office of the High Commissioner for Human Rights</td>
</tr>
<tr>
<td>RGC</td>
<td>Royal Government of Cambodia</td>
</tr>
<tr>
<td>RoCK</td>
<td>Rainbow Community Kampuchea</td>
</tr>
<tr>
<td>SDGs</td>
<td>Sustainable Development Goals</td>
</tr>
<tr>
<td>SOGIE(SC)</td>
<td>Sexual Orientation and Gender Identity and Expression (and Sex Characteristics)</td>
</tr>
<tr>
<td>SRHR</td>
<td>Sexual Reproductive Health and Rights</td>
</tr>
<tr>
<td>UDHR</td>
<td>Universal Declaration of Human Rights</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UPR</td>
<td>Universal Periodic Review</td>
</tr>
</tbody>
</table>
### Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bisexual</td>
<td>A person who is romantically and/or sexually attracted to individuals of more than one gender.</td>
</tr>
<tr>
<td>Cisgender</td>
<td>A person whose gender identity and gender expression conforms to their biological sex at birth.</td>
</tr>
<tr>
<td>Gay</td>
<td>Someone identifying as a man, and is romantically and/or sexually attracted to others who identify as men.</td>
</tr>
<tr>
<td>Gender</td>
<td>Refers to the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women.</td>
</tr>
<tr>
<td>Gender Expression</td>
<td>Refers to how a person presents their gender. This can include behavior and outward appearance such as dress, hair, make-up, body language, voice, chosen name and pronoun.</td>
</tr>
<tr>
<td>Gender Identity</td>
<td>A person’s deeply felt internal and individual experience of gender, which may or may not correspond with the sex assigned at birth.</td>
</tr>
<tr>
<td>Intersex</td>
<td>People with atypical sex characteristics. It relates to physical traits that lie between stereotypical definitions of male and female.</td>
</tr>
<tr>
<td>Lesbian</td>
<td>Someone identifying as a woman, and is and is romantically and/or sexually attracted to others who identify as women.</td>
</tr>
<tr>
<td>Queer</td>
<td>Originally used in a derogatory sense, many LGBTIQ individuals have embraced this word, which describes anyone who identifies as being either gender, sexually and/or bodily diverse.</td>
</tr>
<tr>
<td>Rainbow Couple</td>
<td>An umbrella term used throughout this report to describe couples with two partners of the same sex, or in which one or both partners identifies as transgender.</td>
</tr>
<tr>
<td>Rainbow Family</td>
<td>Rainbow couples (see definition above) that may have children in their care.</td>
</tr>
<tr>
<td>Sex</td>
<td>Refers to the biological and physical characteristics that define men and women.</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>A person’s capacity for profound emotional, sexual attraction to and intimate and sexual relations with individuals of a different gender or the same gender or both.</td>
</tr>
<tr>
<td><strong>Trans</strong></td>
<td>Short for ‘transgender’; a term that refers to an individual whose gender identity is different from their sex assigned at birth.</td>
</tr>
<tr>
<td><strong>Transgender</strong></td>
<td>A term that refers to an individual whose gender identity is different from their sex assigned at birth.</td>
</tr>
<tr>
<td><strong>Transgender Woman</strong> / <strong>Transwoman</strong></td>
<td>Someone who was assigned male at birth, but whose gender identity is that of a woman.</td>
</tr>
<tr>
<td><strong>Transgender Man</strong> / <strong>Transman</strong></td>
<td>Someone who was assigned female at birth, but whose gender identity is that of a man.</td>
</tr>
</tbody>
</table>
1. Executive Summary and Introduction

“Employers should only consider our abilities, not our gender identities or sexual orientation”. Chana,1 transwoman, Battambang.

Around the world, it has been documented that Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (“LGBTIQ”) individuals face various forms of discrimination on the basis of their sexual orientation, gender identity and expression and sex characteristics (“SOGIESC”) throughout the employment cycle. These forms of discrimination, including accessing, keeping and advancing employment opportunities, as well as discrimination in the workplace, may result in unequal opportunities, social exclusion, and persistent poverty.2 As such, SOGIESC-based discrimination in employment represents a fundamental challenge to achieving the 2030 Sustainable Development Goals (“SDGs”), and the fundamental commitment of “Leaving No One Behind”.3

While commendable progress has been made in respect of LGBTIQ individuals’ inclusion in Cambodia in recent years, previous research has indicated that LGBTIQ individuals in Cambodia continue to endure various forms of legal and social discrimination.4 The Cambodian legal framework does not contain explicit provisions protecting LGBTIQ individuals from discrimination and violence on the basis of SOGIESC. Under the current Cambodian legal framework, there is an absence of legal recognition of self-defined gender identity; an absence of marriage equality in Cambodian law; and impossibility of rainbow couples obtaining full adoption rights.5 Socially constructed gender norms and stereotypes embodied in the society in Cambodia have contributed to discrimination against LGBTIQ individuals.6 Previous research revealed that LGBTIQ Cambodians face numerous forms of social discrimination and exclusion in several areas of life. This includes experiences of family rejection and violence within the family sphere, as well as experiences of gender-based violence in various settings.7 Previous research

---

1 All names used in this report have been changed to safeguard respondents’ privacy.


also revealed that youth with diverse SOGIESC in Cambodia experience discrimination and bullying in school, barriers to accessing healthcare and social services, as well as discrimination in accessing employment and in the workplace.  

Government officials have made statements in support of non-discrimination towards LGBTIQ individuals, however these statements have not yet been translated into concrete legislative and policy actions which is necessary to effectively guarantee equal rights for LGBTIQ Cambodians, notably in relation to the right to non-discrimination on the basis of SOGIESC in employment. Furthermore, in order to improve inclusion of the LGBTIQ community and tackle discrimination on the basis of SOGIESC from employers and the wider society, proactive government-led awareness raising campaigns focused on inclusion and non-discrimination principles are required.

LGBTIQ communities in Cambodia have highlighted ensuring non-discrimination and equality in employment as a priority concern, and this was also highlighted as an area where further research was needed. In order to continue to increase the evidence base on SOGIESC rights in Cambodia, CCHR conducted research on the right to non-discrimination on the basis of SOGIESC in employment in Cambodia. This report presents an analysis of the legal and policy framework as well as empirical

---


9 During H.E. Keo Remy’s speech at the Third UPR of Cambodia on 30 January 2019, answering to the recommendations received by Cambodia on the protection of SOGIESC rights, he said that some action had been taken to eliminate discrimination against the LGBT community, pointed out that although same sex marriage was not yet recognized it was not criminalized, and said that the Prime Minister told him that the Government must take the lead in promoting LGBT rights and eliminating discrimination. However, Mr Romy stressed that more advocacy was required to make the public more receptive to legislative change in this area before the RGC would amend the law. Recording available at <http://webtv.un.org/watch/cambodia-review-32nd-session-of-universal-periodic-review/5996447199001/#player>.

On 20 February 2019 the Prime Minister of Cambodia delivered a speech during which he called for non-discrimination against LGBT people in Cambodia. This represents a positive development as the Prime Minister acknowledges the importance of the right to non-discrimination on the basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC). However, in the same speech, the Prime Minister stated that Cambodia was not yet ready to set in place a legislative change enabling same sex marriage, citing the controversies this question also poses in other countries around the world. The statement, which does not rule out the possibility of such legislative change in the future, stresses the need for further engagement at the national level.


11 See details in Section 2.3.
Evidence regarding the situation of LGBTQ\textsuperscript{12} individuals in Cambodia, in relation to the right to non-discrimination on the basis of SOGIE\textsuperscript{13} in employment. Based on these findings, this research report provides comprehensive recommendations to address issues that were identified, ultimately with the aim of influencing legislation, policy and government campaigns.

LGBTIQ individuals are likely to face varied experiences in relation to employment and other areas of life based on multiple and intersecting aspects of their identities. This study takes into account and recognizes the importance of intersectionality when looking at the issue of the right to non-discrimination on the basis of SOGIESC in employment.

United Nations Development Programme (“UNDP”), Leave no one behind: Advancing social, economic, cultural and political inclusion of LGBTI people in Asia and the Pacific: “An LGBTI person who is low-income or from a low-income background, a migrant worker or sex worker, a member of an ethnic or indigenous minority, and/or a young or older person is likely to face multiple discrimination based on one or more of these statuses besides SOGIESC.”\textsuperscript{14}

This report analyzes the international legal framework in relation to the right to non-discrimination on the basis of SOGIESC in employment, as well as the current Cambodian legal and policy framework in relation to this right. In order to provide a more complete picture, the findings of the report also detail the lived experiences of LGBTQ Cambodians whilst seeking and engaged in employment, in addition to the legal status of their right to non-discrimination in employment. The report presents empirical evidence regarding the situation for LGBTQ individuals in Cambodia in relation to employment opportunities and experiences of discrimination in the workplace; and provides comprehensive recommendations to various stakeholders to address the issue of discrimination based on SOGIESC in the Cambodian employment sector and work towards guaranteeing equal opportunities for LGBTIQ individuals in employment.

The findings presented in this report are based on a combination of desk and field research focusing on the right to non-discrimination on the basis of SOGIESC in employment in Cambodia. Field research was conducted from November to December 2018, including interviews conducted across seven provinces with 118 LGBTQ individuals and a representative of the Royal Government of Cambodia (the “RGC”).

