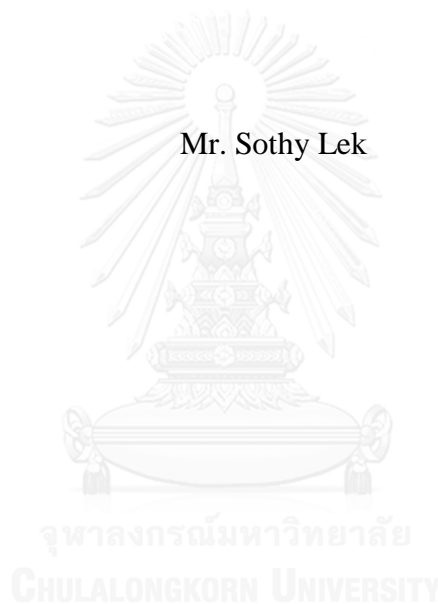


Civil Society's Response to Sexual Orientation Discrimination:
A Case Study of Rainbow Community Kampuchea in Phnom Penh

Mr. Sothy Lek



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การทำงานขององค์กรภาคประชาสังคมต่อการกีดกันความหลากหลายทางเพศ:
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กระแสการเคลื่อนไหวของกลุ่มแอลจีบีที (เลสเบียน เกย์ ไบเซกชวล และกลุ่มข้ามเพศ) ได้เพิ่มมากขึ้น
และการเหยียดเพศได้ปรากฏขึ้นและถูกมองว่าเป็นหนึ่งในประเด็นปัญหาที่ร้ายแรงในกัมพูชา แม้ว่าเมืองกัมพูชา
ประชาสังคมเพิ่มมากขึ้นอย่างเห็นได้ชัดในช่วงไม่กี่ปีที่ผ่านมา แต่ก็มีเพียงไม่กี่องค์กรเท่านั้นที่ทำหน้าที่เกี่ยวข้องกับ
กับด้านสิทธิมนุษยชนของกลุ่มแอลจีบีที

วิทยานิพนธ์ฉบับนี้ศึกษาการทำงานขององค์กรภาคประชาสังคมต่อการเหยียดเพศวิถีและศึกษา
เงื่อนไขและข้อจำกัดที่ส่งผลต่อการทำงานขององค์กรภาคประชาสังคม งานวิจัยชิ้นนี้ใช้การศึกษาเชิงคุณภาพ โดย
เลือก กลุ่มเรนโบว์คอมมูนิตีส์กัมพูเจีย (RoCK) เป็นกรณีศึกษา ทั้งนี้เนื่องจาก RoCK เป็นองค์กรที่มีลักษณะเฉพาะ
ตัวอย่างมาก เพราะเป็นองค์กรเดียวที่ทำงานในด้านการต่อต้านการเหยียดกลุ่มแอลจีบีทีในกัมพูชา ผู้วิจัยได้อาศัย
การสัมภาษณ์แบบกึ่งมีโครงสร้างกับเจ้าหน้าที่ของ RoCK และตัวแทนขององค์กรภาคประชาสังคมและกลุ่ม
แอลจีบีทีจากการลงพื้นที่ที่พนมเปญ กัมพูชาด้วยเพื่อดำเนินการเก็บรวบรวมข้อมูล

จากการวิจัยพบว่า RoCK มีความเข้าใจปัญหาการกดขี่และการเหยียดเพศวิถีในรูปแบบต่างๆในระดับ
ปัจเจก ครอบครัว ชุมชนและรัฐ และพยายามจัดการแก้ไขปัญหาเหล่านี้ โดยมีกิจกรรมหลัก ได้แก่ การเป็นองค์กร
ให้กลุ่มแอลจีบีที การสร้างจิตสำนึกเพื่อต่อต้านการเหยียดเพศวิถี การวิจัยและตีพิมพ์ประเด็นที่เกี่ยวข้อง และให้
ความช่วยเหลือทางกฎหมาย

นอกจากนี้ RoCK ยังได้สร้างเครือข่ายร่วมกับกลุ่มแอลจีบีที ที่หลากหลายและอยู่ในพื้นที่ต่างๆเพื่อจัด
กิจกรรมพิเศษอย่างเช่น การเดินขบวนพาเหรดของกลุ่มแอลจีบีที และสัมมนา เพื่อให้สาธารณชนเข้าใจประเด็น
และสิทธิของกลุ่มแอลจีบีที อีกทั้ง RoCK ยังทำการวิจัยและตีพิมพ์ผลงาน และเข้าไปจัดการคดีความทางกฎหมาย
ของกลุ่มแอลจีบีทีอีกด้วย ผลลัพธ์ก็คือ RoCK ประสบความสำเร็จในการทำงานเรื่องการเหยียดเพศวิถีในระดับ
ปัจเจกและครอบครัวในระดับหนึ่ง และ RoCK สามารถสร้างเครือข่ายกลุ่มแอลจีบีทีได้ในเกือบทุกจังหวัดของ
กัมพูชา อย่างไรก็ตามความสามารถของ RoCK ในการทำงานระดับชุมชนและรัฐยังมีข้อจำกัดอันเนื่องมาจาก
เงื่อนไขและข้อจำกัดทางสังคมวัฒนธรรม ความหละหลวมในการบังคับใช้กฎหมายและนโยบาย ตลอดจนปัจจัย
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SOTHY LEK: Civil Society's Response to Sexual Orientation Discrimination: A Case Study of Rainbow Community Kampuchea in Phnom Penh. ADVISOR: ASSOC. PROF. SORAVIS JAYANAMA, CO-ADVISOR: MICHAEL GEORGE HAYES, Ph.D., 101 pp.

The emergence of the lesbian, gay, bisexual and transgender (LGBT) community has accelerated in recent years, and with it sexuality discrimination has also emerged as one of the most serious issues in Cambodia. While a number of civil society organizations (CSOs) have increased in recent years, only some have been dealing with human rights of LGBT.

This paper explores the response of CSO's to sexual orientation discrimination and to examine the conditions and limitations that have effected on those CSO's. The research applies a qualitative study. Rainbow Community Organization (RoCK) has been selected as the targeted organization for the case study. RoCK is very unique because it is the only CSO working exclusively and directly for the non-discrimination of Cambodian LGBTs. To gather information and data for analysis, semi-structured interviews with keys informants from RoCK, other CSOs and LGBT respondents have been conducted in the fieldwork in Phnom Penh, Cambodia.

The research found that having understood various kind of oppression and discrimination, RoCK has tried to work either at the grassroots or national level to manage and mitigate issues. Its main actions are LGBT organization, awareness-raising, researching and publication, and casework. It builds networking with diverse LGBTs who are in different locales and to create special events such as the LGBT pride and other seminars to make the public understand about the issues and rights of LGBTs. RoCK is also involved in research and publication, and deals with the casework of LGBTs. As a consequence, RoCK achieves its goals in working with discrimination at the individual and family levels, and it has LGBT networking systems in place in almost all provinces of Cambodia. Unfortunately, the ability of RoCK to work at the community and the State level is still limited due to some significant limitations, such as socio-cultural factors, weak implementation of laws and policies, and political factors.

Field of Study: International Development
Studies

Academic Year: 2014

Student's Signature

Advisor's Signature

Co-Advisor's Signature

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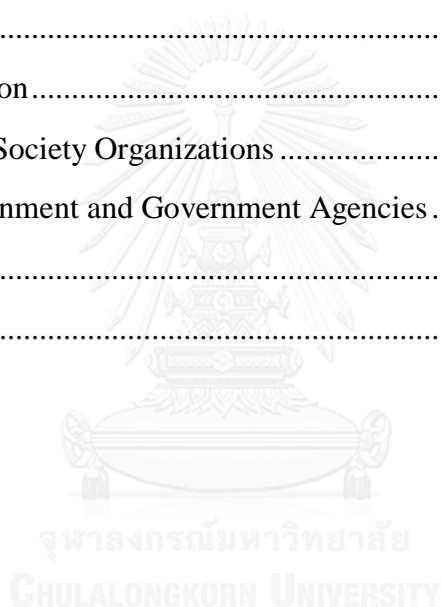
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CHAPTER I

INTRODUCTION

1.1 Statement of Research Problem

Cambodia has experienced political instability for more than three decades. During the period of 1975-1979 Cambodians were under the control of the Khmer Rouge Government who removed all basic rights and freedoms. After the collapse of the Khmer Rouge regime in January 1979, the people of Cambodia lived under Vietnamese occupation until the withdrawal of Vietnamese troops in 1989. Under the terms of the Paris Peace Accord, the United Nations began its mission in Cambodia in 1991. Under the UN-sponsored elections, Cambodia established a new constitution and formed a new government in 1993. Under the new constitution, Cambodia was transformed into a liberal multi-party democratic country. Notably, since the 1980s the number of international and local civil society organizations (CSOs) has increased, and they all have divergent missions regarding to the country's context. During the 1980s-1990s, some CSOs focused on food and relief goods for refugees and facilitated their resettlement and some worked on the development of infrastructure and rural development.

Interestingly, due to the wave of global democratization, emerging social movements have significantly increased worldwide, and one trend has seen the increase in organizations in the combating of sexual orientation discrimination against lesbian, gay, bisexual and transgender (LGBT). While LGBT in some countries (Canada, Belgium, Spain, and the Netherland) can legally marry and form a family, in many societies (mostly in African and Muslim countries) LGBT people are still subjected to

discrimination and in some cases it is criminalized. In the context of these countries, the abuses perpetrated against LGBT peoples are not viewed as human rights violations. Therefore, there are many LGBT movements petitioning the State to recognize their rights. The anti-discrimination based on sexual orientation movement is widespread; CSOs have played a significant role in supporting movements and advocating for policy changing.

On a global scale, sexual orientation discrimination exists not only in developed but also in developing countries. Mostly, Southeast Asian developing countries have deeply rooted restrictive and traditional gender roles and stereotypes. Many of the LGBT community actually live in suffering, isolation, insecurity, and incur mental and physical abuse and injuries. Sexual oppression might be seen in family, schools, workplace and society at large.

A Southeast Asian developing country, Cambodia have played host to a number of CSOs particularly so after the collapse of Khmer Rouge regime. CSOs have taken diverse action to combat discrimination and to foster the development of human rights and democracy. More to the point, CSOs work for the public interest which brings the public concern to the State. They continue to limit and legitimize the State's authority, scrutinize and check the State's power and make the State remains accountable and responsible for the country and the people. They strengthen democratic consolidation and act as a stimulus for political participation from the diverse grassroots. They educate people on their rights and freedoms, and they struggle for social justice and human rights.

CSOs play a very crucial role in consolidating democracy, strengthening rule of law, promoting social justice and human rights. Hence, CSOs involvement is

indispensable. In Cambodia, unfortunately, the number of CSOs working on the promotion and protection LGBT rights and freedoms is still limited. Further, the various incidents of violation are not properly documented and taken into account. Additionally, the protections under the law are similarly lacking.

The purpose of this study is to examine the response of CSOs in combating discrimination based on sexual orientation in Cambodia. How does civil society organization advocate for equality? Devoting full attention to the limitations conditions which effect on CSOs' response to sexual orientation discrimination is part of this study. In order to study the CSOs' involvement in LGBT issues, the Rainbow Community Kampuchea operates in Phnom Penh, has been selected as a case study.

1.2 Conceptual Framework

Though, the general situation of human rights in Cambodia is getting better comparing with the last three decades, if one looks at the issues of sexual orientation discrimination against LGBT people, one might understand it is sophisticated and needed more support to combating discrimination and oppression. Discrimination based on sexual orientation has created several issues in ways that it systematically suppresses on LGBT people in different images. Sexuality indiscrimination exists between individual and in family, school, workplace, public places and society at large.

To understanding the full pictures of homophobia against LGBT peoples, it is necessary to borrow Young's concept called "five faces of oppression" which consists of exploitation, marginalized, powerless, cultural imperialism and violence (Young, 2005). The oppression and discrimination based on sexual orientation can appear in different forms and levels. To combat the discrimination and oppression and to make

a better environment for Cambodian LGBTs, it is crucial to establish the “space” which is impossible without involvement from Cambodian civil society organization.

As a non-profit-making actor, CSOs neither works for the State nor the private sector. They act as the intermediary between the State and the private in order to achieve the public interests. CSOs educate the people the rights and freedoms and bring those excluded people to voice their concerns publicly. They continue to conduct its mission contingent on the principle of freedoms, liberties and equalities, social justices and democracy in order to foster the development of human rights. In its operation, however, CSOs can challenge with unexpected barriers which might create by cultural and social norms, conservative stereotype, political and economic pressures.

In this study, the below conceptual framework was applied to address the issues of sexual orientation discrimination and to understand the ways RoCK copes with these issues.

