Rainbow Families: Families in which two partners of the same sex, or in which one or both partners identify as transgender.

Despite some encouraging trends, the exclusionary and discriminatory nature of Cambodia’s current legal framework leaves彩虹 families without essential legal recognition of their family relationships, protections in several areas of family life, and access to legal parenthood.

The Civil Code provides that a family book is another way in which LGBTIQ people can detail family relationships and record information such as date of birth, date of marriage, family members, etc. Every family must own one.

Family books are government-issued documents that record the family relationships among and between every family member. They are legal and culturally important in Cambodia as they enable a single person to receive legal recognition of their self-defined gender identity.

In Cambodia, there is no legislation which explicitly enables transgender people to receive legal recognition of their self-defined gender identity. However, there is no specific legal provision prohibiting the use of one’s recognized sex at birth on official documents.

In 2017, CCHR released “A Report on Cambodian Law and the Right to Be Free from Discrimination: 25 Years of Self-Defined Gender Recognition” to highlight the issues faced by transgender Cambodians.

CCHR research identified that 32.7% of currently cohabiting rainbow couples across Cambodia already have children in their families.

Over 2/3 of these recorded adoptions were based on simple adoption, while 1/3 were based on full adoption. Simple adoption enables a single person to adopt another in the same manner currently available to heterosexual couples.

The Civil Code provides that “full adoption” is only available to married couples, with joint names being used as a way to adopt. In theory, this permits a one-person rainbow couple to adopt a child of the other partner. However, in practice, only married couples are able to adopt.

The lack of a law explicitly enabling legal gender recognition denies transgender Cambodians their fundamental human rights, including the right to be free from discrimination.

In January 2019, during the Third Universal Periodic Review of Cambodia, several states raised the issue of彩虹 families specifically addressing the rights of Cambodia’s Rainbow Families.

RECOMMENDATIONS

In conclusion, CCHR recommends the following recommendations to the Cambodian government, the Rainbow Families, human rights and discrimination organizations, and the international community:

1. Amend Article 45 of the constitution to enable legal marriage equality.
2. Introduce laws & policies prohibiting discrimination on the basis of self-defined gender identity.
3. Issue a directive which clearly articulates the right of all rainbow families to receive family books that identify them according to their self-defined gender identities and actual family relationships.

The above recommendations are being considered by the Cambodian government, prior to which they will announce whether it accepts them.