This report reveals that:

Policy and Legislation

- Equal rights for LGBTQ individuals to work, without any discrimination on their basis of SOGIESC are well established in international human rights law and standards.

\textsuperscript{12} This report uses both the acronyms LGBTIQ and LGBTQ. CCHR was unable to interview intersex individuals for this research, therefore, in the rest of the report, when referring to findings from the field research, the acronym LGBTQ will be used. See Section 2.3 for further details.

\textsuperscript{13} This report uses both the acronyms SOGIESC and SOGIE. CCHR was unable to interview intersex individuals for this research, therefore, in the rest of the report, when referring to findings from the field research, the acronym SOGIE will be used. See Section 2.3 for further details.

• Cambodian laws and policies do not explicitly recognize SOGIESC as a basis for non-discrimination in employment. This lack of explicit legal protection against discrimination is particularly concerning in the Cambodian context, where LGBTIQ individuals continue to face numerous forms of discrimination in relation to employment, as evidenced in this research. Respondents notably highlighted the need for explicit legal protections to be of paramount importance to guarantee respect for their right to equality and non-discrimination.

• There is increasing international recognition that businesses have a role to play to ensure the right to non-discrimination and LGBTIQ inclusion in the workplace. The business case for LGBTIQ inclusion has been demonstrated in many instances, and there are some positive examples from Cambodia on LGBTIQ inclusion in the private sector.

• In recent years, several government officials have expressed support for non-discrimination, stating on multiple instances that Cambodia does not discriminate against LGBTIQ communities. It is imperative that these commitments be translated into concrete measures, including laws, policies and public campaigns, to guarantee the right to non-discrimination on the basis of SOGIE in law and practice in Cambodia.

Lived-experience of discrimination on the grounds of SOGIE

• Despite noted improvements over time, LGBTQ Cambodians continue to face discrimination on the basis of their SOGIE in accessing employment. One out of five respondents in the study reported being denied a job because of their SOGIE, often on several occasions. Many participants also noted that discrimination in accessing employment is experienced more acutely by transgender individuals.

• LGBTQ Cambodians also continue to face various forms of discrimination, exclusion and harassment because of their SOGIE at their workplace. The most frequent form of bullying is verbal harassment and ‘teasing’, principally from members of the public. Additional to harassment from members of the public exclusion, harassment is also being inflicted by colleagues or more rarely by superiors, internal to the workplace.

• Very few respondents made formal complaints regarding these experiences of discrimination based on SOGIE, instead respondents choose to confide in their friends and families.

• Overall, there is an overwhelming perception of unequal job opportunities among LGBTQ respondents. Interviews with respondents also confirmed a previous observation that narrow career sector choices might also partially result from internalized self-limitation developed by members of the LGBTIQ community within the wider context of social discrimination.

• The research also highlights that it is important to take into account the wider socio-economic context in Cambodia, as well as intersectional elements of individuals’ identities when analyzing employment opportunities. An individual’s SOGIE is not the only barrier for respondents to accessing their desired job. Often, the level of education – which is itself frequently linked to pre-existing family socio-economic status - is also an important factor impacting upon respondent’s career opportunities.15

15 The ethnicity of individuals is another important intersectional element that can exacerbate the challenges LGBTIQ individuals’ face when accessing employment.
Having a “good job” is seen to be of prime importance for family and community acceptance in Cambodia. Ensuring the right to non-discrimination on the basis of SOGIESC would contribute to socio-economic inclusion of LGBTIQ Cambodians. Ultimately, guaranteeing the right to non-discrimination and equal right to employment for LGBTIQ Cambodians will not only benefit LGBTIQ Cambodians but also Cambodian society as a whole by ensuring these individuals can contribute to the workforce.

The report concludes with a series of recommendations for various stakeholders to guarantee respect for the right to non-discrimination on the basis of SOGIESC in employment in Cambodia, including the following.

**Recommendations to the RGC:**

- In consultation with civil society and LGBTIQ communities, introduce new legislation, and/or amend existing legislation (for instance article 12 of the Labor Law) to explicitly prohibit discrimination in employment on the basis of SOGIESC, in public and private employment, including in relation to vocational training, recruitment, promotion, dismissal, conditions of employment and remuneration, in line with SDG 8.
- Revise existing government policies – including for instance the National Employment Policy – to include a policy focused on guaranteeing equal opportunities for LGBTIQ individuals.
- Implement proactive government-led awareness-raising campaigns to improve inclusion of LGBTIQ individuals in employment, and societal awareness of SOGIESC rights.
- Implement programs raising awareness of the principle of non-discrimination on the basis of SOGIESC among public officials at all levels of the RGC.
- Continue to actively participate in platforms of consultations with LGBTIQ communities and civil society organizations (“CSOs”) advocating for the promotion and protection of SOGIESC rights in order to hear their voices and priority concerns.

**Recommendations to public and private sector employers:**

- Introduce explicit non-discrimination policies to ensure inclusion in the workplace, including by prohibiting discrimination on the basis of SOGIESC, and ensuring equal employment opportunities for LGBTIQ individuals.
- Apply the Office of the High Commissioner for Human Rights (“OHCHR”) “Standards of Conduct for Business in Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People”.

**Recommendations to the international community:**

- Ensure that LGBTIQ rights are among the priority issues to be addressed in any bilateral or multilateral intergovernmental discussions with the RGC.
- In respect of development funding, ensure that grassroots LGBTIQ activists in Cambodia are financially supported to conduct advocacy and educational initiatives of their own, and ensure that grassroots communities are empowered to set their own advocacy priorities.
2. Purpose, Scope and Methodology

2.1 Purpose

This report presents empirical evidence regarding the situation of LGBTIQ individuals in Cambodia in relation to the right to non-discrimination on the basis of SOGIESC in employment, and provides comprehensive recommendations to address identified issues. The themes of employment opportunities and discrimination in employment have consistently been highlighted as a priority in CCHR’s formal and informal interactions with LGBTIQ communities and CSOs working on the protection and promotion of SOGIESC rights in Cambodia.\textsuperscript{16} This report aims to strengthen the evidence base on SOGIESC rights in Cambodia, by specifically analyzing the extent of the respect for the right to non-discrimination based on SOGIESC in employment in Cambodia. In order to provide a more complete picture, this research not only focuses upon the current legal and policy framework in relation to the right to non-discrimination on the basis of SOGIESC in employment, but also the experiences and perspectives of LGBTIQ Cambodians in respect of employment.

2.2 Scope

CCHR’s situational analysis was informed by informal interactions with LGBTIQ communities, which highlighted employment opportunities and discrimination as primary concerns. Previous research carried out by CCHR in 2016 on discrimination against transgender women in Cambodia’s urban centers notably revealed that they face discrimination based on their SOGIESC in accessing and keeping employment, as well as discrimination and harassment in the workplace.\textsuperscript{17} Further desk and field research was required to assess the right to non-discrimination, on the basis of SOGIESC in employment in Cambodia, in practice. This report analyzes laws and policies related to the right to non-discrimination in employment. In addition, field research was undertaken to reveal lived experiences of LGBTIQ individuals in accessing employment in Cambodia and their experiences in the workplace. This data will strengthen the evidence base from which to identify and advocate for measures to be implemented by various stakeholders to guarantee full respect for LGBTIQ individuals’ right to non-discrimination in employment.

2.3 Methodology and limitations

In order to understand the current situation regarding the right to non-discrimination on the basis of SOGIESC in employment in Cambodia, desk research was carried out to assess the legal and policy framework governing these areas. The desk research focused on: the right to non-discrimination on the basis of SOGIESC in employment under international human rights law and standards; national legal systems and policies in other countries; Cambodia’s domestic laws and policies regarding the right to non-discrimination on the basis of SOGIESC in employment; and guidelines on the role of employers to guarantee the right to non-discrimination based on SOGIESC. Field research, in the form

\textsuperscript{16} This research topic was identified as a key research priority during a consultation meeting with CCHR’s CSOs partners working on the protection and promotion of SOGIE rights & SRHR held on 15 February 2018.

of semi-structured interviews across a selection of Cambodia’s provinces, was also undertaken to obtain a mix of quantitative and qualitative data.

The surveys used in this research were predominantly made up of open-ended questions and some closed multiple-choice questions, and were carried out in an interview setting, mimicking a casual two-way conversation. Interviews were conducted with: (a) 118 LGBTQ individuals; 18 (b) one representative of the RGC; (c) one key informant from a civil society organization.

**Terminology**
Throughout this report both the acronyms LGBTIQ and LGBTQ have been used. CCHR’s preferred acronym is LGBTIQ as it is all-encompassing, and, as such, this acronym is used as a basis in the report. However, during CCHR’s field research the team were unable to interview any intersex individuals for this research. As a result, and to clarify that the field research findings are not a reflection of the experiences of the intersex community, when referring to findings from the field research throughout the rest of the report, the acronym LGBTQ will be used. Under this same reasoning the use of SOGIE and SOGIESC will be tailored throughout the report so SOGIESC is used as a basis but SOGIE is chosen appropriately when referring to findings from our field research as it excludes findings on intersex individuals and sex characteristics.