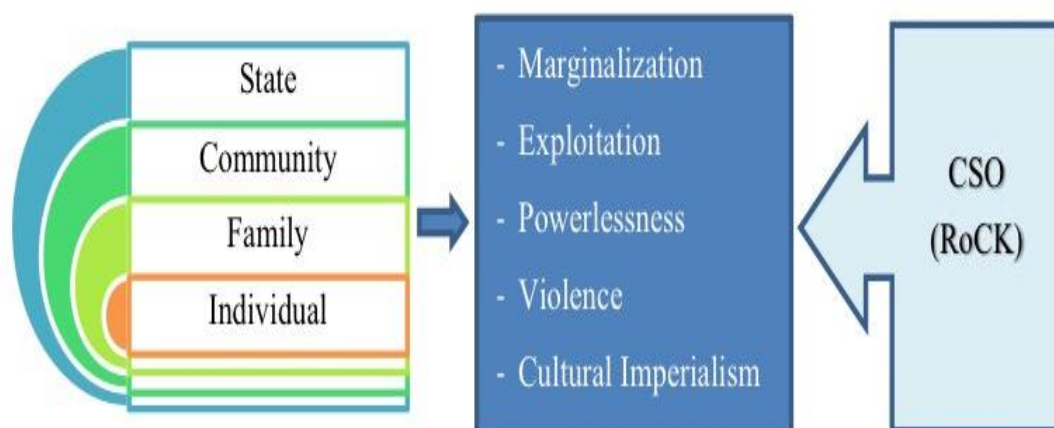


Figure 1: Conceptual Framework

1.2.1 Rainbow Community Kampuchea

The Rainbow Community of Kampuchea located in Phnom Penh was selected as a targeted organization for this study. It was established in September 2009 by a group of LGBT activist. RoCK aims¹ to

- Improving the lives of LGBT in Cambodia so that LGBT people feel confident to be who they are – through outreach work and other mobilizing activities
- Ensuring that LGBT people’s rights are recognized and respected by family, community, and society. To achieve this objective, RoCK works through educational, advocacy and case-work activities
- Ensuring that LGBT people have a secure livelihood by decreasing the stigma and discrimination and increasing the solidarity and self-help approach within the LGBT community.

1.2.2 Five Faces of Oppression with Heterosexisms

This section briefly discusses significant concepts used in this study. The conceptual framework of sexuality oppression and discrimination depends largely on the five faces of oppression (Young, 2005) which includes exploitation, marginalization, cultural imperialism and violence. LGBT are exploited because they more likely to be stuck in unskilled, low-paying job, or they may end up as prostitutes in which their bodies are exploited. Simultaneously, LGBTs are marginalized because they cannot seek jobs, and/or they are unemployment or unemployable. They might

¹ Rainbow Community Kampuchea (RoCK): *Who We Are, Where We Are Now*. Documents have been provided by RoCK members via Email on 11 April, 2014.

work in job-reserved, for example, hair dresser, prostitution, entertainers. It is also can be said that homosexuals are marginalized because they lose their rights or their rights are not protected and promoted. Further, marginalized LGBTs are often excluded from social activities and their issues are frequently not taken into account. The LGBT community face a series of knock-on effects to losing the basic rights such as finding it hard to seek jobs with good salaries and the economic security that comes with that. Another knock on effect can be the perception that they are perceived as lesser member of society. For example, in Cambodia the LGBT community are also perceived as obstructers to public security or common social values and thus they are needed to keep under close watch by authorities.

Violence is another oppression the LGBT community can face. Violence can manifest through physical and psychological abuses and attacks. LGBTs being electrocuted is a real example of violence found in the study. The last type of oppression is the type that can be caused by cultural imperialism, oppression that is influenced by the culture of the outsider. It occurs when foreign culture devalues the local culture and thus local people might see their own cultural as backward. In this context, because being LGB or T is commonly perceived as disruptors of social value, the majority within society need to take actions to prevent the existence of LGBTs. On the whole, oppression on LGBTs is complicated and systemic.

Discrimination against LGBTs or homosexuals can be created by the State or institutional rules and norms. It also appears through the interaction and expression between people. Sometimes, people are the agent of discrimination but they do not realize about it. To gain a basic picture of sexuality discrimination, it is worth understanding about Heterosexism. Heterosexism is a system of attitudes, bias, and

discrimination in favour of opposite-sex sexuality and relationships. It can include the presumption that other people are heterosexual or that opposite-sex attractions and relationships are the only norm and therefore superior. The study of Cudd and Jones (2005) offers a good explanation of heterosexism. According to them, heterosexism happens on three levels: institutional, international and unconscious levels (Cudd & Jones, 2005). Regarding these levels, discrimination or oppression can be found under four categories: individuals, family, community and the State. On this point the study discusses how individuals might unconsciously discriminate against LGBT through their thinking. For instance, one might believe that being gay is the mental illness and need to be cured. It is unconscious discrimination. If a gay is forced to be cured by parents under certain actions such as beating, being locked at home or any other actions, and under these circumstances it shows the interpersonal discrimination against LGBT in the family sphere. Continuing to the community space (including school and workplace, for example), the research have found that homosexuals are commonly bullied at school by classmates and denied to take part in social activities such as football matches. At the workplace, being a gay might be seen as the weak gender and not employable. By giving you these two examples of discrimination at school and workplace the study is trying to show the interpersonal discrimination – the discrimination indicated by actions or expressions. In addition, at the State level, particularly in the context of Cambodia, being LGBT is neither prohibited nor promoted. They are not illegal because of their personal preference and at the time there is no legal protection for them either. One might notice here is that when the State does not explicitly and openly defend LGBT rights and does not recognize their personal needs, the State implicitly enables pressures, oppressions and discriminations from

school, workplace, family and individuals. Hence, the issues of LGBT are systemic and concrete.

1.2.3 State-RoCK Relations

RoCK, as one of the CSOs tackling discrimination, has involved a number of diverse peoples particularly LGBT individuals, acting collectively to make demands on the State and make the State responsible and accountable for the issues of LGBT peoples. Based on the principle of basic human rights but interpreted through the lens of sexuality. At the same of advocacy for equal human rights, RoCK challenges the State's repression if the State finds that RoCK's mission can create any further troubles to the society and the State. This is because in principle while CSOs try to make the State responsible for the country and its citizens, the State can impose any sanction or repression on activist groups. By so doing, the groups or CSOs is not possible to challenge the State. This is really crucial to take into account because sanction, in any pictures, can limit the space of civil society.

1.3 Research Questions

1. How does RoCK respond to sexual orientation discrimination in Cambodia?
2. What conditions and limitations has RoCK faced in its operation?

1.4 Research Objectives

1. To explore the response of RoCK towards sexual orientation discrimination in Cambodia.
2. To analyze the conditions and limitations of the response by RoCK to sexual orientation discrimination in Cambodia.

1.5 Research Methodology

To study this research, the qualitative technique is proposed. The study comprises of the documentary research method with fieldwork conducted in Phnom Penh, Cambodia. The available secondary data as well as organizational reports such as the reports from RoCK and relevant reports on sexuality are being used as the documentary research data. The snowball sampling was also applied for this research study for data collection.

Further, the methodology for the study in the fieldwork is significant upon semi-structured interviews with members of RoCK, LGBT people and CSOs. Before departing for the field research, contacts already obtained from the members of RoCK, and other NGOs.

- ❖ semi-structured interviews individually with five key informants from RoCK
- ❖ semi-structured interviews individually with twenty-three LGBT individuals
- ❖ semi-structured interviews individually with two key informants from CSOs

Alongside interviews the researcher used the documentary research. The documentary sources were collected from workshops, conferences, Chulalongkorn University library, Chulalongkorn University online database, internet and NGOs. Documentary sources would not only be collected in the form of written text such as books, academic journals, reports, newspapers and articles, research papers, but would also include various electronic files, NGOs reports and laws. All this secondary data are related to CSOs and human rights which are useful for researcher to understand the central sexual orientation discrimination related issues.

Below are the list of LGBTs respondents and key formants who involved in this research study. To be noticed that all the names of LGBT respondents are changed.

Name	Age	Sex	Gender Identity	Occupation	Date of Interview (Year 2014)	Birthplace
Lucky*	20	F	B	University Student	5 th July	Phnom Penh
Chanvy	26	F	L	Cook	6 th July	Phnom Penh
Kaka	20	F	TM	Vegetable Seller	6 th July	Kompong Speu
Pech*	27	F	TM	Factory worker	6 th July	Phnom Penh
Chantha	27	F	L	Factory worker	6 th July	Kompong Speu
Chanra	27	F	L	Factory worker	6 th July	Kompong Thom
Sokha*	62	F	L	Employee in Company	15 th July	Pursat
Rayuth*	32	M	G	University student/Sex worker	9 th July	Kandal
Phalla*	24	M	B	University Student	15 th Jul	Phnom Penh
Makara*	21	F	TM	University Student	9 th July	Phnom Penh
Honglim	22	M	B	Employee in Pub	11 th July	Phnom Penh
Bunhak	44	M	G	Cook	12 th July	Kompong Cham
Phanna	52	M	G	Cook	12 th July	Svay Rieng
Meas*	22	F	TM	University Student	21 st July	Battambang
Mala*	24	F	L	Employee in Company	22 nd July	Siem Reap
Sokchea	22	M	TW	Classical Dancer	22 nd July	Banteay Meanchey
Votey*	24	F	TM	University Student	27 th July	Phnom Penh
Daya	24	F	L	University Student	27 th July	Kompong Cham
Rosa*	35	M	TW	Student/Sex Worker	28 th July	Phnom Penh

Thida*	51	F	TM	Unemployment	29 th July	Kompong Chhnang
Mara	45	F	TM	hairdresser	29 th July	Kompong Chhnang
Neasa*	21	F	L	University Student	30 th July	Kandal
Panha*	21	F	L	University Student	30 th July	Pursat
Rainbow Community Kampuchea, Phnom Penh						
Name	Age	Sex	Gender	Occupation	Date of Interview (2014)	
CHHOEURG Rachana	28	F	LM	LGBT Organizer	1 st July	
LY Pisey	31	F	LM	Board Member	15 th July	
NOY Sitha	62	F	TM	LGBT Organizer	15 th July	
HORN Virak	32	M	G	LGBT Advocacy		
Mary Collette O'Regan		Female	Lesbian	Board Member	30 Oct (via Email)	
Other CSOs						
Name	Age	Sex	Gender	Occupation	Date of Interview (2014)	
SRUN Srom (Former Staff of RoCK)	32	Male	Male	Founder of CamASEAN Youth's Future and Advisor for One World UK	29 th June	
NUON Sidara	34	Male	Male	Project Coordinator on Sexual Orientation and Gender Identity, Cambodian Center for Human Rights (CCHR).	9 th July	

Sex	Gender Identity
F = Female M = Male	B = Bisexual , L = Lesbian , Gay = Gay, TM = Transgender woman to man, TW = Transgender man to woman,
* means an LGBT knows RoCK	

Table 1: List of Participants

1.5.1 Field Research

The researcher selected RoCK as the targeted non-governmental organization for the case study. RoCK was originally established in 2009 to promote LGBT rights in Cambodia. It was formally registered as a non-governmental organization in February 2013. In order to empower and improve the lives of LGBT people, various social events have been created. Because RoCK works so closely with LGBT people, researcher can discover a lot of the community's concern just by working closely with RoCK, and get them to share their experience related to sexual orientation discrimination. Most importantly, RoCK is one the CSOs who is exclusively working with LGBT people in Cambodia.

1.5.2 Data Collection

All the detailed information was carefully noted down and recorded for each individual. After formulating the details in chronological order, all resources were used to capture the key information. Later, all central data and information were used to serve as the basis for analysis used to answer the research questions of this study.

1.5.3 Data Analysis

To study this research it is crucial to use both primary and secondary data in order to explore response of RoCK toward sexual orientation discrimination and to analysis its effectiveness. Secondary data consists of literature and other pre-existing sources related to the research topics while semi-structured interviewed are implemented to gather the primary data in the fieldwork. The triangulation method are used to analyze whether or not the data are valid and reliable.

The content analysis is also an integral part for the data analysis. It is applied to deeply determine and to inferences the presence of certain words, phrases and concepts are being used by the stakeholders. The important thing is to answer for the objectives of this study and to find the consensus amongst stakeholders.

1.5.4 Data Collection and Research Tools

Tools for data collections included the use of typologies to explore and analyze the RoCK's response toward sexual orientation discrimination. The questionnaires were designed to gather the varying perspectives from respondents in regards to the issues and the actions of RoCK.

1.5.4.1 Semi-Structured Interview

The research employed semi-structured interviews with LGBTs, RoCKers and CSOs during the fieldwork. It allowed more flexibility to investigate the issues, and it helped the stakeholders to construct and express ideas in a free environment on the issues-related to the topic.

1.5.5 Qualitative Data Analysis

As part of the qualitative research stage of study, the research analyzed information based upon four main steps. The first step consisted of collecting all data and information related to research topic, from literature review, documentary sources and fieldwork. For the second step, the research selected and grouped the data which are most related to the research questions. Thirdly, after generating all the important data, the researcher analyzed, verified within the concept and research framework. Fourthly, all the data and information is presented in clear form of analysis.

1.5.6 Validity and Reliability

To enhance a better understanding of data collection that was being investigated, the triangulation method was used. In order to make sure that all data and information collected are valid and reliable, different relevant sources were collected and studied.

- Compare information from RoCK with information from pre-existing data.
- Compare information from the wider LGBT community with information from RoCK.
- Compare information from secondary data with information from the LGBT community.

1.6 Research Scope and Limitation

The time frame for the research was relatively short and thus the study was limited to interviewing the key informants and LGBT respondents. This study however was made with key figures who expertise in investigated theme, including five potential informants from RoCK, one key person who is the founder of CamASEAN Youth's Future and Advisor for One World UK, and one who is the project coordinator on sexual orientation and gender identity from Cambodian Center for Human Rights (CCHR).

To date, there are a number of non-governmental organizations working on different issues but RoCK is one of the only civil society organization working exclusively on LGBT issues. Hence RoCK was selected for this research. Due to RoCK being located in Phnom Penh it gives me the chance to investigate, with a number of interviews, LGBT people who live and work in Phnom Penh.

