សហគមន៍ឥន្ទធនូកម្ពុជា

Rainbow Community Kampuchea (RoCK)

**Submission to consultation on**

**“Protection of the family and the contribution**

**Of families in realizing the right to an adequate standard of living”**

**Background**

**Rainbow Community Kampuchea (RoCK)** is a local NGO based in Phnom Penh, Cambodia working to promote LGBT rights. First founded in 2009, RoCK started as a voluntary group and registered as an NGO in 2014. RoCK main activities are organizing LGBT member in 25 provinces/cities, empower LGBT community to advocate for their rights and gain acceptance from general public.

This submission to provide the information of human rights issue of LGBT related to family. It will be shown the issue when the LGBT family (same sex relationship) are rejected, the impact and recommendation to improve their livelihood. The information provided is taken from RoCK interview, baseline survey and case studies from 2012 to present.

**Issue 1: Force marriage/separation**

From RoCK baseline survey *Opinions, Attitudes and Behavior toward the LGBT Population in Cambodia* (2015) shows that 65% of straight community believes that LGBT is against Khmer culture and tradition. 75% of straight people said that same-sex marriage is against Khmer culture and tradition, and 59% said it is against nature. The parents and families of LGBT who are opposed to their children’s sexual orientation split their same sex partnership. Some would force their LGBT children/family members to marry the opposite sex so they would turn to be “normal”. RoCK research also shows that 16% of 1085 straight respondents would separate their child from their partner and 17% would force them to get married. This is a strong violation of the rights of the individual LGBT as a human being. They are stripped of their choice to choose their partner and to be who they are. LGBT individuals also face emotional health problems such as depression and anxiety. Almost half of 478 LGBT respondents (TNS/RoCK, 2015) stated that they experienced the symptom of aforementioned mental disorders such as sleep difficulty, losing appetite, having negative thoughts, alcohol abuse etc.

Case 1: In 2012, a transgender man was accused of trafficking an underage girl who was his partner at the time. The girl’s parents arranged false documents and bribed the police so they could successfully put him into prison. He was sentenced to 5 years in jail. His family fell into debt as they sold their property to bail him out of the prison. Due to RoCKs intervention, in liaison with OHCHR, he served only 1 and half years in prison.

**Recommendations**:

1. Raising SOGIE and human rights awareness targeting public, monks, and public officer (police, teacher and local authority) through mass media and campaign.
2. Create the opportunity for the LGBT role in entertainment industry to illustrate their positive side and to influence attitudes and behaviours in a positive way towards LGBTQ.
3. Monitor law implementation specifically on the willingness to marry according Cambodian marriage law.

**Issue 2: Legal Documents**

LGBT couples cannot get any official document to recognize their relationship to protect children, share property and other responsibilities. However, RoCK’s small survey on LGBT couples seeking family books found that some couples can get official document such as family book to recognize their relationship as husband and wife. To able to get this done, one among the couple changed their ID card information from their biological sex to the opposite sex so it will seems like the marriage is between man and woman according to Cambodia constitution which states that marriage is legally between one husband and one wife. However, these family books are still legally wrong because these are false documents which no legal basis. Legally, they are still their born sex identity so their true identity remains illegal and these documents- if contested in court- could lead to more problems for the couple.

LGBTQ at presence cannot legally adopt children as the law do not state about their right to adopt children.

**Recommendations:**

1. Advocate to include Sexual Orientation and Gender Identity Expression (SOGIE) in Cambodia Constitution and enact LGBT non-discrimination law such that would allow same-sex marriage and same sex adoption. Advocate for LGBTQ rights to adopt children and issue family book to form a family and protect the interests of both LGBTQ and their family members.
2. Make option for Transgender and Transsexual to be able to change their legal document (National ID card, passport…) according to the gender they are identify as their true gender.

**Issue 3: Discrimination among family**

According to RoCK’s Pride Week event in 2014, the issues that have been presented by the LGBTQ from different parts of Cambodia were being kicked out of home, receiving physical and mental violence regarding to their SOGIE, being stopped from attending school and being blocked from seeing their friends. RoCK baseline survey (2015) found out that 64% of LGBT respondents believe that the main problem that LGBTQ face is being excluded from their family.

The impact of this kind of discrimination is that underage LGBTQ people risk stopping school and engaging in harmful behavior.

**Recommendations:**

1. Increase awareness-raising with families and teachers to be able to make them understand and accept LGBTQ and to reduce and eliminate discrimination based on SOGIE.
2. Put SOGIE in education programs so LGTBQ students could learn about themselves and be able to strengthen themselves mentally.

**References:**

*Opinions, Attitudes and Behaviors toward the LGTB Population in Cambodia* (2015), Rainbow Community Kampuchea & TNS.

*Marriage and Family recognition for LGBTcouple* (2014), Rainbow Community Kampuchea & WNU.

Contact person:

Collette O’Regan, Chair Board of Director

email: [colleteoregan@gmail.com](mailto:colleteoregan@gmail.com)

Heng Cheyleaphy, Communication Officer

email: leaphyc.heng@gmail.com