Due to limited resources, this research could not gather quantitative data from a large enough sample to have statistically representative results. However, the quantitative and qualitative data gathered and analyzed in this research can be used to identify key trends. In addition, the (quantitative) data reveals important issues that would benefit from further research and policy initiatives. Although this study used a mixed method approach, it focuses on the qualitative data collected.

CCHR undertook field missions in November and December 2018 to collect data in the following seven provinces: Banteay Meanchey, Battambang, Kampong Chhnang, Kampot, Siem Reap, Preah Sihanouk and Phnom Penh. These provinces were selected based on information received from LGBTIQ networks and activists, with experience of working with LGBTIQ communities in Cambodia. In each location, CCHR made use of contacts within LGBTIQ organizations and networks to initially locate a number of appropriate interviewees. Subsequently, through this initial sample a larger number of interviewees were identified through snowball sampling. Interviews were conducted in a mixture of public and private settings, provided the respondents were comfortable with the surroundings.

**Figure 1: Provinces in which interviews were conducted**

![Figure 1](image)

The time available for conducting the field missions was limited due to resource constraints. The research team had difficulty reaching the target number of interviewees in certain provinces and

---

18 CCHR was unable to interview intersex individuals for this research, therefore, in the rest of the report, when referring to findings from the field research, the acronym LGBTQ will be used. See details in paragraphs below.
therefore had to adjust the interview schedule accordingly. Similarly, not all provinces were covered by the field research and as a result the sample does not include LGBTQ individuals from all areas of Cambodia.

Additionally, there was an imbalance in terms of the SOGIESC of the individuals surveyed. Despite seeking to interview equal numbers of lesbian, gay, bisexual, transwomen, transmen, intersex and queer individuals, CCHR was only able to reach a few individuals that self-identified as queer and was unable to reach any intersex individuals to interview for the purpose of this study. In addition, the sample shows an overrepresentation of transwomen - 41.53% of the respondents identified as transwomen. This overrepresentation is due to the method used to locate suitable interviewees, as CCHR relied heavily on its contacts in health oriented CSOs, which mostly work with transwomen. The findings in this study are therefore not representative of the entire LGBTIQ population in Cambodia.

**Figure 2: SOGIE of respondents**

![SOGIE of respondents](image)

During the data analysis stage, trends were identified amongst answers to open-ended qualitative questions. The answers were then placed into categories based on these trends in order to be analyzed. Fourteen follow-up in-depth interviews were later conducted by telephone for the purpose of including detailed case studies.

For the interviews with RGC ministry representatives, request letters were sent to the Ministry of Labor and Vocational Training (“MoLVT”) and the Ministry of Women’s Affairs (“MoWA”). An interview was conducted with a representative from the MoLVT at the MoLVT offices, however, due to their capacity MoWA were unfortunately unable to accept our interview request.

A limitation of the scope of this research was that it did not permit the collection of data from the private sector. Further research is needed to understand how the private sector can better guarantee the right to non-discrimination on the basis of SOGIESC in practice.

**Preliminary diffusion of research findings**

Preliminary findings from the desk research were used to draft a chapter entitled ‘Employment opportunities and the economic situation of LGBTIQ People’ which was included in a report on ‘SOGIESC Rights and Sexual Reproductive Health and Rights (“SRHR”) in Cambodia’ co-authored by CCHR and jointly submitted with other Cambodian CSOs for the third Universal Periodic Review.

---

As identified in ‘Joint Submission on SOGIESC-SRHR for the Third UPR of Cambodia’ (July 2018), para 39, the status of intersex people is largely unexplored in Cambodia. There is a complete absence of government data and published research on intersex people and the issues they may face in Cambodia with regards to access to physical and psychological health services, with regards to bullying and exclusion, or surgery practices regarding the sex characteristics of intersex infants and children.

20 Question 5: Which Sexual Orientation/Gender identity do you identify with?, N=118.
("UPR") of Cambodia. Based on existing data and preliminary findings from the desk research, the UPR CSO submission suggested recommendations to the RGC to promote and protect the right of LGBTIQ individuals in employment. As an outcome of the third UPR, the RGC accepted nine recommendations specifically related to the protection of SOGIESC rights, including a recommendation to introduce non-discrimination laws and policies on the basis of SOGIESC. (See details in Section 3.3).

Preliminary findings from this research were also presented during a panel discussion on ‘Discrimination at School and the workplace’ held in Phnom Penh in June 2019 for the Second National Dialogue on Legal and Public Policies to Protect LGBTIQ People in Cambodia with representatives from the MoLVT, Ministry of Education, Youth and Sports (“MoEYS”), the Cambodian Human Rights Committee, members of the LGBTIQ community and CSO representatives.  

21 ‘Joint Submission on SOGIESC-SRHR for the Third UPR of Cambodia’ (July 2018).  

CCHR undertook desk research to assess the legal and policy framework governing the right to non-discrimination on the basis of SOGIESC in employment in Cambodia. The desk research covered international human rights law and standards; national legal systems and policies in other countries; Cambodia’s domestic laws and policies; and guidelines on the role of employers to guarantee the right to non-discrimination based on SOGIESC.

The desk research highlighted that the equal rights of LGBTIQ individuals to work, without discrimination in access to and maintenance of employment on the basis of their SOGIESC, are well established in international human rights law and standards, but that the Cambodian legal framework contains no explicit protections against discrimination on the basis of SOGIESC, neither in general provisions nor in provisions specifically linked to employment.

3.1 International human rights law and standards

The equal rights of LGBTIQ individuals to work, without discrimination in access to and maintenance of employment on the basis of their SOGIESC are well established in international human rights law and standards.

The International Covenant on Economic, Social and Cultural Rights recognizes the right to non-discrimination on the basis of SOGIESC in employment.

Cambodia is a party to the International Covenant on Economic, Social and Cultural Rights (the “ICESCR”). Article 6 of the ICESCR recognizes the “right to work”, which includes the “right of everyone to the opportunity to gain his living by work which he freely chooses or accepts”, and requires States to “take appropriate steps to safeguard this right”. Article 7 of the ICESCR elaborates on the right to work, and recognizes the right to of “everyone to the enjoyment of just and favorable conditions of work”.

With regards specifically to the right to work, the United Nations Committee on Economic Social and Cultural Rights (“CESCR”) clarified that the ICESCR “prohibits any discrimination in access to and maintenance of employment on grounds of [...] sexual orientation [...]”. The CESCR further clarified that States have an obligation to “respect the right to work by, inter alia, [...] refraining from denying...”

---

23 United Nations Treaties Collection, Status of Treaties - ICESCR


25 International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 23 March 1976) 993 UNTS 3 (ICESCR), Article 6 (1) and 6 (2) states: “The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”.


or limiting equal access to decent work for all persons, especially disadvantaged and marginalized individuals and groups.”

Furthermore, Article 2(2) of the ICESCR provides that “States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. The CESCR, in its General Comment No. 20 on Non-Discrimination, has stated that “other status” as referenced in Article 2 of the ICESCR includes sexual orientation and gender identity.10

The right to non-discrimination in the International Labour Organization Conventions

Cambodia ratified International Labour Organization (“ILO”) Convention No. 111 in 1999. This ILO convention outlines the main international labor standards on equality and non-discrimination in regards to employment and occupation. The Convention calls upon States to adopt and implement a national policy to promote equality of opportunity and treatment with a view to eliminating discrimination in all aspects of employment and occupation for all workers. Therefore, ILO Convention No. 111, in addition to requiring the prohibition of discrimination, also imposes a positive obligation on States to promote equality in opportunity and treatment in employment and occupation. ILO Convention No. 111 does not in itself explicitly prohibit discrimination on the basis of SOGIESC, however, the ILO has taken steps to address discrimination against LGBTIQ individuals in employment. For instance, in addition to legally binding Conventions, the ILO issues recommendations which serve as guidelines for Member States to be incorporated into national legislation and policy frameworks. Two ILO recommendations explicitly reference sexual orientation as a basis for non-discrimination: the Private Employment Agencies Recommendation (No. 188), and the HIV and AIDS Convention, 2010 (No. 200). In 2012, the ILO also initiated the ‘PRIDE Project: Gender identity and sexual orientation: Promoting rights, diversity and equality in the world of work’, which seeks to

31 ILO Convention No. 111: Discrimination (Employment and Occupation) Convention (1958),<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312256> defines discrimination in employment or occupation as: “any distinction, exclusion or preference made on the basis of race, color, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation” or “such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies”.
32 ILO Recommendation R188: Private Employment Agencies Recommendation (1997), paragraph 9(9),<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE,P55_LANG,P55_DOCUMENT,P55_NODE:SU P,en,R188/Document>: “Private employment agencies should be prohibited, or by other means prevented, from drawing up and publishing vacancy notices or offers of employment in ways that directly or indirectly result in discrimination on grounds such as race, colour, sex, age, religion, political opinion, national extraction, social origin, ethnic origin, disability, marital or family status, sexual orientation or membership of a workers organization.”.
33 ILO Recommendation R200: HIV and AIDS Recommendation (2010), paragraph 14(e),<https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100::NO:12100:P12100_ILO_CODE:R200:NO>: “Measures should be taken in or through the workplace to reduce the transmission of HIV and alleviate its impact by: promoting the involvement and empowerment of all workers regardless of their sexual orientation and whether or not they belong to a vulnerable group.”.
assess discrimination against LGBTIQ workers across the world and highlight good practices that promote meaningful inclusion.  