1.7 Operational Definition

For this research study, “discrimination” defines as the unequal treatment or making a distinction against individuals or group regarding their personal identity. It restricts, denies, excludes, suppresses, represses, and “oppresses” individuals or groups from social and political participation, social service, equal opportunities, equal rights and freedoms. It can be a direct or indirect discrimination. Discrimination can be verbal and non-verbal. Further, discrimination can be referred to prejudice and an unequal treatment of individuals and groups based upon their physical appearance, social status, and socioeconomic status. There are diverse factors which lead to discriminatory practices and stereotypes such as cultural and traditional norms and practices, laws and policies, lack of knowledge and understanding, the gap between the rich and the poor.

Further, the word “Kteuy” is often used by Cambodian people. “Kteuy” according to Samdech Sangha Raja Jhotañano Chuon Nath, the Kana Mahanikaya Supreme Patriarch of Cambodia, was referred to person who is not really male or female (មនុស្សមានភេទ ស្ទើររូបស ស្ទើរស្រី). Further, according to report, entitled, “*Rainbow Khmer: From Prejudice to Pride*”, writes that, “*Kteuy is a Khmer term often used derogatorily to refer to transgender people.*” (Cambodian Center for Human Rights [CCHR], 2012). Therefore, in this paper the Kteuy is basically referred to the discriminatory word used by people, particularly heterosexual to call homosexual including LGBT people. There are two ways to recognize whether or not they are LGBT people. First, the researcher asked them to define themselves by self-identification which they can say they are lesbian, gay, bisexual or transgender. Secondly, the research asked some question to category them. The question might be *who do you*

love? What is his/her personality and outlook? Can you just describe him/her in more detail?

In this study, the acronym LGBT is used to refer to Lesbian, Gay, Bisexual and Transgender people. “Lesbian” refers to *women* who love and sexually desire those of the same sex while “Gay” refers to *men* who love and sexually desire those of the same sex.

In Cambodia, activists and researchers often employ the terms “women who have sex with women” or WSW, and “men who have sex with men” or MSM to describe homosexual women and men (Cambodian Center for Human Rights [CCHR], 2010).

“Bisexual”, in this study, refers to a person who loves and sexually desires either women or men. “Transgender”, on the one hand, is used to describe one who changes attitude, behavior and appearance both mentally and physically. Similarly, transgender can be referred to “*an umbrella term for persons whose gender identity, gender expression or behavior does not conform to that typically associated with the sex to which they were assigned at birth*” (Live Science, 2013).

1.8 Significance of Research

This study is significant for two reasons. Firstly, because this thesis contends that viewing the process of CSO’s response provides a deeper understanding of democracy and the role of civil society plays in Cambodia, and how the combined forces of the LGBT movement can converge to have unpredictable consequences. Secondly, the research is important in that the concept of a CSO in a democratic system has not been fully applied to a case study in Cambodia. Applying it to the same issues of discrimination but in a different country’s context may reveal new knowledge in

sexual orientation discrimination that could assist policymakers in analysis before creating or enacting laws or policy decisions related to the issues of discrimination based on sexual orientation.

1.9 Ethical Issues

There is no tangible risk for stakeholders because the researcher has a good relationship with the key informants who work with RoCK. This thesis guarantees the protection of the rights of respondents. Personal safety and dignity are prerequisites in all the research that will be conducted. Before the interview, the researcher introduced himself to the stakeholders and explained to them the purpose of the study and obtained prior consent from the stakeholders. There is no case that the identities and privacy of stakeholders need to be revealed unless mutual consent is granted. There is no way such a study would be acceptable if the result of research might cause embarrassment or harm to any of the respondents or become a sensitive issue for them.

CHAPTER II

LITERATURE REVIEW

The case study of civil society organization's response to sexual orientation involves a complex interaction of multiple factors. It primarily involves the core concepts of civil society and human rights. It encompasses diverse forces at the local, national and international levels, and the influence of those forces on combating discrimination based on sexual orientation. This review examines obtainable literature covering relevant key factors involved in the case study.

2.1 Concept of Civil Society

The meaning of the term "civil society" has considerably changed over time. In common parlance, civil society is an intermediary between the private and public spheres and works for public interest. It can be "*the realm of organized social life that is open, voluntary, bound by a legal order or set of shared rule*" and "*recognizes the principles of state authority and the rule of law*" (Diamond, 1997). Civil society generally involves private citizens acting collectively to make demands on the state, to exchange information, to express in the public sphere their interests, preferences, ideas, passions, or to scrutinize and check the State's authority and make the State accountable and responsible for the country and its people. Civil society is not only supportive, but it is also one of the main actors in political democracy and the democratic system. Further, civil society not only limits, checks, monitors and restricts State power, but also legitimizes authority when the authority of the State is based on the rule of law.

There are two ways in which civil society advances democracy. Firstly, civil society plays an important role in generating a democracy transition from dictatorship to an electoral democracy (Diamond, 1997). For example, after thousands of people marched en masse in the capital Manila against the Philippines president Joseph Estrada, finally Estrada resigned in January 20th, 2001 (O'Neill, 2001). In this circumstance, Philippines civil societies showed that they were strong enough to negotiate and lobby with other politicians to challenge Estrada and oust him from his seat. Only vibrant and organized civil societies can manipulate and counterbalance the state. Secondly, civil society helps to deepen and consolidate democracy. The democracy-building functions of a vigorous and pluralistic civil society are to act as a limitation of the State power, supplement the role of political parties in stimulating of political participation and to promote an appreciation of the obligation as well as education of rights and freedoms of democratic citizenship. The rich civil society continues to work on structuring multiple channels, beyond the political parties, for articulating, aggregating, and representing interests. The important example of this function is providing exclusive groups with access to rights and freedoms that have been denied. Further, the vibrant civil society strives for social justice and educates and disseminates information and knowledge to the people about their rights and freedoms, so they obtain the benefit of being able to defend their own interests and identities. The pluralistic civil society generates a wide range of interests that may cross-cut and mitigate the political conflict. With this, it associates with different type of people who have divergent political interests and opinions. Civil society also help to recruit and train new political leaders. As it directly or indirectly conducts the training programs

for locals and state elected officials and candidates and emphasizes on the public accountability and transparency (Diamond, 1997).

Despite helping to strengthen democracy, civil society can ironically limit and restrain the democratic politics as well. Moon (2012) posits that *“rather than being an open marketplace for political interests and ideas, civil society has great power to decide who belongs and who does not, whose grievances and losses are worthy of collective attention, and whose case presents organizations and their leaders with enough political capital to challenges state authorities”* (Moon, 2012). Hence, civil society can in fact either expand or restrain democracy. Once they represent the public concerns and struggle against the State, they actually limit who they represent. In this sense, they might not work for all people in society or the community as a whole but rather they symbolize causes for specific individuals and groups. It is understandable when one frames this in the works of civil societies such as Bretton Woods Project, Oxfam, The Global Forum, Save the Children, Transparency International, World Vision, Climate Investment Funds, and Human Right Watch. This is why whilst Save the Children specifically prioritizes children and Oxfam works for fighting against poverty, Bretton Woods Project works broader on environment, gender, land, infrastructure and issues and many others. More to the point, when Oxfam puts the poor on top of its agenda, the Bretton Woods Project and Save the Children probably do not consider the poor as its primary targeted group.

In these circumstances, when CSOs decide which a certain group is the most significant group of beneficiaries that should be placed on their agenda, CSOs in turn have to exclude and marginalize other groups. When they try to struggle for one certain

group, they in fact forget the other powerless groups. In other words, CSOs can either see as the supportive or oppressive social agencies for human rights.

To reiterate, civil society is known as the intermediary between private and public spheres. Civil society per se covers a huge range of professional and non-professional organizations concerned with public matters. It includes civics, unions, watch dogs, voluntaries, issues-oriented, advocacy, social movement, religious, community, foundation, project educational interest groups and associations. Because civil society is generally known as comprising of non-governmental organizations (NGOs), therefore it is more prudent to discuss the NGOs in the following section.

2.1.1 Non-Governmental Organization

NGOs can fall into several loose categories: local NGOs; regional NGOs; and international NGOs. According to Haque (2011), NGOs are legal entities with formal organizational structures. They comprise of private and voluntary staff for non-profit-making purposes. They work independently of the State, but have to function and operate regarding to the state laws. The main goal is to assist private citizens and to serve the public interest. NGOs are considered as one type of CSO (Haque, 2011). The point that needs to be addressed here is that CSOs have to abide by State law. To some extent this can be an issue when what CSOs want to do is prohibited under State law. For instance, it is really a problem for CSOs to advocate for the rights and freedom for same-sex marriage when homosexuality is prohibited and criminalized, particularly in Muslim countries. Therefore, that is a weakness of CSOs.

The book, entitled *NGO Diplomacy: the influence of nongovernmental organizations in international environmental negotiation*, lists three significant elements of NGOs 1) *is not formed by intergovernmental agreement*, 2) *has expertise*

or interests relevant to the international institution and 3) expresses views that are independent of any national government (Betsill & Corell, 2008). This is debatable because most NGOs receive donations from external actors. Once NGOs get the support they simply have to maintain the mutual interrelationship, they often have to report on the work for they do and try to fulfill any comments and feedback to and from donors. They also have to justify its agenda to the interests of the supportive agency. It can be understood then they lose some independence in the decision making process.

Concerning the nature of NGOs, specifically whether an NGO is actually an independent supportive social agency, there is an interesting argument to say that NGOs are not independent bodies because of influence by their donors. There is a case to say that a number of southern NGOs² receive support from northern NGOs³ ; therefore, when northern NGOs provide support and resources they often determine how the resources should be used. It places northern NGOs in a position of power as the external controller while the southern NGOs have to remain accountable and report to northern NGOs. It is worth mentioning *“no organization is self-contained or self-directed.”* To gain resources for their survival, therefore, organizations have to interact with mutual-dependent with external environment. *“What happens in an organization is not only a function of the organization, its structure, its leadership, its procedures, or its goals. What happens is a consequence of the environment and the particular contingencies and constraints deriving from that environment”* (Hudock, 1999). Hence, NGOs actually lose their independence that they possess yet create the interdependence with and influence by the external NGOs. It is then understandable that external factors can

² The term “southern NGOs” used to refer to NGOs located in less-developing countries.

³ The term “northern NGOs” used to refer to NGOs located in more developed countries.

truly shape the NGOs behavior and determine NGO's capacity, with influence on its mission and operations. The manner most NGOs seek and receive resources from outer environments subjects them to external control and leaves them incapable to contribute to the process of civil society development by empowering people to voice their own needs and to make claims on government to meet those needs. Therefore, the interdependence can in fact create the problem with NGOs because "*interdependence relationships will always involve costs, since it restricts autonomy*" (Hudock, 1999).

On the other hand, NGOs also influence the policy making process, hence its roles and strategies are greatly driven by the politics. NGOs can manipulate on not only local government scale but can also influence other international actors (Betsill & Corell, 2008). They continue to deal with poverty eradication, environmental protection, gender equality, gender empowerment, social justice and human rights. NGOs have undertaken the role of delivery services and addressing a wide range of socioeconomic problems. Their participation strengthen democracy, establish grassroots advocacy, and ensure direct participation in decision-making (Haque, 2011). It is interesting to note here that NGOs, as civil society organizations, work on specific issues for certain individuals and groups. They have to have a clear-cut beneficiary who is at risk to be primarily included in its agenda. Therefore, once it assists powerless people, but at the same time it excludes other groups from its selection.

To recap, a vibrant democratic system largely depends on CSOs or NGOs. Fundamentally, this supportive body operates within the private and public spheres and distinctively deals with democratic-building function, promoting social justice and human rights.

2.1.2 Civil Society – State Relations

The economic development is seen as the important mechanism for political transformation. It promotes the growth of middle and business classes that can benefit to the development of vibrant civil society. These changes can lead to the democracy take root (Hewison & Rodan, 2012). However, it is arguable in the way that business elite and sections of middle class usually have close relations with the State and the organization of the capitalist class. As the case of Singapore and China suggest that a strong capitalism does not always means see the emergence of a strong civil society or political democracy. In fact, the capitalist development has been achieved while maintaining political authoritarianism. Indeed, authoritarian political leaders used economic success to boost political regime legitimacy and to justify repression. At the same time, the powerful and cohesive upper classes usually dominate CSOs; they may establish CSOs for the benefit of their interests. When Thaksin was accused of corruption and human rights abuses, the CSOs joined with the elite and urban middle class in mounting street protest to bring down these elected and popular politicians. In Burma when CSOs demonstrated a willingness to support the military regime. It is explicit that the emergences of CSOs are not significantly opposite to the State or ‘anti-state’ but in fact they inevitably reflect the class nature of the society in which they are embedded (Hewison & Rodan, 2012). This lesson show that CSOs which are dominated by political elites or powerful groups, may act as supportive agencies for and the opposite actors against the State.

Forces outside the civil society sphere also affects the condition for civil society. Even if civil society is the best it can be, external factors can interact with and block the actions of civil society. With this, it can often be seen the State has always found

ways to co-opt CSOs; by doing so, the activist groups will not find it possible to challenge the State (Hewison & Rodan, 2012). In these circumstances, the laws and government policies can act as a great barrier against CSOs. CIVICUS (2013) argues that legislation and government policies directly effect the ability of CSOs to form, function and flourish (CIVICUS, 2013). For instance, in the case of Russia, under the leadership of President Putin, a new NGOs law took effect in 2006 that explicitly set strict terms for registration and for the acceptance of funds from foreign donors. An NGO may be denied registration if its activities are deemed to be a threat to Russia's "sovereignty, [its] unique character, or cultural heritage" or if it offends the "national or religious feelings of citizens" (Lang, 2013). This is why there is greater participation in the public sphere by CSOs but only there is only a fewer political contestation. This means the opposition to the government is reduced. Hence, social pluralism does not necessarily and automatically lead to democracy or a weakening of the State's oppressive power. To avoid this tension with the State, CSOs themselves have to avoid opposing the State and to keep away from dealing with certain forms of oppression. In contrast, *"NGOs are rewarded for establishing and preserving positive ties with the government."* The rewards given by the State can come in legal, economic and political supports (Lang, 2013). The rewards given by the State seems to be a crucial support for NGOs survival.

