Breaking the silence on SOGIESC-based discrimination in employment on IDAHO Day

LGBTQ communities in Cambodia have highlighted ensuring non-discrimination and equality in employment as a priority concern, as the constant discrimination faced by LGBTQ individuals has various negative consequences.

IDAHO =
International Day Against Homophobia, Transphobia, and Biphobia (IDAHO) is celebrated on the 17 May each year. IDAHO is the main lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) focused day marked by the international community. The theme of this year’s IDAHO is ‘Breaking the Silence’.

CCHR has conducted research on the right to non-discrimination on the basis of sexual orientation, gender identity and expression and sex characteristics (SOGIESC) for LGBTQ individuals in employment in Cambodia.

SOGIESC-based discrimination

- Social exclusion
- Physical and verbal harassment
- Mental health impacts
- Difficulty accessing, keeping and advancing employment
- Unequal employment opportunities

The negative effects of not obtaining employment are harsher on the LGBTQ community due to impacts of social exclusion and stigmatization.

- 66% of respondents never reported or complained about discrimination they faced in accessing employment on the basis of their SOGIESC.
- 54% of respondents reported experiencing mental health issues, such as depression as a result of SOGIESC-based workplace discrimination.
- 36% of respondents report facing harassment of bullying as a result of their SOGIESC in the workplace.

Legislation in Cambodia

The Cambodian legal framework does not contain clear provisions set out to protect LGBTQ individuals from discrimination and violence based on their SOGIESC.

It also lacks legal recognition of self-defined gender identity, marriage equality in the Cambodian law and full adoption rights for LGBTQ couples.

Article 12 of the Cambodian Labor Law (1997) and Article 6 of the Law on Trade Unions (2016) both contain non-discrimination provisions, however they do not explicitly recognize SOGIESC as a basis for non-discrimination.

While government officials have made statements supporting non-discrimination against LGBTQ individuals, these statements have not yet been translated into legislative and policy reform.

Recommendations

The Royal Government of Cambodia (RGC): Introduce new legislation/amend existing legislation to overtly prohibit SOGIESC-based discrimination in employment. (This recommendation was also made by Iceland, Mexico, Sweden, and Canada in the third Universal Periodic Review (UPR) in 2015.)

RGC: Implement proactive government-led awareness-raising campaigns to improve inclusion of LGBTQ individuals in employment.

Employers: Introduce explicit policies to ensure non-discrimination, and equal opportunities for LGBTQ individuals. (This recommendation was also made by Uruguay and Mexico in the third UPR.)

Employers: Apply the Office of High Commissioner for Human Rights’ “Standards of Conduct for Business in Tackling Discrimination against LGBTQ individuals”.

International community: Ensure that LGBTQ rights are among the priority issues to be addressed in any bilateral or multilateral intergovernmental discussions with the RGC, and that grassroots, LGBTQ activists in Cambodia are financially supported to conduct advocacy and educational initiatives of their own.

Read the "The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Employment in Cambodia” report in full: bit.ly/2cGZskK

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