**The Yogyakarta Principles and the right to non-discrimination on the basis of SOGIESC in employment**

The 2006 ‘Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity’ (the “Yogyakarta Principles”) provide guidance on the application of international human rights law to issues of sexual orientation and gender identity / expression. Although the Yogyakarta Principles are non-binding, they have been referenced by multiple UN bodies as enriching and setting precedents for future LGBTIQ rights legal developments.

---

**Yogyakarta Principle 12**

“Everyone has the right to decent and productive work, to just and favorable conditions of work and to protection against unemployment, without discrimination on the basis of sexual orientation or gender identity.”

“States should take all necessary legislative, administrative and other measures to eliminate and prohibit discrimination on the basis of sexual orientation and gender identity in public and private employment, including in relation to vocational training, recruitment, promotion, dismissal, conditions of employment and remuneration”

---

In addition to Principle 12 on the right to work, detailed above, several specific Yogyakarta Principles are relevant to LGBTIQ individuals’ rights in employment:

**Principle 13** on the right to social security and other social protection measures states: “everyone has the right to social security and other social protection measures, without discrimination on the basis of sexual orientation or gender identity”. In accordance with this principle, states should “Take all necessary legislative, administrative and other measures to ensure equal access, without discrimination on the basis of sexual orientation or gender identity, to social security and other social protection measures [...].”

**Principle 25** on the right to participate in public life states: “Every citizen has the right to take part in the conduct of public affairs, including the right to [...] have equal access to all levels of public service and employment in public functions, including serving in the police...”

---


and military, without discrimination on the basis of sexual orientation or gender identity”.38

The Sustainable Development Goals (“SDGs”) and discrimination on the basis of SOGIESC in employment

Ensuring full respect in law and in practice for the right to non-discrimination in employment on the basis of SOGIESC in Cambodia would contribute to the achievement of several SDGs.39

### SDG Underpinning Principle

The underpinning principle of the SDGs of “leaving no one behind” is especially relevant for the rights of LGBTIQ individuals to fully enjoy the right to work and be free from discrimination in accessing employment.40

In addition to the underpinning principle detailed above, several specific SDGs are relevant to LGBTIQ individuals’ rights in employment:

**SDG 8**

Eliminating discrimination on the basis of SOGIESC in employment would contribute to the realization of SDG 8, which aims at “promot[ing] sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”, 41 and in particular, Target 8.5, which aims at “achieving full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.”.42

**SDG 1**

Eliminating discrimination on the basis of SOGIESC in employment would also contribute to enabling LGBTIQ Cambodians to access and maintain decent jobs, which would improve their economic situation, thereby also contributing to achieving SDG 1, which aims at ending poverty in all its forms everywhere.43

**SDG 5**

This would also contribute to achieving the gender equality goal set out in SDG 5, and Target 5.1: “End all forms of discrimination against all women and girls everywhere”.

**SDG 10**

Finally, this would also contribute to reducing inequalities within Cambodian society, in line with SDG 10: “Reduce inequality within and among countries” - including Target 10.2: “By 2030, empower and promote the social, economic and political inclusion of

---

39 UN General Assembly, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A/RES/70/1,
40 UN General Assembly, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A /RES/70/1, Preamble, para 4, para 26, para 48, para 72, para 74(e)
41 UN General Assembly, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A /RES/70/1, Goal 8
42 UN General Assembly, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A /RES/70/1, Goal 8, Target 8.5
43 UN General Assembly, ‘Transforming our world: the 2030 Agenda for Sustainable Development’ (21 October 2015) UN Doc A /RES/70/1, Goal 1
all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status”, and 10.3: “Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.”

3.2 International progress towards realizing the right to non-discrimination

Internationally, progress has been made to provide legal protections explicitly prohibiting discrimination on the basis of SOGIESC, including in the area of employment. For instance, as of 2019, 74 UN Member States have enacted laws that contain protection against discrimination based on sexual orientation in employment, including Nepal, Thailand, South Korea and Taiwan. Additionally, as of 2018, at least 26 countries around the world have enacted legislation containing general legal protections from discrimination based on gender identity and/or expression. Some countries have also enacted legislation which extends their legal protections to intersex individuals by specifically prohibiting discrimination based on sex characteristics, including Australia and Malta.

3.3 Cambodian laws and policies

The Cambodian legal framework contains no explicit protections against discrimination on the basis of SOGIESC, neither in general nor specifically in relation to employment. This lack of explicit legal protection against discrimination is particularly concerning in the Cambodian context, where LGBTIQ individuals face numerous forms of discrimination in their daily lives, including in the field of employment, as further evidenced in this research.

Lack of explicit legal protections against discrimination on the basis of SOGIESC in Cambodian law

The Constitution of the Kingdom of Cambodia

Article 31 of the Constitution of the Kingdom of Cambodia (the “Constitution”) guarantees equal rights to all Cambodians regardless of personal characteristics, and while LGBTIQ individuals are arguably protected under the “other status” category, the explicit inclusion of nine other categories appears to diminish this argument. There is no available case law to elucidate whether Article 31 extends to protecting LGBTIQ individuals in practice, thus is remains unclear whether the courts would interpret Article 31 to guarantee equal rights to LGBTIQ individuals.

---


46 Sex Discrimination Amendment (Sexual Orientation, Gender Identity and Intersex Status) Act 2013 (Australia).

47 General Identity, Gender Expression and Sex Characteristics Act 2015 (Malta).

48 Article 31 of the Constitution of the Kingdom of Cambodia 1993: ‘Every Khmer citizen shall be equal before the law, enjoying the same rights and freedoms fulfilling the same obligations regardless of race, color, sex […] or other status’. 

17
Furthermore, Article 31 of the Constitution guarantees respect for human rights as stipulated in the UN Charter, the Universal Declaration of Human Rights (“UDHR”) and other international covenants and conventions related to human rights which Cambodia has ratified, including the International Covenant on Civil and Political Rights (“ICCPR”) and the ICESCR. The position of international human rights law within the Cambodian legal system was strengthened by the Constitutional Council’s decision of 10 July 2007, which authoritatively interpreted Article 31 as meaning that international treaties ratified by Cambodia are directly applicable in domestic law.\(^{49}\)

**The Criminal Code of the Kingdom of Cambodia**

The Criminal Code of the Kingdom of Cambodia (2009) (the “Criminal Code”) similarly does not include SOGIESC as a prohibited basis for discrimination. Articles 265, 267 and 269 of the Criminal Code specifically relate to the right to non-discrimination in employment, but do not include SOGIESC as a protected basis of non-discrimination.\(^{50}\) Furthermore, the broad wording of Article 271 of the Criminal Code regulating discrimination authorized in the law could be used to legally discriminate LGBTIQ people in the hiring process.\(^{51}\)

**The Labor Law**

Article 12 of the Cambodian Labor Law (1997) contains provisions on non-discrimination in employment on the basis of “race, color, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities”. However, Article 12 fails to explicitly recognize SOGIESC as a basis for non-discrimination.\(^{52}\)

The Law on Trade Unions (2016) contains non-discrimination provisions for union membership in Article 6, which similarly do not explicitly mention SOGIESC.\(^{53}\)

**Existing national policies and strategies relevant to the right to non-discrimination in employment based on SOGIESC in Cambodia**

Several RGC policies and strategies contain provisions related to the right to non-discrimination in employment, however, they fail to specifically mention the right to non-discrimination on the basis of SOGIESC.

The RGC’s National Employment Policy 2015-2025 has the aim that “the majority of Cambodian people of both sexes are employed”, and has a vision to “improve the livelihood and dignity of the people and

\(^{49}\)Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007 (10 July 2007).


\(^{51}\)Article 271 of the Criminal Code on “discrimination authorized in the law” states, “in hiring is based on gender if the fact of being male or female is the determining factor in the practice of an employment or a profession” as being among the authorized basis for discrimination, which could be used to legally discriminate LGBTIQ people in the hiring process. See KHANA and UNAIDS, ‘Legal and Policy Review on LGBTIQ People's Access to HIV, Health and Social Protection Services in Cambodia’, (2019), publication forthcoming.

\(^{52}\)Labor Law (1997), Article 12 <http://sithi.org/admin/upload/law/Labor%20Law%201997.%20ENG.pdf>: ‘Except for the provisions fully expressing under this law, or in any other legislative text or regulation protecting women and children, as well as provisions relating to the entry and stay of foreigners, no employer shall consider on account of: race, color, sex, creed, religion, political opinion, birth, social origin, membership of workers' union or the exercise of union activities; To be the invocation in order to make a decision on: hiring, defining and assigning of work, vocational training, advancement, promotion, remuneration, granting of social benefits, discipline or termination of employment contract. Distinctions, rejections, or acceptances based on qualifications required for a specific job shall not be considered as discrimination’.

\(^{53}\)Trade Union Law (2016) <http://www.sithi.org/admin/upload/law/la<w>rade_union_law_eng.pdf>-.
social harmony by providing them with equal opportunities of decent and productive employment.”

This Policy fails to address guaranteeing equal work opportunities for LGBTIQ individuals or discrimination based on SOGIESC.