To reiterate, as discussed above, the role of CSOs or NGOs and the State is sophisticated. They might be seen as the anti-state or supportive agencies while CSOs per se claim that they work independently to serve the public interest. Even liberal political system seem to be challenged with the increasing power of NGOs.

The relationship between the Cambodian government and the activists is getting worse, according to Human Rights Watch. Activists, labor union members, and journalists have all been the targets of extrajudicial killings, criminal convictions on false charges and regular harassment and intimidation by the State. Cambodia failed to protect freedom of expression and the rights of all human rights defenders to conduct their work without hindrance or intimidation. A restrictive law on demonstrations is still used to reduce freedom of assembly and association (Human Rights Watch, 2014:a). Further, the article released on 1st June 2014 states that the Cambodian government continued to influence the court's decision and used the courts to unfairly convict activist and people randomly apprehended during the unrest, falsely blaming them for all violence (Human Rights Watch, 2014:a). Hence, it is clear that some human rights activists in Cambodia are suppressed by the government.

2.2 Human Rights are LGBT Rights

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”(Article 1 of UDHR, 1948).

“LGBT rights are Human Rights.” (UN Free & Equal).

“Human rights are the rights that a person has because they are human”
(SEAHRN, 2014).

Human rights are based on a small number of central concepts which are necessary to protect and empower people, and they are recognized worldwide. Because they are “universal” everyone is entitled to human rights, and human rights should be available to any human being, anywhere, and at any time. People do not need to earn

human rights because human rights come into effect the moment a person becomes human. Nothing that a human can do will result in them losing their human rights. The objective of human rights is to ensure that people can live with dignity (SEAHRN, 2014). Dignity is what makes people feel human and worthy. All people are entitled to be treated equally. People have access to the equal enjoyment of rights without any discrimination.

Another extremely significant concept that should be addressed is the “Yogyakarta Principles”. It addresses a wide range of human rights standards and their application to issues of sexual orientation and gender identity. Currently, the Yogyakarta Principles have become one of the legal documents that have been used by CSOs for fighting against sexual orientation discrimination and gender inequality. Having awareness and understanding that people have experienced the human rights violence regarding to their sexual orientation and gender identity, the Yogyakarta Principles reaffirms that *“each person’s self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom”*(Principles 3 of the Yogyakarta Principles, 2007). In this regard, the States shall have obligations to embody the principles as stated in UDHR and other international human rights instruments into their national laws and to ensure that all human rights are protected and promoted. Having further participation from CSOs is indispensable for promoting and enhancing human rights and ensuring that *“all human being are born free and equal in dignity and rights”*(Article 1 of UDHR, 1948, Principles 1 of the Yogyakarta Principles, 2007).

However, Douzinas (2009) argues that *“human rights statements are prescriptions: people are not free and equal but they ought to be become so. This*

depends on political will and social conditions. Equality is a call for action not a description of a state of affairs.” (Douzinas, 2009). Human rights, according to this view, do not belong to people because they are humans. They largely depend on struggle of people who believe that human rights should be provided for them. Political will and social condition have to be taken into consideration because they also have an important impact on human rights. If the political elites respect human rights as embodied in the international human rights law, they will respect and promote human rights. Social condition is also seen as a crucial factor to ensure for human rights and equality. It is impossible to seek for human rights and equality in patriarchal and conservative society, for example, the Muslim society. Further, it is possible for this to happen only in democratic rather than communist countries. The point should be mentioned here is that human rights exist from the incentive of social sacrifices with the participation of civil societies.

Human rights are complex, because they are formed at the intersection of legal rights and moral rights (Douzinas, 2009). Legal rights are human rights and should be considered rights by law. Law empowers people to implement their rights but also limits the exercise of rights so that people cannot use their rights to oppress others. However, rights do not have meaning by themselves. They largely in fact depend on the interpretation by people. Moral rights, on the other hand, apply when they are believed and considered as the moral or proper thing. It is agreeable that moral and legal rights are sources of human rights, but considering them so can be controversial. Sometimes what the law allows might be entirely wrong with morality and the opposite can be equally true. People under the law are equal but might not be considered equal when people think about the morality. Moral-based reasoning can exclude a person

from group and gradually his/her rights are rejected and abused. Because legal and moral rights together create the “human rights”; in this circumstance, if a moral right is rejected then that person cannot obtain access the human rights.

2.2.1 Sexual Orientation Discrimination

Discrimination can be defined as the unequal treatment or making a distinction against individuals or group regarding their personal identity and their physical appearance. Sometimes discrimination can be seen between majority and minority groups. Article 1 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) says that *“discrimination [against women] means any distinction, exclusion or restriction made on the basis of sex which effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”* (Article 1 of CEDAW).

The term “sexual orientation” is interpreted to refer to *“each person’s capacity for profound emotional, affectional and sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or more than one gender”* (The Yogyakarta Principles, 2007). Similarly, it is constituted as being *lesbian, gay, bisexual, or heterosexual*. Sexuality contains multi distinct dimensions of human behavior, attraction, and personal identity. Some people considered themselves gay, lesbian, or bisexual and some considered themselves “something else.” (Badgett, 2007).

Sexual orientation, according to the American Psychological Association, refers to:

“an enduring pattern of emotional, romantic and/or sexual attractions to men, women, or both sexes. Sexual orientation also refers to a person’s sense of identity based on

those attractions, related behaviors and membership in a community of others who share those attractions ... sexual orientation is usually discussed in terms of three categories: heterosexual (having emotional, romantic, or sexual attractions to members of the other sex), gay/lesbian (having emotional, romantic, or sexual attraction to members of one's own sex), and bisexual (having emotional, romantic, or sexual attractions to both men and women)." (American Psychological Association, 2008).

Therefore, sexual orientation discrimination can be referred to as unjust or prejudicial treatment of individuals or groups due to their sexual preference whether they are gay, lesbian or bisexual, transgender or *heterosexual*. Similarly, sexual orientation discrimination includes being treated differently or harassed because of one's real or perceived sexual orientation (NOLO Law for All, 2014).

Thinking more broadly, sexual orientation discrimination does not only refer to the unequal treatment of LGBT individuals and groups, but also applies to the condition of unjust or prejudicial treatment on LGBT people whose feeling sexual attraction to people of the same *sex* or some people who have same-sex desires (Badgett, 2007). Hence, it is the discrimination against *men* who love men and *women* who love women. Hence, in this circumstance, discrimination against LGBT individuals and groups also means discrimination against men and women.

In the work entitled, "*Black Sexual Politics: African Americans, Gender, and the New Racism*", sexuality is theorized through the lens of heterosexism, which is defined as a freestanding system of power similar to sexism and class oppression that suppresses heterosexual and homosexual that creates equality between persons (Collins, 2004).

Pharr (1997) understands *sexism* as ways to discriminate against and oppress on not only women but sexism also LGBT people. The author explains that a lesbian is perceived as being the threat to the heart of sexism. Further, the irrational fear and hatred of those who love and sexually desire those of the same sex has created homophobia. Relatively, the homophobia expressed against gay men has the same roots in sexism as does homophobia against lesbian (Pharr, 1997). In short, this means that homophobia expressed on sexual orientation shows the ways sexism effects LGBT people. Therefore, it is worth understanding about sexism to see the levels that LGBT people have been abused. Cudd and Jones (2005) say sexism takes place at three different levels: the institutional; the interpersonal; and the unconscious. Firstly, institutional sexism can be caused by the rules and norms found in society. Secondly, sexism can be seen through interpersonal sexism in which involves interactions between persons that are not governed by explicit rules. Interpersonal sexism comprises “actions” and other “expressions” between persons that create, constitute, promote, sustain, and/or exploit invidious sexual inequalities. Lastly, it is unconscious sexism which refers to the psychological mechanism and tacit beliefs, emotions, and attitudes that create, constitute, promote, sustain, and/or exploit invidious sexual inequality (Cudd & Jones, 2005).

Discrimination based on sexual orientation or sexual preference creates a great number of disadvantages for the LGBT community in the labor market, education, social and cultural life, religious life and many other facets of life. People are not discriminated to the same degree or in the same ways, but they share common factors that act as barriers to development and the ability to exercise their capacities and express their needs, thoughts, and feelings.

To explore all these tensions, Young (2005) studies five faces of oppression⁴. The first type of oppression takes place in the form of “exploitation”. It refers to the systematic process of the transfer of one’s energy, benefit, power, status and wealth to another or group power or privilege. They exercise their capacities under some forms of control and for the benefit of other people and thus create dependence, inequality and injustice. The second form of oppression is “marginalization”. Young stresses that marginalization is the most risky form of oppression. The marginalized people⁵ are denied access to certain rights and participation in social life or excluding people from equal citizenship rights and then subject them to severe material deprivation and even extermination. It is unjust primarily because it blocks such opportunity to exercise their capacities in socially defined and recognized ways. The third category of oppression is “powerlessness”. Powerlessness is described as the lives of people who have little or no work autonomy, exercise little creativity or judgment in their work, have no technical expertise or authority, express themselves awkwardly, especially in public or bureaucratic setting and do not command respect. The fourth type of oppression is known as “cultural imperialism” which consists in the universalization of one group’s experience and culture and thus its establishment as the norm. The people who dominate and influence the culture are known as the representatives of humanity. The last type of oppression is systematic and legitimate “violence”. For this kind of oppression people are suffering from fear, threat or unprovoked attacks. The fear of

⁴ The oppression per se has different meaning regarding to each condition and thus it is unfeasible to have one central definition of oppression. The researcher thus understands that discrimination and oppression are interlinked and exchangeable.

⁵ In the US the marginal people might be included old people who get laid off from their jobs; young people who cannot find jobs; single mothers and their children; people involuntarily unemployed; many mentally or physically disable people; and those Americans Indians.

violence functions to help keep the oppressed groups as subordinates. Regarding to this matter, Young (2005) says *“we cannot eliminate this structural oppression by getting rid of the rulers or making some new laws, because oppressions are systematically reproduce in major economic, political and cultural institutions.”* (Young, 2005).

2.2.2 Non-Discrimination under Human Rights

Discrimination is prohibited. According to article 2 and 7 of UDHR:

“Everyone is entitled to all the rights and freedoms, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status [...]” *“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination [...]”* (Article 2 & 7 of UDHR, 1948)

The preamble of International Convention on the Elimination of all forms of Racial Discrimination reaffirms this saying,

“discrimination between human beings on the grounds of race, color or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State.” (Preamble of ICERD, 1965)

Furthermore, discrimination is also prohibited under Articles 2 and 26 of the International Covenant on Civil and Political Rights (hereafter ICCPR) and Article 2 of the International Covenant on Economic, Social and Cultural Rights (hereafter ICESCR) by providing that everyone is entitled to human rights *“without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”*⁶.

⁶ Article 2 & 26 of ICCPR, 1976 & Article 2 of ICESCR, 1976.

Explicitly, the above provisions concern the concept of equality. Equality in human rights means that individuals have an equal value even he/she comes from a different background. The differences between people do not mean they are entitled to different rights and freedoms thus there is no distinction should be made between people on the basis of any kind.

2.3 Human Rights in Cambodian Laws

Because human rights principles are internationally recognized and represent principles of democracy, the State has an obligation to uphold human rights. The State and its citizens, legally or naturally, make the “contract – law” with each other. They both agree to abide by the social contract and abuse by no body.

Article 31 of 1993 Constitution of Kingdom of Cambodia, states that

“The Kingdom of Cambodia recognizes and respects human rights as stipulated in the United Nations Charters, the Universal Declaration of Human Rights and all treaties, conventions and covenants related to human rights, women’s rights and children’s rights.”

The second paragraph of the same article confirms that

“Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedom of others.

The exercise of such rights and liberties shall be in accordance with the law.” (Article 31 of the Constitution of the Kingdom of Cambodia, 1993).

Referring to the above provisions, it can be understood that the Cambodian Constitution fully recognizes the applicability of international human rights law and guarantees equal rights to all citizens regardless of personal characteristics.

2.3.1 (Non)-Discrimination in Cambodia

One example of discrimination based on sexual orientation in the Cambodian Constitution is according to Article 45 of Cambodian Constitution which states that *“Men and women have equal rights in all fields, especially with respect to those of marriage and family.”* (Article 45 of the Constitution, 1993). Further, the Cambodian Civil Code adds that, *“An engagement shall be formed by promising to marry in the future between a man and a woman and performing the ceremony of engagement.”* (Article 944 of the Civil Code, 2007). According to these provisions, same-sex marriage is prohibited under Cambodian laws.

The principle of non-discrimination based on sexual orientation has been supported by the former Cambodian King Norodom Sihanouk. The former King in 2004 wrote on his own website that he supported the rights of gay couples to marry. The King continued that as a *“liberal democracy”*, *Cambodia should allow “marriage between man and man ... or between women and women.”* (British Broadcasting Corporation [BBC], 2004). Equally important, in his speech in 2012 the Prime Minister Hun Sen supported the principle of non-discrimination based on sexual orientation. He said that *“There are gays and lesbians in every country, so there should be no discrimination against them just because of their destiny”*. *“Most of them are good people and are not doing alcohol, drugs or racing vehicles”*, he added. (AP: The big story, 2012).

2.4 Cambodian Civil Society and Sexual Orientation Discrimination

2.4.1 Evolution of Cambodian Civil Society

The presence of NGOs in Cambodia is not a new story for Cambodian people and society; in fact, Cambodia has hosted NGOs since the end of the Khmer Rouge regime. There are three noticeable periods in which NGOs have carried out particular roles and activities: an emergency phase from 1979-1982; an isolation phase from 1983-1988; and a pre-normalization phase from 1989. NGOs held distinctive roles and operations and had their own characteristics in each phase. In the emergency phase there was a vast emergency program, which focused on food and relief goods to Cambodians and refugees; it was due to the civil war and political instability and there were a lot of people who lacked basic goods. Hence, Cambodia needed assistance, particularly from NGOs to facilitate the resettlement of the population and to recover the agricultural sector and industrial production. The country's reconstruction and development were not the top priority agendas to be addressed. After the emergency phase passed, the isolation phase began. The Phnom Penh Government was diplomatically disconnected from relations with non-Socialist countries and NGOs carried out program such as the rehabilitation of factories and of infrastructure and rural development. Simultaneously, there were many overseas advocacy activities from various NGOs as the means to end up political deadlock. In the pre-normalization phase, due to political changes internally and internationally, the Cambodian government began a process of liberalization and also started to reconnect with external actors. It was noticed that the number of NGOs, staff and consultants dramatically

increased, and the humanitarian funding and assistance continued to spring up (United Nations Development Programme [UNDP], 1990).

After the election in 1993, a number of NGOs in Cambodia have remarkably increased; however, the roles and missions of NGOs are not almost the same like in the transitional period. In common NGOs have been contributing radical changes for Cambodian development and society. Nevertheless, to date, they broadly carry out a key role in supporting and promoting democracy, rule of law, human rights and environmental protection. They are actively engaging in public participation in the public sphere, seeking justice and compensation, providing quality education and training, providing public service, providing humanitarian relief and technical assistance, and strengthening access to information. They are continuing to help orphans, victims of prostitution, domestic workers, migrant workers and promoting labor rights, women rights and children rights. They develop innovative policies and play an advocacy role to influence policy makers. They sometimes play the role as the monitors or investigator on the government.

It is notable that a number of NGOs have steadily increased after the collapse of the Khmer Rouge and the election in 1993. In 2002 Cambodia had both international and local NGOs around 200 and 400, respectively. There were nearly 600 associations registered with the Royal Government of Cambodia (RGC) and several informal NGO networks operated in almost every province. Both formal and informal NGOs played a crucial role concerning with issues of common interest in support of the development of Cambodia (Cambodia Rehabilitation and Development Board [CRDB] & Council for the Development of Cambodia [CDC], n.d)

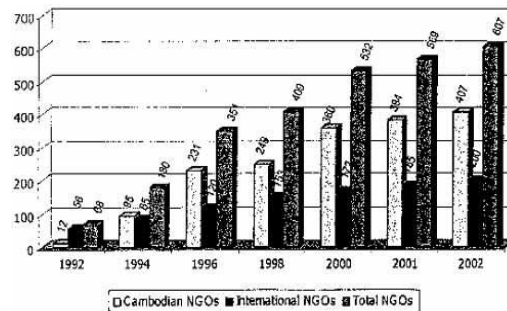


Figure 2: Number of NGOs in Cambodia 1992-2002

Source: CCC *International Humanitarian/Development Assistance and Cambodian NGO Directories (1992-2002)*; *Non-Governmental NGOs in Cambodia by CDC (1998-2000)*. (http://www.cdc-crdb.gov.kh/cdc/ngo_statement/general_ngo_information.htm)

To date, there are more than 316 international NGO's and 1,500 national NGOs

have registered with the Cambodian government (Asian Development Bank, 2011). In a 2008 report by Chanboreth and Hach (2008) estimated that 45 percent of local NGOs and 93 percent of international NGOs registered with the Cambodian government are active (Chanboreth & Hach, 2008). Significantly, research conducted in 2002 by Cooperative Committee for Cambodia shows that between 2.8 million and 4.5 million Cambodians or 20 percent to 30 percent of the population directly benefit from activities by NGOs in Cambodia (CIVICUS, 2013). CSOs in Cambodia have different forms and functions and their objectives vary. Malena (2009) splits CSOs in Cambodia into six different categories: traditional associations, modern communities-based organizations, non-governmental organizations, trade unions, youth organizations, and other categories (Malena, 2009)

Some examples of civil society organizations in Cambodian are: Cambodian Center for Human Rights (CCHR), Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Committee for Free and Fair Elections in Cambodia (COMFREL), Cambodian Human Rights Action Committee (CHRAC), Cooperation Committee for Cambodia (CCC), Destination Justice, Cambodia Civil Society

Partnership (CCSP), CamASEAN Youth's Further, Rainbow Community Kampuchea and many others. All NGOs have different operations, but they all have common missions and visions relating to democracy, rule of law, social justice and human rights. In the case of one particular example, Destination Justice is a non-profit organization whose mission is to improve rule of law and human rights in a sustainable and holistic way. In order to fulfill its mission, Destination Justice is strengthening access to justice, providing education and training, increasing access to information, supporting social justice, and conducting research (Destination Justice, 2014).

2.4.2 The Situation of Cambodian Civil Society

Civil society in Cambodia has been influenced by the recent conflict, political factors, social and cultural factors (Malena, 2009). Recent conflict in Cambodia has decreased the trust and weakened social cohesion. Subsequently, the societal norms and activities associated with social cohesion are also damaged in Cambodian society. Significant political upheaval also has had significant influence on civil society. Even if democracy is being rebuilt it is still underdeveloped. There are serious issues which creates a strong barrier that obstructs the development of democratic principles. For example, freedom of expression and assembly is routinely restricted by the Cambodian government, and this could be down to a lack of democratic development. Socio-cultural factors also have an important impact on the environment of civil society in Cambodia. Even if there is some progress in terms of democracy and human rights compared with the last 3 decades, traditional gender roles are still extremely entrenched in society, which tends to lead to the exclusion of other marginalized groups from the process of public decision-making, and access to certain human rights.

Today, local NGOs in Cambodia can be classified into four main groups. The first group works in education, health, and credit. It involves urban development activities to improve the lives of the poor. The second are support service local NGOs that focus on human resources and organization development training activities. This group also engages in facilitating networking and advocacy-related activities. The third category includes democracy and human rights local NGOs committed to promoting democratic principles and respect for human rights through policy, training and other advocacy work. The last group include CBOs and associations that take on a more active role in participating and directly managing their own development processes (Chong & Elies, 2011). A number of Cambodian civil societies have emerged to fulfill the needs of society. Civil society should take different roles and programs to handle the issues due to the diversity of issues per se.

On a positive note, Cambodian civil society has some specific rights enshrined by law and legal spaces in which to operate. NGO rights in Cambodia include the rights to advocacy work and public education. They are permitted to organize public fora, seminars, broadcast media, participation in marches and rallies (although there are some restrictions on sensitive issues such as land and resettlement), and to participate in the development of laws, policies and national plans. NGOs also have the right to provide basic socio-economic services such as health, education and support services such as training and other methods of capacity building, and undertake research. However, there are some restrictions and obligations for Cambodian civil society. All registered NGOs are required to provide regular financial reports. They also have to conform to tax laws, labor laws and MOI directives. Some ministries and local authority guidelines define obligations such as seeking permission to organize forums, demonstrations,

research activities and formal invitations to government officials to attend NGOs activities. NGOs are not allowed to support political parties. There are also a number of legal avenues used by the courts to curtail the freedom of expression in the country, namely through charges of defamation, disinformation and incitement (Chong & Elies, 2011). For examples, the law regarding defamation and disinformation has been used to selectively and in a biased manner against journalists, human rights activists and political leaders and the court do not seem to interpret the law and the restrictions on freedom of expression according to domestic laws, much less international standards binding Cambodia. It is also criticized that the penal code of Cambodia makes it more risky for civil society activists to criticize corrupt officials, police, and military officers who commit abuses or question the court's decision (Human Rights Watch, 2010).

Most importantly, NGOs tends to be less appreciated when working in the field of advocacy, land and housing rights, and democracy and human rights. Human rights civil society groups are perceived as being in opposition to the government, even if their mission is to safeguard the rights of Cambodians as outlined in the Constitution. For instance, looking at the land issues, the Government has continued to provide large-scale land deals to private developers; economic land concessions(ELC's) established by the Government to regulate land ownership in Cambodia have not been effective against land grabbing and forced eviction. Affected victims have demonstrated en masse against private companies and the Government. The Government's responses have varied from harassment and the arrest of local activities and human rights workers to the use lethal force. For instance, since 2003, 420,000 people have been affected by land concessions. Between 2009 and 2012, among 623 cases of land conflicts, roughly 10% of those cases went to court. The minimal number of cases of land conflict

reaching the court reflects the inaccessibility of the generally perceived widespread corrupt and politicized court for the poor and powerless (Un, 2013). Referring to Un (2011) provides that instead of using physical violence to suppress the civilians and civil societies, the current government has ordered the subordinate judiciary to repress the media from criticizing the government, to prevent civil society organizations from protecting the poor and articulating alternatives discourses, and opposition from voicing their criticisms (Un, 2011). The example about land issues indicates that quality of human right violation in Cambodia has extremely escalated and the government has used its various strategies limit the boundaries of civil societies and oppositions. Within this case, civil societies are refrained from protecting the minority and marginalized group from voicing their issues and concerns.

Not only influenced by confrontations with the State, civil society in Cambodia has also been influenced by foreign donors. Most NGOs in Cambodia are funded by foreign sources (Chong & Elies, 2011). It is argued that of several negative contingencies is that the external funding threatens the freedom of local NGO in determining its own strategic development and indicating the lack of effective collective efforts to address issues of sustainability. Equally important is that the interdependent relationship creates the traditional patron-client relationships and makes local NGOs lose their organizational autonomy. Further, most Cambodian NGOs claim not to have an adequate number of staff with the right qualifications to fill certain roles. The civil society sector is losing some of the more experienced and skilled staff to bilateral and multilateral agencies, others to higher paying organizations. Further, most local NGOs in Cambodia are lacking the skills in strategic planning, developing

governing board, and fund raising. The research skills are also similarly lacking (Chong & Elies, 2011).

2.4.3 The Situation of LGBTs in Cambodia

The civil war ended several decades ago but human rights abuses still remain unsolved, particularly in the ongoing discrimination based on sexual orientation against LGBT people. Discrimination of this type can take place in different forms and places. It exists in the family, community, workplace, school, public spaces, health facilities (Woodside, 2014) (The Phnom Penh Post, 2014) and as well as with the State agencies (Cambodian Center for Human Rights [CCHR], 2010). Although a number of civil society organizations have been established, the study on issues and situation of LGBT people in Cambodia is still limited. Notably, unlike Muslim countries, Cambodia does not have a law to criminalize the LGBT people; however concurrently, any laws addressing LGBT rights and freedoms have not been enacted.

The report of Cambodian Center for Human Rights (Cambodian Center for Human Rights [CCHR], 2010), entitled *Coming out in the Kingdom: lesbian, gay, bisexual and transgender people in Cambodia*, shows that one of the most prominent factors contributing to discrimination against LGBT people is placed by Cambodian society on the traditional family unit. Simultaneously, cultural, social, political and economic pressures remain the most significant factors causing discrimination against and oppression on LGBT individuals and groups. The report reveals that, for instance, homosexual males have been arrested and exploited by the State authority (police) for financial gain unless they agreed to pay some money otherwise they would be detained overnight. Further, they were sometimes blamed for using inappropriate words to the police. Apart from this, LGBT people are routinely challenged with abuses and

discrimination both in the workplace and when applying for jobs due to their outlook (Cambodian Center for Human Rights [CCHR], 2010). Sadly, some LGBT people have been raped by police and accused for using drugs (Drennan, 2013). LGBT people continue to face violence and intimidation from family members and communities. Their peers, for instance, at school try to insult, tease and in some cases, physical abuse LGBT people. Because of family and societal pressure, subsequently, many LGBT people decide to leave their home and families (Vaeren, 2014). Additionally, LGBT characteristics and attitudes become targeted for making fun and commercial interests and are spread out through mass media and social network (Kasztelan, 2014).

Because the Cambodian culture is predominantly Buddhist, homosexuality does not attract the kind of aggressive reaction that can be seen in African and Islamic countries. Buddhism per se places no value on marriage or procreation. Marriage and procreation are considered positive if they bring about love and respect, but may be deemed negative if pain or strife is caused (Cambodian Center for Human Rights [CCHR], 2010). On the other hand, cultural and religious tolerance has not yet empowered LGBT rights and freedoms because social, political and economic pressures are largely dominating in Cambodian society.

It is worth mentioning that LGBT people have been addressed and taken into account by the King Norodom Sihanouk, former King of Cambodian, and the Prime Minister Hun Sen. In 2004, the former King wrote on his website that he supported the rights of gay couples to marry. The King continued, as a *“liberal democracy”*, Cambodia should allow *“marriage between man and man ... or between women and women.”* (British Broadcasting Corporation [BBC], 2004). Equally important, in his speech in 2012 the Prime Minister Hun Sen supported the principle of non-

discrimination based on sexual orientation. He said that “*There are gays and lesbians in every country, so there should be no discrimination against them just because of their destiny*”. “*Most of them are good people and are not doing alcohol, drugs or racing vehicles*”, he added. (AP: The big story, 2012).