The RGC’s “Rectangular Strategy for Growth, Employment, Equity and Efficiency Phase IV” outlines a strategy to prioritize human resource development, and “strengthen gender equity and social protection to enhance social-economic situation and strengthen women’s role in the society who are the backbone of the economy and society”. In particular, it states its objective of “further promoting women’s role in the society through enhancing their capacity and the proportion of women within the leadership roles at both national and sub-national levels, in ministries-institutions both in political and technical positions”. Despite the explicit commitment to gender equality, this policy also does not specifically reference SOGIESC or LGBTIQ individuals.

One national governmental policy that specifically mentions SOGIE is the Neary Rattanak IV by the MOWA. The Neary Rattanak is a five year strategic plan for gender equality and women’s empowerment. One of its main objectives is to “promote favorable conditions for increasing women’s access to skills training, employment, productive resources, social protection, voice and decision-making in the economic sector.” As part of the strategy aimed at “Identify[ing] specific measures to address [gender based violence] (“GBV”) and discrimination against marginalized women and girls in collaboration with relevant stakeholders”, one of the key activities is to “Initiate high-level discussions with relevant stakeholders, including LGBT people, to prepare strategies to promote the rights of and end discrimination against LGBT people in schools, the workplace, communities and families.”

The Decent Work Country (DWCP) 2019 – 2023, a strategy framework for cooperation between the ILO, the RGC and the social partners, specifically includes “LGBTQI persons” in its definition of vulnerable groups. In addition, when discussing workforce informality and vulnerability, the DWCP notes the LGBTQI community as one of the most disadvantaged groups facing high levels of insecurity in their daily lives: “Sexual minorities are another vulnerable group that suffer extensive social exclusion and human rights abuse, including within the workplace and with respect to job opportunities”. Despite this, the DWCP does not necessitate non-discrimination on the basis of SOGIESC, nor does it include a specific policy action plan to address the inequality of LGBTIQ individuals in the workplace.

**Statements from government officials on non-discrimination on the basis of SOGIESC**

In recent years, several government and ministry officials have made statements calling for non-discrimination against LGBTIQ individuals in the Cambodian society, and stating that Cambodia does not discriminate against LGBTIQ individuals.

---


For instance, during H.E. Keo Remy’s speech at the United Nations Human Rights Council for the Third UPR of Cambodia in January 2019, answering to the recommendations received by Cambodia on the protection of SOGIESC rights, he said that some actions had been taken to eliminate discrimination against the “LGBT” community, pointed out that although same sex marriage was not yet recognized it was not criminalized, and said that Prime Minister Hun Sen told him that the Government must take the lead in promoting “LGBT” rights and eliminating discrimination. However, Mr. Remy stressed that more advocacy was required to make the public more receptive to legislative change in this area before the RGC would amend the law.

In February 2019, Prime Minister Hun Sen called for non-discrimination against LGBTIQ individuals. However, he went on to say that Cambodia was not yet ready to make legislative change permitting same sex marriage, citing the controversies this question also poses in other countries around the world.

During the Second National Dialogue on Legal and Public Policies to Protect LGBTIQ People in Cambodia, held in Phnom Penh in June 2019, His Excellency Keo Remy reaffirmed the RGC’s commitment to non-discrimination against LGBTIQ individuals: “Prime Minister Hun Sen has sent a message through me to inform the members of the LGBTIQ community at this meeting that the government stands against all discrimination against LGBTIQ people”, he reportedly added: “We clearly state that the Cambodian government stands against discrimination.”

As part of this research, CCHR interviewed, His Excellency Ngy Simaneth, Deputy Director of Administration and Finance at the MoLVT. He stated that Cambodia does not discriminate against LGBTIQ individuals, and encouraged LGBTIQ individuals to report any instances of discrimination to the Ministry.

Additionally, in August 2019, during the ‘Policy Dialogue on Key Findings from Legal and Policy Assessment of LGBTIQ’s Access to Health, HIV and Social Services’, a representative from the National AIDS Authority (“NAA”) also encouraged LGBTIQ individuals to report to NAA if they face discrimination in accessing employment based on their SOGIESC.

While such supportive statements by government officials in favour of upholding the right to non-discrimination on the basis of SOGIESC are to be welcomed, it is imperative that these words and commitments are transposed into concrete legislative and policy measures, as well as the creation of proactive government-led campaigns to champion the non-discrimination of LGBTIQ individuals.

Commitment during the third Universal Periodic Review of Cambodia on the enactment of laws and policies prohibiting SOGIESC-based discrimination in employment

During its third UPR in 2019, the RGC accepted nine recommendation related to the protection of SOGIESC rights, five of which were specifically linked to the introduction of laws, policies and other effective measures guaranteeing equality and explicitly prohibiting discrimination on the basis of

---

61 Interview conducted by CCHR with MoLVT representative on 24 January 2019.
SOGIESC, in all sectors including employment. By accepting these recommendations, Cambodia committed to implementing these recommendations before the next UPR cycle in 2024.

Figure 3: Third cycle UPR recommendations accepted by Cambodia in relation to the enactment of laws and policies guaranteeing non-discrimination on the basis of SOGIESC

<table>
<thead>
<tr>
<th>Number</th>
<th>Recommendation</th>
<th>Recommending State</th>
</tr>
</thead>
<tbody>
<tr>
<td>110.45</td>
<td>Introduce an anti-discrimination law that guarantees and explicitly prohibits all kinds of discrimination, including on the basis of sexual orientation, gender identity or sex characteristics.</td>
<td>Iceland</td>
</tr>
<tr>
<td>110.50</td>
<td>Adopt, in consultation with civil society organizations, comprehensive legislation and policies against discrimination and violence based on sexual orientation or gender identity, and guarantee their implementation through all public entities, in particular in the education, health and labor sectors.</td>
<td>Mexico</td>
</tr>
<tr>
<td>110.52</td>
<td>Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons.</td>
<td>Sweden</td>
</tr>
<tr>
<td>110.53</td>
<td>Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity.</td>
<td>Uruguay</td>
</tr>
<tr>
<td>110.54</td>
<td>Introduce, by the end of 2023, an anti-discrimination law that guarantees equality and explicitly prohibits discrimination of all kinds, including on the basis of religion, sexual orientation, gender identity and expression or sex characteristics.</td>
<td>Australia</td>
</tr>
</tbody>
</table>

3.4 The role of the business sector in tackling discrimination on the basis of SOGIESC in employment

In order to ensure respect for the right to non-discrimination on the basis of SOGIESC, employers and the business sector also have a role to play in addition to the responsibilities of governments. Applying the business and human rights framework to the question of LGBTIQ individuals and employment in Cambodia provides an additional avenue for engagement — stressing, on one hand, the RGC’s obligations to protect against rights violations by private companies, but also the responsibility of companies to protect the rights of LGBTIQ individuals. Even if to date there is no international human rights mechanism that is binding upon companies, there nevertheless exist several pieces of guidance

for companies to respect human rights in their business operations, including specifically the rights of LGBTQI individuals. There are various international guidelines that detail the responsibilities of companies to prevent, address and remedy human rights abuses, and standards of conduct have been formulated to support businesses tackle discrimination against LGBTQI individuals. Globally, the “business case for LGBTI inclusion” has been increasingly demonstrated in a wide variety of contexts.

**International guiding principles and standards of conduct**

The **UN Guiding Principles on Business and Human Rights** are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations.66 They were endorsed by the UN Human Rights Council in 2011.67 These guiding principles, although not binding, provide useful guidance on the responsibilities of States and companies to respect human rights of all people, including LGBTQI individuals.

In January 2018, during the World Economic Forum, the former UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein stressed the leading role of businesses in ending “LGBT” discrimination: “companies that take action to end discrimination and support LGBTI communities can be a motor for change.”68

The **Office of the High Commissioner for Human Rights “Standards of Conduct for Business in Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People”** (“OHCHR Standards of Conduct”) provide five standards of conduct to support the business community in tackling discrimination against “LGBT” individuals.70 These five standards of conduct build upon the UN Guiding Principles, and were drafted following extensive consultation with companies working in various sectors. The OHCHR Standards of Conduct have been supported by a number of major international companies, such as the Coca Cola Company, Airbnb, Santander and Microsoft.71

The OHCHR Standards of Conduct re-state companies’ responsibilities to respect human rights at all times, including the rights of “LGBTI” individuals.

“The Office of the High Commissioner for Human Rights “Standards of Conduct for Business in Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People” provide five standards of conduct to support the business community in tackling discrimination against “LGBT” individuals. These five standards of conduct build upon the UN Guiding Principles, and were drafted following extensive consultation with companies working in various sectors. The OHCHR Standards of Conduct have been supported by a number of major international companies, such as the Coca Cola Company, Airbnb, Santander and Microsoft. The OHCHR Standards of Conduct elaborate on companies’ responsibilities to respect human rights in the workplace, specifically with regards to the rights of “LGBTI” individuals. They outline precisely how

---

68 Our use of the LGBTIQ acronym throughout this report also varies when quoting, paraphrasing or analyzing laws or policies that use alternative versions of this acronym.
71 See the full list of companies here: https://www.unfe.org/standards/.
businesses can realize the rights of LGBTI individuals in the workplace, by eliminating workplace discrimination against LGBTI employees and support LGBTI employees at work.

“In the Workplace

2 ELIMINATE DISCRIMINATION. Businesses should ensure that there is no discrimination on the basis of SOGIESC in their recruitment, employment, working conditions, benefits, respect for privacy, or treatment of harassment. 73

3 PROVIDE SUPPORT. Businesses should provide a positive, affirmative environment so that LGBTI employees can work with dignity and without stigma. 74 The Standards of Conduct also indicate some of the practical approaches that can be set in place by companies to achieve this.” 75

The Standards of Conduct also go one step further than eliminating discrimination against “LGBTI” employees in the workplace, and highlight the opportunities for businesses to contribute to positive social change in broader society.

“In the Marketplace

4 PREVENT OTHER HUMAN RIGHTS VIOLATIONS. Businesses should not discriminate against LGBTI suppliers, distributors or customers, and should use their leverage to prevent discrimination and related abuses by their business partners.” 76

In the Community

5 ACT IN THE PUBLIC SPHERE. Businesses are encouraged to contribute to stopping human rights abuses in the countries in which they operate. In doing so, they should consult with local communities to identify steps they might take — including public advocacy, collective action, social dialogue, support for LGBTI organizations, and challenging abusive government actions.” 77


3.5 The case for LGBTIQ inclusion at the workplace

Globally, the “business case for LGBTIQ inclusion” has been increasingly demonstrated in a wide variety of contexts. In the South East Asia region, a UNDP-ILO study on “LGBTI” individuals and employment in China, Philippines and Thailand found that “creating a better workplace and better practices for LGBTI employees will benefit the national economy, individual companies, organizations and departments, and the economic life and social well-being of LGBTI people and their families”. In particular, research carried out across these three countries revealed that the workplaces that have LGBTI-inclusive policies see positive impacts. In particular, protective policies correlate with less workplace discrimination and higher levels of reported job satisfaction by LGBTI individuals. Overall, the study found that “a more open and affirming workplace is likely to encourage satisfaction and greater loyalty among LGBTI employees, lead to greater productivity and improve corporate image.”

“Employers should recognize that being LGBTI-inclusive is not only a good practice, but also makes great business sense, and can establish a competitive advantage over other companies that are not inclusive.” Kofi Amekudzi, Senior Technical Specialist at ILO.

3.6 The role of employers to promote SOGIESC inclusion in Cambodia

In Cambodia, a few employers have made commitments towards LGBTIQ inclusion in the workplace.

Case Study: KANTAR CAMBODIA

“KANTAR CAMBODIA is an international research company which has been operating in Cambodia since 2012. Our company maintains a certain global standard, which is that the local company in each country has the same policy when it comes to protecting our staff. Our values push us to facilitate a safe environment for our staff, enabling them to be happy regardless of their identity. So far, the practice produced good results, our teams have good relationships with one another, which contributes to the staffs’ productivity. Protecting employees regardless of their sexual orientations has positive effects on the society at large. I hope that step-by-step, such acceptance will be realised in society as a whole.” – Socheat.

Case Study: Grab Taxi

Grab, a transportation app across Southeast Asia, is a self-professed equal opportunities employer. Their website states “we owe our success to the talents of our globally-diverse team and the varying perspectives they add to our thriving community”. Whilst Grab Cambodia have not made any public statements regarding LGBTIQ inclusion in the workplace, Grab itself has showed support for non-

---


81 Whilst the evidence gathered here does indicate that Grab promotes inclusion of LGBTIQ individuals, this not an analysis by CCHR that this employer does adequately protect SOGIESC rights. Further information is required to ascertain whether, in practice, Grab commits to equal employment opportunities of LGBTIQ individuals.

discrimination on the basis of SOGIESC through their partnership with the Metro Manila Pride Organization to celebrate diversity and equality during Pride Month in the Philippines.  

Case Study: Rambutan Cambodia

Rambutan Cambodia, who run Rambutan Hotel and Resort Siem Reap and Rambutan Resort Phnom Penh, started out as the first gay-friendly boutique hotel in Siem Reap. Their website states “we wanted it to be a safe place for staff to work, whether they were LGBTQ or anything else; we were open to all. Our only criteria when hiring was openness and friendliness”. This shows a clear commitment to upholding the equal rights of LGBTIQ individuals to employment and a refusal to permit discrimination on the basis of SOGIESC.

CCHR’s Employment Policy guarantees equality of opportunities in all aspects of employment, without discrimination of any kind including based on gender or sexual orientation. CCHR has also adopted an Equality and Diversity Policy, which reaffirms this commitment to equality and non-discrimination and which must be respected by every employee. CCHR’s job vacancy announcements also specifically encourage LGBTIQ individuals to apply.

“CCHR has a vision of a non-violent Cambodia in which people enjoy their fundamental rights and are treated equally. [...] Our vision commits us to work towards the eradication of discrimination in all its forms, and towards equal rights and opportunities for all. This commitment also starts with our own organization, where we strive to foster a fully inclusive workplace, without discrimination of any kind, and guarantee equality of opportunity in all aspects of employment. Our policies clearly state non-discrimination on the basis of SOGIESC, and we also state in our job vacancy announcements that LGBTIQ individuals are encouraged to apply. We hope civil society organizations, and more widely private employers and public employers can lead the way towards inclusion and full respect for the right to non-discrimination of any kind, including on the basis of SOGIESC.”

Sopheap Chak, Executive Director, CCHR

---

85 CCHR’s Employment Policy is available at: https://cchrcambodia.org/resource/eng/cchr_policies/EMPLOYMENT%20POLICY.pdf. Note that CCHR is currently in the process of revising all its internal policies, future revision of the Employment and Equality and Diversity Policy will explicitly include gender identity/expression and sex characteristics among the basis for non-discrimination in addition to the existing mention of sexual orientation.
4. Experiences of LGBTQ individuals in Cambodia in relation to the right to non-discrimination on the basis of SOGIE in employment

Field research, in the form of semi-structured interviews, was conducted in November and December 2018 across seven of Cambodia’s provinces to ascertain real life experiences of LGBTQ individuals regarding employment discrimination. The field research resulted in 118 interviews with LGBTQ individuals - the conclusions and findings detailed below are drawn from this quantitative data. Over the course of the interviews, many respondents encouragingly indicated that there is currently less discrimination against members of the LGBTQ community in employment than in the past. Nevertheless, the research revealed that LGBTQ Cambodians continue to face various forms of discrimination in accessing employment and in the workplace in Cambodia.87

4.1 Discrimination on the basis of SOGIE in accessing employment

One in five LGBTQ individuals interviewed for this study (21% or 23 respondents) reported that they had previously been refused a job because of their SOGIE.88 Among the individuals who had been refused a job because of their SOGIE, over half (65% or 15 respondents89) reported that it happened multiple times.90

Figure 4: Percentage of respondents that reported that they had been refused a job because of their SOGIE

Among the individuals who reported that their application had been rejected because of their SOGIE, more than half of the respondents (66%91 or 15 respondents) never reported or complained about this discrimination in accessing employment on the basis of their SOGIE.92 The reasons most cited for not reporting incidents were not knowing who to report it to, or having no hope of receiving support. For the respondents who did report these job rejections, most individuals reported it to their friends or family.

“I am a transwoman who has been denied more than six jobs, mostly when I applied for factory work. I believe that I was denied the job during the application phase because I

---

87 When referring to findings from the field research, the report uses the acronym “LGBTQ” as no intersex individuals were interviewed. See Section 2.3 on Methodology.
88 Question 38: Has your application for a job ever been rejected because of your SOGIE?, N=111. This question was based on participant’s perceptions of the reasons behind the rejection of their job application.
89 65% of the 21% of respondents who reported that they had previously been refused a job because of their SOGIE.
90 Question 39: How many times did this occur?, N=23.
91 66% of the 21% of respondents who reported that their application had been rejected because of their SOGIE.
92 Question 42: Did you ever complained about it?, N=23.
am an LGBTIQ person. Although I met many rejections, I never reported it to anyone. I especially did not report it to the police, because they didn’t like me. I was very sad." Nita, transwoman, Banteay Meanchey

25% of respondents (or 27 respondents) reported that they had hidden their SOGIE during a job interview. Among them, over half reported that they decided to hide their SOGIE because they feared they would not be hired if they disclosed their SOGIE.

"The jobs I applied for were mostly at restaurants, casinos and factories, but I was rejected at the application stage. Sometimes I had to hide my identity when going to a job interview, and when I finally got a job, I also hid my identity because of the fear of losing my job." TaTa, transman, Phnom Penh

During the course of the interviews, a large number of cisgender and transgender respondents, expressed the opinion that gender identity and expression are significant factors impacting on levels of discrimination in accessing employment. Many stressed that work opportunities were more unequal for trans individuals whose gender identity and/or expression differs from their sex assigned at birth.

Trans individuals who reported being denied a job because of their SOGIE often explained one factor leading to rejection was the non-alignment of the sex mentioned in their ID cards and their physical expression (for instance, their hair style). Such forms of discrimination experienced by transgender individuals were linked to the lack of legislation enabling legal recognition of self-defined gender identity in Cambodia.