However, as mentioned above, there is still lacking a basic understanding from families and societies. Many LGBT people are challenged with social stigma and family pressures. Further, social misconceptions drive some parents to believe that LGBT people carry a mental illness and can only be cured by Cambodian traditional methods such as throwing water on their children (Sexual Rights Initiative, 2014). Further, homosexual relationships are incomprehensible to some sections of Cambodian society, which can lead to situations where family members use dramatic means to attempt to break-up same sex relationships. Additionally, those who could not keep their LGBT identity secret can be ostracized by their families and communities (Cambodian Center for Human Rights [CCHR], 2010).

There are some activists and civil society organizations working on LGBT issues but a number of problems remain, in particular for those live outside from the main urban areas. LGBT people do not only suffer from manipulation by gangsters but also there are abuses by the authorities due to the misuse and the lack of law enforcement to protect LGBT people. Moreover, the discrimination against LGBT people in the workplace continues to be commonplace in Cambodia. The lack of specific prohibitions of discrimination in the workplace against LGBT people leads to LGBT people regularly being denied jobs because of their physical appearance and perceived sexual orientation. In turn, many LGBT people are forced to turn to sex work in order to make a living wage (Sexual Rights Initiative, 2014). Due to the continuing

discrimination, the report of CCHR suggested three significant things that would benefit the LGBT community such the eradication of all forms of discrimination against LGBT individuals and groups; having the ability to be with the person they love and establish a family; and having equal opportunity to have a job with no discrimination (Cambodian Center for Human Rights [CCHR], 2010).

2.4.4 Sexual Orientation Discrimination and CSOs

The modern history of the LGBT community in Cambodia goes back several decades. There is a case in which a two women have lived together for more than three decades, stretching back beyond the Khmer Rouge regime. After the end of the regime, the commune chief refused to register them as spouses, but agreed to register them as siblings on official documents, and thus giving them the rights to live together (BuzzFeed News, 2013).

After the establishment of the 1993 Constitution, the various activities of CSOs have spread across the country and the populations of CSOs have dramatically increased. CSOs assist the LGBT community to voice their concerns and to demand equal rights and freedoms from the society that they live in. Interestingly, there was a “pride festival”, an annual celebration and recognition of LGBT rights, in Phnom Penh, organized by international and local activists as the public voice for recognition of LGBT rights. The Pride includes art exhibits, workshops, film festival, social gathering and coincides with the International Day against Homophobia. In 2009, there was a giant Pride event in Cambodia which subsequently Rainbow Community Kampuchea was established in order to promote, support the existing LGBT community and to raise awareness and understanding of LGBT issues and rights. The development of CSOs as well as the introduction of RoCK purposely demonstrates the progression for LGBT

people to claim their human rights and to eliminate inequality in Cambodia. Consequently, in order to study the CSOs' involvement in LGBT issues, the RoCK has been selected as a case study. The details of RoCK will be discussed in chapter IV.



CHAPTER III

SEXUAL ORIENTATION DISCRIMINATION IN CAMBODIA

The main purpose of this chapter is to discuss the picture of discrimination against LGBT people in the Cambodian context. The paper, at this stage, reintroduces the concept of heterosexism and how it interrelates with oppression norms detrimental to the LGBT community in Cambodia. To understand and analyze the issues of sexual orientation discrimination, a number of Cambodian LGBT respondents and key-informants have been interviewed during the fieldwork in June and July 2014 in Phnom Penh.

3.1 Introduction

The discrimination occurs in the space of a complex structural and systemic problem. If one looks at factors and degrees of discrimination based on sexual orientation, one postulates that it is clear that the discrimination against the LGBT community has its roots in heterosexism. Heterosexism exists on three levels: the institutional, the interpersonal, and the unconscious.

The human rights abuses are also precipitated by Government agencies and law. According to research, local authorities often has misinterpreted government policy and implemented in such a way that it suppresses LGBT people. Further, the research shows that government authorities often arrest, beat and detain LGBT people without reasonable cause. Cambodian laws also play a crucial part in obstructing the opportunities and life choices of LGBT people. For instance, same-sex marriage is not legally recognized by the State. The discrimination through explicit rules and implicit

norms pose a strong impact on the family lives of Cambodian LGBTs. Community, furthermore, is also a notable place where the rights and opportunities of LGBT are deprived. For example, LGBTs are not directly denied to take part in education, yet school conditions help to push LGBT students out of school. Research shows that LGBT students decide to give up their studies because of bullying, teasing and punishment from either fellow students or teachers. School regulations are also part of institutional heterosexism. Every student must wear school uniform properly in accordance with their sex, and not their personal preferences. Any different performances from school clauses will be penalized. Being an LGBT person and leaving school at young ages can effect on future jobs opportunities.

Applying the principle of heterosexism shows that sexual orientation oppression is not something which can be seen only by personal or individual prejudice, lack of awareness, or lack of tolerance. Heterosexism is systemic and concrete. It helps to increase material inequalities between heterosexuals and homosexuals in terms of income, property, employment, access to material, service or cultural resources, opportunities and so forth. All these issues impact on or limit the power and authority that LGBT people will have in society. In order words, these material inequalities help to strengthen and reproduce sexual orientation and discrimination, and allows the social system to give advantage to heterosexuals over LGBT persons.

Cambodian LGBT people commonly face oppression. The respondents I have spoken to have experienced homophobia in different forms and settings. At the individual, family, community and State level, they have been challenged with exploitation, marginalization, powerlessness, violence and cultural imperialism oppression. The exploitation can be seen through economic inequality, lower wage, and

mistreatment in workplace. According to the field research, LGBT people are more likely to be stuck in unskilled, low-paying job and even become prostitutes. The marginalization qua oppression includes inequities in employment, reduced access to health treatment and education. Marginalized LGBTs are also seen as people that the system of labor market cannot and will not employ due to some specific condition and requirement. Also LGBT marginalized are unemployable or there are only certain jobs reserved for them which appears to be a heterosexist division of labor. They are deprived of choice and rights. The study shows LGBT cannot choose their friends and love whom they love, especially since they have no rights to be LGBT persons. They are deprived of respect because they are depicted as abnormal and mentally ill; therefore, they must be corrected or cured. Cambodian LGBTs face powerlessness because they are often vulnerable poor and have no jobs. Most important, in the eyes of local authorities, LGBT peoples are disruptors of public order and moral good, hence they must be kept under close watch. Finally, Cambodian LGBTs are challenged with violence. In some instances they are electrocuted and forced to marry by their own parents. They are bullied and teased from fellow students during their student lives.

Oppression puts the Cambodian LGBT at a disadvantage even in the face of good intentions from those outwardly expressing support. Oppression does not always appear in the face of intended expressions and actions, but still exists. Research findings suggest certain forms of unintentional or unconscious oppression, for example, parents perceiving that their LGBT child has a serious issue and need to be cured, despite having the best wishes of their child at heart. It also refers to systemic and structural constraints on LGBTs that are not necessarily the result of the intentions of ordinary people, laws or policies. Oppression on Cambodian LGBTs might be seen in norms,

beliefs, and in the assumptions underlying institutional rules and the collective consequences of following those rules. LGBTs are also frequently oppressed by the consequences of often unconscious assumptions and the reactions of well-meaning people in ordinary interactions, cultural stereotypes, social hierarchies, the normal activities of everyday life. The systemic character of oppression implies that an LGBT need not have a correlate oppression group or heterosexual. Because oppression presents itself in systemic and structural practices, the relationship between LGBTs and heterosexuals do not always appear in the forms of conscious and intentional oppression (Young, 2009) even if homosexuals are being degraded; for example, parents perceive that being homosexual is a disease and need to be corrected. Equally important, parents might not see that they are contributing and reproducing oppression because they perceive that being an LGBT is a disease and unnatural. In fact, within this example, parents are the agents of oppression. The same example also indicates that oppression is created by privilege (heterosexual) group over minority (homosexual, LGBTs).

Discrimination against LGBTs occurs in the different pictures of oppression and through institutional, interpersonal and unconscious forms. Sexuality discrimination appears under four main categories of individual, family, community and the State.

The below figure illustrates the levels of sexuality oppression and summarizes the type of oppression in each level.

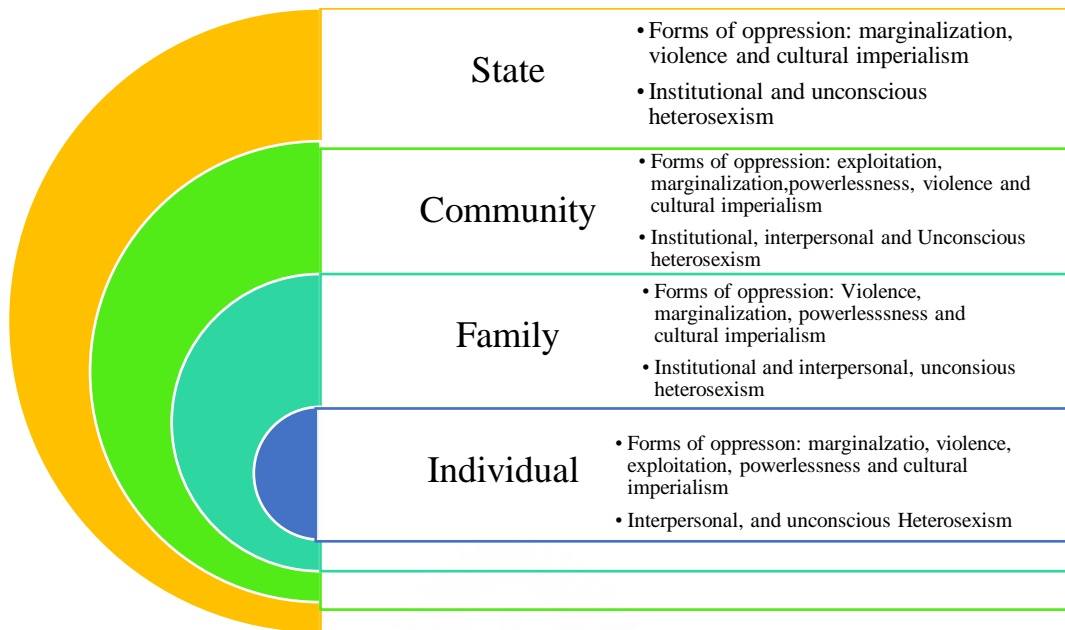


Figure 3: Levels of Sexuality Oppression/Discrimination

3.2 Individual Level

Research findings propose that at the individual level Cambodian LGBTs are challenged with marginalization, exploitation, powerlessness, violence and cultural imperialism qua oppression.

Cambodian LGBTs become marginalized people in that they have no choice to be an LGBT and therefore have to accept the societal consequence of what that choice means. In some instances this means they are depicted as abnormal and mentally ill. For example, in Cambodia they are called ‘Kteuy’ and perceived as people who have mental problem in which they can be cured by traditional healers. Similarly, being an LGBT person is can lead to an uncertain future. A good example of this is Chantha’s case. She, 27, comes from Kompong Speu province and is currently working as a factory worker in Phnom Penh. After her mother knew that she loves and wants to live with another woman, her mother took her to cure with Khmer traditional doctor by

throwing the holy water. To her mother, loving same sex is unnatural and a mental disease.

“When I cut my hair and dressed like a man, my mum took me to Kru Khmer⁷ for water-purring because my mum believed that there was a bad spirit inside me. It was a diseases [...] she did not allowed me to work in Phnom Penh anymore because she afraid that I would act as my friends in Phnom Penh. [...] I still resisted not to stay at home, because I wanted to earn money. So, I still come and work here” (Chantha, Lesbian, July 6th, 2014).

Another good example is about Meas. 22 years old, Meas, is a transgender man who was born in Battambang province. He wears a black T-shirt and blue jeans and has short hair. He lives and works in Phnom Penh. Meas said,

“Until now my parents still don’t support me. They believe this is unnatural. They locked me at home and didn’t allow me to keep in touch with friends. They believed I am following my friends. They sent me to live my grammar in countryside and later on sent me stay with my aunty in Siem Reap province because they hoped that I would change from current behavior to be a real daughter when I stayed away from my LGBT friends” (Meas, Transgender Man, July 21st, 2014).

Another interesting example is Rayuth’s experience. Rayuth, 32, is black, tall and has curly hair. He wears a red shirt and a black trouser. He is a gay man who works and studies in Phnom Penh. He faces many problems in his life. His father disapproved of him and believed that in being gay he would not have a good future. Even he is now a university student, he is still oppressed by his fellow students and lectures. At the university, his colleagues and lecturer unconsciously believe that being “Khteuy”, Rayuth would not seek a good job and has a better life. He said,

⁷ Kru Khmer is Cambodian language used by respondent to refer to Khmer traditional doctor.

“My family was really ashamed with the publics. They said I am destroying reputation of family. Once I had a chance to talk on TV show, I publicly reveal that I was a gay. My dad called me and disowned me, he added that he had no child like me. He believed that being Khteuy, I would have a good future and no one would employ me to work. [...] When I was in primary school, the boys forced me to play boy-game like playing football which I didn't like. Sometimes during I walked back from school, they beat me without any reason [...]. At university, they (classmates and lecturer) implied that Khteuy could do nothing besides opening beauty salon. Khteuy persons could not become chief commune/province or any high ranking position in society. These words have an influence on me. They don't respect me [...].” (Rayuth, Gay, July 9th, 2014).