"My application was rejected at bar and garment factory because the sex on my ID card and my picture/look did not match. I would like to work at garment factory but cannot because of this discrimination based on my SOGIE." Sreyly, transwoman, Phnom Penh

"I used to hide my gender identity at my workplace when I worked as a teacher. My colleagues saw some social media posts and started asking many questions, this made me feel uncomfortable so I decided to quit my job. Even though I love working in the education system, I would not dare to apply again for a teaching position now because I fear they would not accept me as I am, and would reject me.” Sotheary, transman, Phnom Penh

Case Study: Phal and Rotha, transmen, Phnom Penh

Phal and Rotha are two transmen who live in Phnom Penh and work in the sewing industry. Both are out in their workplaces, but not out to the boss of the company, as they fear they would experience discrimination and risk being fired if their boss found out. They experience high levels of verbal harassment by their colleagues, but have not reported it because they don’t believe it would resolve the matter. This takes a toll on Phal’s mental health - he feels uncomfortable going to work everyday and having to hide from the boss.

Previously Phal worked at a garment factory in a nearby province. During this time, he kept his hair long as he feared he would not be accepted otherwise. Having to have long hair for the job made him feel very uncomfortable. Phal also experienced rejections from job applications to garment factories because of his SOGIE. Phal stopped studying at school because he experienced bullying. Rotha has also experienced multiple rejections when applying for garment factory jobs as well as in other sectors, because of his short hair, the fact he dresses like a man and that his gender identity does not match the gender specified on his ID.

Phal wishes that there was a law to protect LGBTIQ people, and to treat people free and equal.

It is important to note that the reported discrimination based on SOGIE in accessing employment displays much individual variation. For example, in some cases garment factories were described as workplaces that discriminated against trans individuals by refusing employment or enforcing rules in respect of employees’ haircuts and appearance. On the other hand, some respondents that were employed in garment factories reported that they were able to be out in their workplaces. Accessing jobs in education, for example as a teacher, was described by some respondents as particularly difficult, especially for trans individuals, yet in the course of this study researchers also met trans teachers. This illustrates that the levels of discrimination are not uniform across job sectors but appear to be unique to individual employers.

4.2 Discrimination and bullying in the workplace

One out of three respondents (36% or 40 respondents) reported facing harassment or bullying they perceived to as being a result of their SOGIE, at their current workplace. The majority of these respondents reported verbal harassment (including making jokes and “teasing”) and name-calling as the type of harassment/bullying they experienced.

Figure 6: Types of harassment/bullying experienced by respondents because of their SOGIE

95 This report uses expression “being out” to refer to an individual being open and public about their SOGIESC.
96 Question 14: Have you ever experienced harassment/bullying because of your SOGIE at your current workplace?, N = 112
97 Question 15: What type of harassment/bullying did you experience?, (multiple answers possible), N=40. Name Calling refers to the use of derogatory language targeted towards an individual, frequent examples reported by respondents include calling respondents “ah ktery”.

29
Respondents reported that they were harassed mainly by members of the public (61% or 19 respondents) and by colleagues (45% or 14 respondents), and more rarely by their employers (6% or 2 respondents). This indicates that the issue of bullying in the workplace may be linked to wider public perceptions. Ensuring full respect in practice for the right to non-discrimination in employment will go hand in hand with fostering positive change in public perceptions and attitudes.

Over two thirds (62% or 24) of the respondents who experienced harassment/bullying they perceived as being a result of their SOGIE at their current workplace did not report or complain about the harassment/bullying. The reasons cited for not reporting or complaining about these instances of discrimination in the workplace included having no hope of receiving support, feeling uncomfortable reporting the incident, and not knowing who to report it to. Respondents stated being very unlikely to report incidents through formal complaint mechanisms or law enforcement agencies, instead, when they did report incidents, most confided in friends and family, and some respondents also reported raising the issue with NGOs.

“I am a civil servant at one department of government, I often get insulted and looked down upon at my workplace and it impacts my daily work and ability to complete my duties. At the beginning of my employment, I found the working environment challenging and sad, I felt frightened and scared because of mocking, joking and bullying from my colleagues. From day-to-day, I do not feel happy and do not want to go to work but I keep fighting. Some colleagues ask me why I get my hair cut like a man when I am a women. I always file a complaint to my supervisor but never get a proper solution”. Sera, transman, Phnom Penh

“I often reported to my employers discrimination and verbal harassment from my co-workers, but never got a proper solution. I was forced to quit my job four times, at various employments, because of intolerance and discrimination from my bosses and colleagues. This made me afraid to apply for other jobs. The issues I faced at work due to my identity as a transwoman really hurt me and made me very stressed. This discrimination really impacted my future career as I became always scared to apply for other jobs because I could assume the result before applying.” Sreyton, transwoman, Siem Reap

“I am working as a real estate agent, and I also work at a coffee shop. I experience verbal harassment in my real estate job, but never reported it formally because I didn’t know who to report it to. In the past, I have been refused a job because of my SOGIE on at least two occasions, while applying for jobs at transportation company, because the gender stated on my ID did not match my picture. Employers should believe in capacity, instead

98 Question 16: By whom where you harassed/bullied?, (multiple choice possible), N=31.
99 61.54% of the 35.71% of respondents who reported facing harassment or bullying because of their SOGIE at their current workplace.
100 Question 18: Did you ever report (or ‘complain about’) the harassment/bullying you endured in your current employment to someone,? N=39.
of focusing on gender identity. I believe that it would greatly improve the situation if we have legal protections.” Kimhong, transman, Preah Sihanouk

4.3 Impact of SOGIE-based discrimination in employment

Over half of all LGBTQ respondents (54% or 60 respondents) reported experiencing emotional problems, such as depression, as a result of SOGIE-based workplace discrimination.101

Figure 7 Percentage of respondents who reported experiencing emotional problems as a result of SOGIE-based workplace discrimination

“I am a cake seller in a village, and I am always suffering because of discrimination based on my sexual orientation. Sadly, I want to end my life because I am harassed by people on a daily basis. It is hard to find a job, that’s why I sell cake, but I face insults everyday.” Bunthan, gay man, Preah Sihanouk

“Some workplaces allow me to wear what I want, but I still feel pressure sometimes. I feel unhappy when I hear the people talking behind my back at work, especially when some people allege that LGBTIQ people have less capacities than the rest of the population.” Piseth, transman, Phnom Penh

“My workplace enforces a uniform however I have never been comfortable wearing a uniform at work as it opposes my gender identity.” Theavy, transwoman, Siem Reap

Discrimination in access to employment based on SOGIE had an economic impact on some respondents, by preventing them from accessing better paid jobs and thereby preventing them from escaping the cycle of poverty.

4.4 Social importance of employment for wider acceptance

94% of LGBTQ respondents (or 107 respondents) stated that having a job was ‘highly important’ for acceptance from their family and community.102 Having a job is paramount for LGBTIQ people and the negative effects of not obtaining employment are felt harsher on the LGBTIQ community due to the impacts of social exclusion and stigmatization.

101 Question 56: Have you ever experienced emotional problems as a result of workplace discrimination linked to your SOGIE?, N=111.
102 Questions 69: Do you think having a job is important for acceptance in your community and by your family?, N=114.
A prominent part of “success” within the family is traditionally measured by the job and income of children in Cambodian society, in particular for boys and men, but also more recently the importance of employment is increasing for girls and women. Having a “good job” is likely to improve acceptance by parents for LGBTIQ Cambodians, seeing their children fill the societal expectations of success. The publically perceived lack of employment opportunities or narrow career choices for LGBTIQ individuals in Cambodia is also often one factor - alongside the notion of ability to form a family - that worries parents when their children are coming out as LGBTIQ. Improvement in LGBTIQ people’s access to employment (as well as to ensure that their basic rights are protected in the workplace) would likely have a positive impact upon general acceptance, when parents see that children can have very successful professional lives even if they have diverse SOGIESC.

### 4.5 Perceptions of unequal opportunities

The wide majority of respondents (92%, or 105 respondents) believe that job opportunities for LGBTIQ individuals in Cambodia are not equal to the rest of the population.¹⁰³

---

¹⁰³ Question 57: Do you think job opportunities for LGBTIQ people in Cambodia are equal with other people?, N=114.
A large number of respondents (including both cisgender and transgender respondents) in the course of the interviews highlighted that opportunities were especially unequal for trans people (see Section 3.1).

It is important to take into account the wider socio-economic context in Cambodia, as well as intersectional elements of individuals’ identities when analyzing employment opportunities. For respondents where discrimination in access to employment based on SOGIE – perceived or directly experienced - prevented them from accessing their preferred career, their SOGIE was not the only barrier for them in accessing their desired job. Additional barriers to employment, including a lack of professional skills, are common to the general Cambodian population. Often, the level of educational attainment – which can be influenced by SOGIE discrimination in schools\textsuperscript{104} but is also itself often linked to pre-existing family socio-economic status - is also an important factor impacting respondent’s career opportunities. Many respondents also indicated that in the future they would like to open their own business - this could be attributed to discriminatory hiring processes by companies. These respondents cited the lack of economic capital to start a small business, rather than SOGIE, as the main obstacle to them achieving this goal.

Qualitative interviews with respondents also confirmed a previous observation that narrow career sector choices might also partially result from internalized self-limitation developed by members of the LGBTQ community within the wider context of social discrimination.