Rayuth has also faced violence from his fellow student. He was forced to play sport and beaten by his fellow students when walking home. The issues found in Rayuth's case were common to other LGBT respondents' cases.

Apart from being marginalized and faced with violence, LGBTs are also confronted with exploitation. Research findings suggest that LGBTs are more likely to be stuck in low paying job and two cases reveal that LGBTs had no choice but to end up as prostitutes. As prostitutes they are very vulnerable to sexual assault and other crimes that are very hard to enforce by authorities. They are not valued but are perceived as entertainment. The case of Rosa is a good example. Rosa, 35, is a transgender man to woman. She originally comes from Phnom Penh and now lives with her friends in the city. She is a sex worker. She is often raped, beaten and forced to be naked. She told me that some clients take all her money after sex. She added because of the lack of job opportunities, she eventually decided to become prostitute.

“[...] I left home. I have no job. I decided to sell sex. Some guesses hit me and rap me, I cannot count how many time I am beaten. Sometimes I was raped by several men in one time (rap plus), then they hit me and took all my money. Sometimes, after they

raped me, they naked me, they throw my clothes away. [...] I'm now studying English and computer. My classmates laugh at me and don't want to talk with me. Some students said that talking with me can make them become Kteuy like me. The teacher does not want to answer my questions. When I ask the questions, he pretends not to hear me [...]." (Rossa, Transgender Woman, July 28th, 2014).

Relatively, because LGBTs are often refrained from receiving respect and choice, and often stuck in low paying job and economic hardship, their lives gradually spiral into powerlessness. They are powerless because they have no work autonomy or are unemployable. Research suggests that the homophobia at school leads some LGBT students to decide to leave school. Giving up study at a young age poses serious problems for their future. They might not have adequate knowledge and skill to work in good positions or even to be employed.

For example, Penh was born in Phnom Penh and is a transgender woman to man. He gave up school when he was in primary school due to his inability to confront his classmates and teacher with his sexuality. Consequently, he could not read and write until he was 18. Now he is 27 years old and works as a factory worker in Phnom Penh. He said,

"[...] my school friends gossiped and criticized me. Some friends didn't want to walk or even sit with me. They added they didn't have friend like me. We often hit them because they blamed me. I gave up school since I was in grade 6. I could read and write until I was 18. Having not enough knowledge, I could work with low salaries as the factory worker. (Penh, Transgender Man, July 6th, 2014).

Sexual discrimination or oppression at the individual level is more about a personal act of discrimination against LGBTs. It is not largely caused by any explicit rules of society they live in, and it can appear in every setting.

3.3 Family Level

Research findings suggest that Cambodian LGBTs are challenged with marginalization, violence, powerlessness and cultural imperialism through unconscious, interaction, rules and norms of the State and family. First, the LGBT community can be marginalized and are deprived of choice and rights. They have no rights and choice to be who they are and choose their friends and partner. They are deprived of respect where it is seen that they are unconsciously depicted as abnormal and need to be cured or corrected. LGBTs in some instances are also being forced to marry, despite forced marriage being contrary to Cambodian law⁸ and International Human Rights law⁹. Yet if one looks at the nature of law, Cambodia only recognizes marriage between a man and a woman¹⁰ which creates a foundation bias to prohibit the same-sex marriage among LGBT people. At the same time, the traditional gender roles in the family still remains deep and concrete. Men are expected to be heads of the family, husbands and fathers whilst women should take a role as subordinators, wives and mothers. A good example of this is the case of Meas. Meas, 22, is a transgender man who was born in Battambang province. During the interview, Mease has short hair and wears black T-shirt and blue jean. He lives and works in Phnom Penh. Meas said,

“Until now my parents still don’t support me. They locked me at home and didn’t allow me to keep in touch with friends. They forced me love and marriage with real man. They sent me to live my grammar in countryside and later on sent me stay with my

⁸ Article 45 (3&4) of the Constitution of Cambodia mentions that “Men and women have equal rights in all fields, especially with respect to those of marriage and family. Marriage shall be done according to the conditions set by the law and based on the principle of mutual consent monogamy.”

⁹ Article 16 (2) of Universal Declaration of Human Rights posits that “Marriage shall be entered into only with the free and full consent of the intending spouse.”

¹⁰ Article 2 of the Law on the Marriage and Family says “A marriage is solemn contrast between a man and a woman [...]”

aunty in Siem Reap province. By doing so, they hoped I would change from current behavior to be a real daughter [...] my uncle hate so much. He said I am destroying the family's reputation.” (Meas, Transgender Man, July 21st, 2014.).

These facts indicate that being homosexual in the Cambodian context is not valued in both laws and traditional practices. As a result, forced marriage among homosexuals are not understood as a human rights violation. Inversely, forced marriage in Cambodian law only applies to heterosexual men and women. Most importantly, because law gives value to marriage between a man and a woman, family in its very nature is a heterosexist institution.

Cambodian LGBTs are also challenged with violence and powerlessness qua oppression through interpersonal discrimination in family sphere. According to the research, all the LGBT respondents have faced various types of physical and/or psychological violation. They are beaten, blamed, insulted, locked, and have their belongings confiscated. In order to prevent LGBT children from leaving home, parents sometimes lock their LGBT child in the house and confiscated their motorbike and telephone. Two of twenty-three respondents revealed that their family members even used electric shock to punish them. Moreover, using economic pressure is also a tool used to suppress an LGBT child in order to prevent them not to be an LGBT. The case of Penh would be a good example. Penh was born in Phnom Penh and is a transgender woman to man. He is 27 years old, and a factory worker. Penh said,

“[...] my parents blame me for my action. They said woman has to marry with man and woman cannot love woman. They added that I acted like a crazy person. I was beaten by with the belt. They forced me to marry. My parents forced me not to walk with my LGBT friends. I faced many troubles and pressures. I left home. I used to suicide but I was saved [...].” (Penh, Transgender Man, July 6th, 2014).

Another example is Rosa. She, 35, is a transgender man to woman. She originally comes from Phnom Penh and now lives with her friends in the city. Besides selling sex for money, Rosa is also studying English and computer studies. Her parents passed away when she was a little kid, so she spent her childhood with her brother. She faced very strong punishment from her family. She was not only verbally abused, and all her clothes were thrown away, but she was being electrocuted and not allowed to eat food. A strong homophobic atmosphere drove Rosa to leave home and then on to prostitution. After leaving home, she had no job. Then she decided to sell her body for a living. Rosa described her experience that,

“[...] my parents have passed away. I lived with my brother. He hates me so much. My brother hit me with the gun, use electric shock, no gave me the rice to eat, shout at me, blame me, and throw all my clothes away, didn't give me the money so I could not go to study. [...] then I leaved home” (Rossa, TW, July 28th, 2014).

It appears that explicit rules of the State that support homophobia present the image that same-sex marriage is not legally recognized from the State. At the same time, the traditional gender role in family is still rooted. In the reality homosexuals cannot comply with the role of normal men and women. For instance, transgender women cannot be fathers, while transgender men fail to become mothers. Therefore, the law and societal norms both give some sense of specific authority to determine the lives of an LGBT, particularly the family lives. In this sense family is one of the most heterosexist institutions. It is clear that the oppression in family institution is systematic. LGBT persons have been challenged with interpersonal discrimination such as violence and powerlessness. Eventually, many negative effects have subsequently appeared such

as leaving home and depression. Relatively, external oppression increases low self-esteem and self-discrimination.

Interestingly, apart from facing physical and mental abuse as well as being forced to marry with opposite sex, in some areas of Cambodia, the village officials allow to include same-sex partner in family record books (Salas & Sorn, 2013). Srun Sorn, a founder of CamASEAN Youth's Future and Advisor for One World UK, said that these interesting stories occurred in Svay Reang province, Takeo province and Phnom Penh Capital City. He added that even commune leaders knew that LGBT people were couples, yet providing legal status for same sex couples is impossible due to Government policy. Instead of obtaining the status of husband and wife, same-sex couples are recorded as twins, sisters, relatives, head of family and members. Based on the experience one couple, they need to prove some conditions to enter into the book. They have lived together many years. They have adopted children and raised them without any problems. This same-sex couple have their own jobs and they can support the community, particularly they never create any problems in their villages. The same-sex couple rarely have domestic disturbances. These are some reasons help same-sex couple to claim for putting their names in the family books. However, these conditions are not listed in any legal documents (Srun Sorn, a founder of CamASEAN Youth's Future and Advisor for One World UK, June 29th, 2014).

NUON SIDARA, the official of CCHR in Phnom Penh, addressed that registration of same-sex couples in the family record book is a sign of positive changes which helps to prove that the State should enact or/and amend law or policy to protect and promote Cambodian LGBTs. No exact number of same-sex couples who have

already been registered in the family book are clearly known (Nuon Sidara, Official of CCHR, July 9th, 2014).

3.4 Community Level

In this study, when I refer to the community I include educational institutions and the workplace. Overall, at this level, LGBTs are challenged with marginalization, violence, powerlessness, exploitation and cultural imperialism qua oppression.

At school, LGBT students face marginalization, violation and powerlessness through unconscious, interpersonal and institutional discrimination. It is a common school rule which students are required to conform with to wear trousers for male and skirt for female. This rule is used to distinguish between male and female student in accordance with their sex, yet it poses trouble for transgender male students to female who prefer to express themselves in wearing female uniform and vice versa. Expression in accordance with their personal preference is often denied. Another issue is that even though every child is provided with equal opportunity to study, when they are in school they are not protected. They are bullied, teased, ignored and excluded from socialization. This means the school becomes an insecure institution where the oppression and discrimination remain. At this point the research would like to introduce the example of Pech. As a transgender man, Pech was challenged with extreme oppression and discrimination at school until he decided to give up his study in primarily school.

“No one wanted to sit in the same table with me, no one wanted to play with me, no one wanted to talk with me...so sad...school director hated me so bad. I gave up school since I was in grade 6 due to all these issues. As a result, I could not read and write until I was 18.” (Penh, Transgender Man, July 6th, 2014).

At school LGBTs also face powerlessness. Teachers often treat LGBT students unequally compared to heterosexual students. School works are not valued and often overlooked. Similarly, LGBT students are perceived as unnatural. Another case study is Lucky. She was born in Phnom Penh. She has long hair, white skin and dresses in female attire; Lucky reveals that she is a bisexual person. Lucky studies in one of the universities in Phnom Penh. Lucky has a smiley disposition at the time of meeting, but when we started talking about the school life, Lucky changed her facial expression and said,

“Some university students look at me up and down and then said that I am a mental illness person. Some of my university lecturers mentioned that we are LGBT people because we eat chicken too much. [...] I rarely get an applause and I usually get a low mark even I answer in the same ways like other students. I feel they don’t value my school work.” (Lucky, Bisexual, July 5th, 2014).

This study argues that even if LGBT student asks for the right to dress the way they want from school administration this might not work well. The first reason is that LGBT students break the school regulations. LGBT students often dress up differently from regulations which basically demand boy students to wear boy-clothes and girl student to wear girl-clothes. School boys need to have short hair. The second reason is LGBT student often ‘act’ different from social norms which, for example, boys are expected to act “more strong” while girls act “more soft” either in speaking or communication. The third reason is that it is the shame of LGBT victims if their story is publicly known. Feeling extremely oppressed or discriminated against leads LGBT students to give up school.

In the workplace LGBTs face discrimination in seeking job opportunities and in their job performance. Research findings suggest that LGBT people frequently face

marginalization, powerlessness and exploitation. Not many jobs opportunities are available for LGBTs, particularly gay and transgender. They are more likely to be stuck in an unskilled and low-paying job. The lack of employment opportunities leads to economic hardship. As a result, they might end up as prostitutes. Two of twenty-three LGBT respondents had resorted to prostitution. The case of Rosa shows that because she could not seek a job, she eventually decided to sell sex for money. Currently, Rosa is not only a sex worker, but she is also a student who studies English and computer studies in one private school in Phnom Penh.

“[...] I left home and become a sex worker. Some guesses hit me and rap me, I cannot count how many time I am beaten. Sometimes I was raped by several men in one time (rap plus), then they hit me and took all my money. Sometimes, after they raped me, they naked me, they throw my clothes away. [...] I'm now studying English and computer. There is a strong discrimination from classmates and teachers. Classmates laugh at me and don't want to talk with me. Some students said that talking with me can make them become Kteuy like me. The teacher does not want to answer my questions. When I ask the questions, he pretends not to hear me. I used to kill myself many time, yet I am saved [...].” (Rossa, TW, July 28th, 2014).

It is crucial to readdress the fact that LGBTs usually drop out of school in their youth resulting in low knowledge and ability levels; for instance, Pech even could not write until he was 18 year old and as the result he is now working as a factory worker (Penh, transgender man, July 6th, 2014). This shows that LGBTs have become marginalized in ways that the demand for labor market is high and thus LGBT will be employed unless they have any specific conditions or they meet the requirement. It also shows that the lack of knowledge and skill may hinder their employment chances. There are only certain jobs reserved for marginalized people which appears to be a

heterosexist division of labor. Most of the jobs are only available for men and women while a few are available for homosexual. Due to the restriction or division of jobs, therefore, the LGBT people turn to work in night clubs, restaurants, and garment factories and as sex-workers that offer no future.