“I have owned a beauty salon more than 7 years. I always heard that being LGBTIQ you cannot do anything, I have never tried to get another job beside my current job because I heard lots of experiences of bullying and discrimination toward LGBTIQ employees. As a result I feel forced not to seek other employment as I am afraid of being discriminated against.” Punlok, transwoman, Siem Reap

\textbf{4.6 Recommendations identified by LGBTQ respondents to better protect the right to non-discrimination in employment}

\textsuperscript{104} CCHR, ‘LGBT Bullying in Cambodia’s Schools’, (December 2015), pages 16-17
84% of respondents (or 77 respondents) believed that having legal protection from SOGIESC-based discrimination in employment on the basis of their SOGIE would be ‘very important’.\(^{105}\)

**Figure 10: Perceived importance of having legal protections against discrimination on the basis of SOGIESC in employment**

Legal protections are a fundamental step in order to promote change in societal attitudes towards SOGIESC and respect for the rights of LGBTIQ Cambodians in the field of employment.

In addition to the enactment of legal protections, LGBTQ respondents also identified that the actions below were needed to guarantee their rights in the field of employment:\(^{106}\)

**Figure 11: Actions that respondents think are needed to improve the situation and respect for the rights of LGBTIQ individuals in employment**

---

105 Question 70.1: How important do you think it would be to have legal protection against discrimination based on SOGIE?, N=92.

106 Question 71: Is there any other actions by the government that you think is needed improve the situation of LGBTIQ people in employment?, N=114.
In addition to the actions mentioned above, respondents also said that the legalization of same sex marriage and legal gender recognition was essential to guaranteeing their rights. A few respondents also stated that psychological counselling for LGBTIQ individuals, and education on non-discrimination on the basis of SOGIESC in schools, would contribute to improving the situation for LGBTIQ communities in Cambodia.

5. Conclusion and Recommendations

This research has confirmed that Cambodian LGBTIQ individuals lack essential legal protections against various forms of discrimination in employment and in the workplace, as well as policy protections to inform individual employers. The research also evidences the negative impacts societal discrimination and stigmatization have on the LGBTIQ community, impeding their ability to access employment. Ultimately the research concludes that LGBTIQ individuals in Cambodia are denied the right to meaningful equality.

LGBTIQ Cambodians have the same capacity to learn skills and the same determination and willingness to work as all people; guaranteeing their right to equal treatment in employment will ensure they can fully contribute to Cambodia’s economy. Guaranteeing equal opportunity and fully incorporating LGBTIQ individuals into the Cambodian workforce would firstly reduce the poverty of LGBTIQ individuals themselves, and secondly enhance diversity in businesses and increase their productivity, thus reaping economic benefits for the country as a whole.

The lack of legal protections against SOGIESC-based discrimination in employment must be addressed as a matter of priority by the RGC. Legislative changes, such as laws and policies explicitly prohibiting discrimination on the basis of SOGIESC in employment, would go a long way to remedying the current, discriminatory situation. Aside from the significant legal impact that such legislative developments would have, they would also likely lead to increased acceptance and inclusion of LGBTIQ individuals by their families and the general public. In addition to necessary legislative and policy changes, it is also of prime importance that the RGC takes concrete action to contribute to a positive attitude change through implementing proactive campaigns on inclusion of LGBTIQ individuals in the workplace and awareness raising on SOGIESC rights.

Addressing discrimination on the basis of SOGIESC in employment would contribute to achieving a number of sustainable development goals, and support the Sustainable Development Goals’ principle of “leaving no one behind” (see section 3.1). Such changes would also benefit Cambodia’s development and national economy.

<table>
<thead>
<tr>
<th>Sustainable Development Goal (SDG) 8:</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.”</td>
</tr>
</tbody>
</table>

Enacting laws, policies and other measures to guarantee the right to non-discrimination on the basis of SOGIESC in employment would also contribute to the implementation of at least five

---

107 25 respondents mentioned explicitly the need for legalization of same sex marriage, and nine respondents mentioned the need for legal gender recognition, was essential to guarantee their rights.

108 Two respondents mentioned the need for accessible counselling, and one respondent specifically mentioned the need to learn about comprehensive sexuality education and non-discrimination in schools.
recommendations accepted by Cambodia during its third UPR, which were focused on introducing laws and policies that explicitly prohibits all kinds of discrimination, including on the basis of SOGIESC (see Section 3.3).

“We have the same abilities to work as everyone else, so we should not be discriminated against, we should be given equal opportunities” Phearo, transwoman, Siem Reap.

Based on the findings of this research, CCHR wishes to make the following recommendations to relevant stakeholders:

5.1 Recommendations to the Royal Government of Cambodia

5.1.1 In consultation with civil society and LGBTIQ representatives, introduce new legislation, and/or amend existing legislation (for instance, Article 12 of the Labor Law) to explicitly prohibit discrimination in employment on the basis of SOGIESC, in public and private employment, including in relation to vocational training, recruitment, promotion, dismissal, conditions of employment and remuneration, in line with SDG 8.

5.1.2 In consultation with civil society and LGBTIQ representatives, introduce a Gender Recognition Law guaranteeing every person the right to have their self-defined gender identity recognized on all official documents issued by the state (including but not limited to ID cards, family books and passports) through a simple administrative procedure based on self-determination.

5.1.3 Revise existing government policies – including for instance the National Employment Policy – to include a policy focused on guaranteeing equal opportunities for LGBTIQ individuals.

5.1.4 Implement proactive government-led awareness-raising campaigns to improve inclusion of LGBTIQ individuals in employment and the societal awareness of SOGIESC rights.

5.1.5 Implement initiatives aimed at ensuring LGBTIQ individuals’ right to work, including special scholarships for marginalized and disadvantaged groups of society, such as the LGBTIQ community.

5.1.6 Implement programs raising awareness of the principle of non-discrimination on the basis of SOGIESC among public officials at all levels of the RGC.

5.1.7 Set up clear mechanisms for reporting cases of SOGIESC based discrimination, and widely publicize information on available mechanisms.

5.1.8 Promote social dialogue with LGBTIQ individuals, workers’ and employers’ organizations to build mutual understanding and foster lasting cooperation to ensure that the rights of LGBTIQ individuals are respected in the field of employment.

5.1.9 Raise the issue of the importance of respecting the right to non-discrimination on the basis of SOGIESC with private and public employers, for instance through a public awareness campaign designed in partnership with CSOs.

5.1.10 Continue to actively participate in platforms of consultations with LGBTIQ communities and CSOs advocating for the promotion and protection of SOGIESC rights in order to hear their voices and priority concerns.
5.2 Recommendations to public and private sector employers operating in Cambodia

5.2.1 Introduce explicit internal non-discrimination policies to ensure inclusion in the workplace, including by prohibiting discrimination on the basis of SOGIESC in their recruitment, employment, working conditions, benefits, respect for privacy, or treatment of harassment and ensuring equal employment opportunities for LGBTIQ individuals.

5.2.2 Apply the OHCHR “Standards of Conduct for Business in Tackling Discrimination against Lesbian, Gay, Bi, Trans, & Intersex People”.

5.3 Recommendations to trade unions

5.3.1 Ensure non-discrimination on the basis of SOGIESC in union membership.

5.3.2 Ensure LGBTIQ individuals in the workforce are adequately represented and that their voices can be heard.

5.4 Recommendations to international and domestic civil society organizations working on LGBTIQ issues in Cambodia

5.4.1 Mainstream SOGIESC inclusivity, non-discrimination principles and human rights based approaches into all activities, internal policies, including recruitment policies that explicitly contain non-discrimination on the basis of SOGIESC principles.

5.4.2 Continue initiatives to promote awareness and understanding of SOGIESC rights and discrimination among other civil society actors, government institutions, media organizations, and society at large.

5.4.3 Partner with relevant stakeholders to implement a media campaign representing positive role models from the LGBTIQ community, across various careers.

5.4.4 Conduct educational programs with LGBTIQ communities in order to educate them about their rights under domestic and international law. In particular, endeavor to train LGBTIQ communities on advocacy and human rights, with a feminist perspective, in order to tackle widespread and deep-seated gender norms among the communities.

5.4.5 Ensure that advocacy priorities are set by LGBTIQ communities themselves, and further endeavor to ensure that such discussions are grounded in informed debate about gaps in the legal framework.

5.5 Recommendations to the international community

5.5.1 Ensure that LGBTIQ rights are among the priority issues to be addressed in any bilateral or multilateral intergovernmental discussions with the RGC.

5.5.2 In respect of development funding, ensure that grassroots LGBTIQ activists in Cambodia are financially supported to conduct advocacy and educational initiatives of their own, and ensure that grassroots communities are empowered to set their own advocacy priorities.
Bibliography

Cambodian legislation

Constitution of the Kingdom of Cambodia (1993).
Criminal Code of the Kingdom of Cambodia (2009).

Cambodian policy instruments and decisions

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

National Employment Policy 2015-2025
<https://drive.google.com/file/d/0B9yWkLloNwviVGdtekVWdUZWc2c/view>.

Neary Rattanak IV: Five Year Strategic Plan for Gender Equality and Women’s Empowerment 2014-2018

Rectangular Strategy for Growth, Employment, Equity and Efficiency Phase IV

RGC and ILO, ‘Kingdom of Cambodia: Decent Work Country Programme 2019 - 2023’ (March 2019)

International instruments

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>, Article 7.


ILO Convention No. 111: Discrimination (Employment and Occupation) Convention (1958),

ILO Recommendation R188: Private Employment Agencies Recommendation (1997), paragraph 9(9),

ILO Recommendation R200: HIV and AIDS Recommendation (2010), paragraph 14(e),


Reports, articles and other documents