LGBTs also face powerlessness. Young writes that powerlessness, “*describes the lives of people who have little or no work autonomy, exercise little creativity or judgment in their work, have no technical expertise or authority, express themselves awkwardly, especially in public or bureaucratic settings, and do not command respect* (Young, 2005).” LGBT persons often resign themselves to working in bad, unskilled and/or low-paying jobs. LGBT people often lead their lives in poverty and unemployment. Their livelihood is of course in a vulnerable condition. A good example is that case of Daya. Daya is a disclosed lesbian and a university student in Phnom Penh. Seeing the strong homophobic atmosphere in society, she is also afraid that she cannot seek a job after finishing university. She is also worried that her personal preference and sexual orientation might impact on the reputation of the company she works for (Daya, lesbian, July 27th, 2014).

Evidence that the belief that homosexual or transgender people live in vulnerable condition in terms of employment appears in the studies in the workplace. The interviews show that gay and transgender women are believed to be weak people and it is unconsciously seen as a better choice to be heterosexual or to work with heterosexual. This argument is already supported by Rosa’s case study as discussed in the above section. It is even more crucial to mention about Rayuth’s case. As a gay man, Rayuth finds it hard to seek a job to support his family. Rayuth used to be a sex

worker until he was employed by a private company. He is now working for a local NGO. Rayuth described about his previous job that,

“[...] Due to the good performance, I was about promoted in good position. Unfortunately, the colleague did not happy to see me to have a good opposition and of course to lead them. They thought I am so weak and cannot lead them. So, they talked to the boss not allow me to be promoted, no higher position than them. Even I have capacity to work, but I was still pressured and discriminated in workplace. [...] My gay friend faced the trouble like me too. He applied to take the exam to become a teacher then he passed the exam. When he was appointed to teach at public school, the school director rejected his candidate and told him that the school had enough teacher hence he did not need more teacher. In fact, the school didn't have adequate teacher and my friend was rejected because he was a gay.” (Rayuth, Gay, July 9th, 2014).

Homophobia at the community level plays a significant role in obstructing LGBT peoples' access to social services and opportunities and thus creates the disadvantage and injustice. It can establish the economic and power inequality between heterosexual and homosexual.

3.5 The State Level

Cambodian LGBT people continue to be challenge with marginalization, violation and cultural imperialism qua oppressions. Positively, being LGBorT in Cambodia is not prohibited under State law and same-sexsexual relations is not illegal. Negatively, same-sex marriage is not recognized under the State law. This is relatively linked with the LGBT family lives. They cannot establish legally family lives and thus pose any oppression to prevent from loving same sex or same-sex marriage. This means

that, as discussed in the family section, State law helps to limit the boundaries for LGBT lives and sustain the family as a heterosexist institution.

There is a crucial case showing that the LGBT community are being indirectly suppressed by Government policy which, in the eyes of government agencies, LGBTs are depicted as abnormal and a risk group. The research findings shows that LGBTs are oppressed by misinterpretation and implementation of the government policy called “the Village Commune Safety Policy [VCSP]”. This VCSP was originally established to cope with crime and illegal activities such drugs smuggling and using, prostitution, human trafficking, domestic violence and using illegal weapons. In contrast, government agencies implemented this policy to target LGBT peoples as sex workers and drug users (Cambodian Center for Human Rights [CCHR], 2012). Due to interpretation of this law by commune officials, the LGBT community are perceived as a risk group who should lose the rights of freedom of movement and need to be kept under close watch. Relatively, it helps to create interpersonal violations from government authorities against homosexuals. This example tries to indicate that discrimination or heterosexism is systematic. It appears from the State down to the LGBTs through the oppression by government agencies. For example, they are deprived of respect in which they are depicted as abnormal and risk group, disruptor of public order and security. Another example is Rayuth’s case study. Rayuth has been challenged with discrimination and oppression not only in his family, but in his community as well. He said,

“[...] when I had a problem with my partner, I went to police station to ask for help but police didn’t solve my problems. They said they do not solve the problem for Kteuy [...]. I used to arrest without any concrete evident. The police arrested many gays and transgender peoples in another place, but then my friends and I are also subjected to

be arrested. The police think that all gays and transgender persons are the same. When one do wrong, the police will arrest all. When I asked them the reason for arrests me, they want to hit me with their shoes and gun. They shouted at me that being a Kteuy, I have no rights to complaint [...].” (Rayuth, Gay, July 9th, 2014).

Another case to support this point, is the transgender woman, Rosa. Rosa is a student at a private school, and she is also a sex worker. Rosa has been arrested. When she was released, she wanted to file a complaint against the police, but she was not able.

“[...] police arrested and detained me. They really wanted to hit me because I am Kteuy. After I am released, I want to sue the police for arrest me without any reasons. But then, the police said that if I want to file a complaint against them, I should have strongly evident and lawyer. They added I will face many problem than this if I sue them. So, I decided not to sue them. (Rosa, TW, July 28th, 2014).

The fact shows that although the LGBT community are not openly subjected to be penalized or arrested pursuant to any State law or Government policy, in reality they are still perceived as disruptors of public order and security. Issues of sexuality are no longer a personal matter but a political and security concern.

3.6 Traditional Culture as Cultural Imperialism

According to the research findings, the oppression of cultural imperialism can be analyzed in different ways, with different viewpoints taken. Firstly, the Cambodian LGBT community does not suffer as a result of foreign cultural influences, but rather they are oppressed and discriminated due to the local culture in their community. For instance, traditional gender roles in the Cambodian context extremely value the marriage between heterosexual men and women, and men are expected to be husbands and fathers whilst women should take their role as wives and mothers. Unfortunately,

homosexual men and women cannot comply with these traditional roles. Therefore, they are often discriminated against and oppressed. Within this interpretation, cultural imperialism, which refers to the domination of foreign cultural influence, does not seem apparent in the Cambodian context.

On the other hand, cultural imperialism as studied by Young (2005) might be an applicable theory of influence if one analyzes in another way. The oppression and discrimination in the Cambodian context implies that cultural imperialism occurs when people refuse to recognize the values of LGBT either through laws or social norms. An important argument is that being LGBorT is perceived as unnatural, and same-sex marriage is seen as a breach to traditional gender roles and is therefore not recognized by Cambodian law. An important point to make is that the emergence of LGBTs tends to create a threats to the local Cambodian tradition. People implicitly perceived that being LGBTs does not belong to their societal norms or roles which the majority always comply with in their everyday lives. This is the reason why they see LGBT as an unnatural and they refuse to recognize homosexual relationships because they are afraid of losing their own traditional gender roles. Therefore, this tells us that local Cambodians see LGBTs as a foreign culture, which undermines their local norms.

3.7 Uneven Discrimination

The research also indicates some interesting factors which can see a partial reduction in the discrimination and oppression against LGBT people. The most important thing is the wealth factor. The study suggests that if LGBT people have a strong financial worth, discrimination is likely to be absent. This also can mean LGBT people will face less risk of oppression and heterosexism. NUON SIDARA, the Official

of CCHR, confirms that if ‘srey sros or tomboy¹¹’ have a strong income, their family can accept them. Being rich helps to reduce bullying and teasing. It gives LGBT students more chance to have more friends and to partake in social activities. It implies that high income homosexuals have more chance to study to a higher education without any depression, discrimination and oppression. In contrast, poverty plays a significant impact in putting more pressure and creating more issues on LGBT student.

To illustrate this point, at the age of 26, CHAN is a cook in Japanese restaurant. CHAN describes her life, being a lesbian during her school days that,

“I didn’t face any oppression when I was school. My friends didn’t hate me. They liked me and admired me because I drove a car to study. I had money and a car. No one discriminate me. My parents didn’t have any strongly reaction on my act. They wanted me to concentrate on study. They never beat and blame me” (CHAN, Lesbian, July 6th, 2014).

Another example is RA. As the garment factory worker in Phnom Penh, RA comes from Kompong Thom province. She is 27 year old. Being a lesbian, RA said the family income has a significant influence on her education, she confirms that,

“I gave up school not because I could not challenge friends, but because my family could not support my study. I stop studying and start to work. Now I work in the factory.” (RA, Lesbian, July 6th, 2014).

From the case above, income seems to play a very important component to minimize the discrimination against and oppression on LGBTs, but this seems to help only at the individual level. The wealth factor may help a certain group of LGBT individuals to have a better living condition than other LGBTs. On the other hand, it is

¹¹ NUON Sidara uses “Srey Sros or Tomboy” to refer to Transgender people.

still debatable that income does not address the systemic nature of the oppression and heterosexism. Similarly, even most LGBTs have a higher than average income, this does not necessarily mean that oppression or violence against LGBT will reduce. This might be one of the reasons why many Cambodian LGBT people remain hidden their sexual orientation and personal preferences. Further, as the number of LGBTs surge in society and assume non-stereotypical roles and have a greater access to economic and cultural resources, there may be a heterosexist backlash against them.

Apart from economic factors, ‘age’ also play an interesting role in LGBT discrimination. They might face name calling such as “Ktuey”, yet they do not feel badly about it. In return, the surrounding treat them equally with other people. There is no exclusion, discrimination and oppression. It means the experience of discrimination and oppression in the past decades was absent; however, it does not necessarily cease to exist. The response of POV and SROS give the same interpretation on the degree of discrimination; both cases support that age is a significant part of understanding the discrimination and why older LGBT people seem to have less discrimination and oppression than younger LGBT.

“I think that the situation now is far different from my young age when I was a young teenager. My parents didn’t beat or blame me. My relatives didn’t gossip about my action and behavior. Even sometimes I was called Ktuey, I didn’t feel upset. At school, I have many friends. Everyone really love me” (Pov, Gay, 52 years old, July 12th, 2014).

“[...] when I was a little boy, I didn’t feel any suffered. I could go to study as other students. I had many friends. They liked me so much. I used to go to my firend’s house and their parents also liked me. My parents never beat me. I believed that I didn’t face discrimination when I was young.” (Sros, Gay, 44 years old, July 14th, 2014).

Overall, the issues of sexual orientation discrimination is systemic. At the State level, LGBT peoples are neither subjected to criminal sanction nor are their rights strongly promoted. The State seems reluctant to take any possible means to tackle the problem, or sexual orientation discrimination is simply not on the State agenda. Therefore, it is not of the interest of the State to fulfill the LGBT's needs.

Same-sex marriage is not legally recognized in Cambodia, which poses the significant influence on the family life of LGBTs. The rejection of marriage from the State helps to maintain the family institution as heterosexist in nature. Though, same-sex couple remain living and spending their lives with each other. This, on the other hand, can prove more troublesome when the couple decide to break the relations; it is even more difficult to allocate the assets and other properties. Or if one of the partners dies, the surviving one will not be able to inherit their property.

Further, the State tends to categorize LGBTs as a risk group which, in the State's perspective, they can establish any possible contingencies to destruct public order. In order to avoid any possible issues, LGBT people must be kept under a close watch. This means that LGBT people are vulnerable to the actions and interpretations of local authorities. Hence the State does not criminalize LGBT individuals, yet it criminalizes the activities that are stereotypically associated with being LGBT. As a consequence of this, when the State puts LGBT peoples in the risk group and when the State does not openly protect LGBT rights and recognize the LGBTs' needs, this means the State enables pressure and discrimination from family and community. Importantly, family is the first institution where oppression and heterosexism takes place.

Discrimination based on sexuality occurs at every level from the State to the community and the family. In Cambodia, the protection and promotion of rights are

also similarly lacking. The consequences are even worse. The unequal treatment and the gap in law tends to give heterosexuals more privilege and authority over LGBT people. It is also a case which the government agencies misinterpreted the policy and thus implemented in a way to suppress the LGBTs.

Relatively, at the community level, LGBT peoples are framed as the disruptor of the social order and moral good. Local authorities must keep LGBT close under investigation and deprive certain rights as a way to keep LGBTs from taking specific social activities, for instance walking in the public garden. Due to the lack of defense and promotion of LGBT rights at State level, homosexuals are subsequently being denied, excluded, oppressed, disapproved and denied access to equal rights, opportunities and services at the community level. Even the State does not deny the enrolment of LGBT students, the school environment does not give equal condition to them. LGBT students are often bullied and teased by other students. The school administration is also reluctant to openly take possible means to redress the issues. Because of the protection and promotion of LGBT rights are too narrow from the State level, LGBT then continues to be challenged with lack of access to job opportunities and mistreatment in the workplace. It is often true to say that job opportunities are provided equally to all people; however, in reality it is difficult to proof. A few cases support that gay men and transgender women are frequently denied to be employed and to be promoted to good positions. The rejection may come from the employers and colleagues. It may means that sometimes LGBTs are trapped in lowly paid jobs, denied access to jobs which employers deem only heterosexuals have the ability to do. This helps to increase economic hardship, material inequality and the power gap between heterosexuals and homosexuals. It is even worse when they are unemployed or

unemployable. Of twenty-three LGBT respondents, two revealed that they turned to prostitution after several rejections from employment. Within this context, marginalized LGBTs are seen as portrayal for entertainment or sexual pleasure and many issues remains unsolved, for instance, their bodies are exploited and suffering from violence.

Apart from suffering at the community level, LGBTs are subjected to oppression and discrimination in the family. Since the State does not take necessary legal means to protect and promote LGBT rights, this may mean the State indirectly enables the family to oppress and discriminate against LGBT children. It is pretty clear in the studies when asking about the experience of physical and mental abuse in the family. Some of the respondents were blamed, beaten, and locked at home. They were deprived their rights. They cannot move out, choose their friends and partner. LGBTs are also challenged with economic pressure. Parents do not provide the financial support for LGBT children unless they 'correct' their personal preference and identity. Moreover, due to same-sex marriage being explicitly not recognized and implicitly stereotypically wrong, LGBT children are often forced to marry someone of the opposite sex. This proves that family lives encourage heterosexual relationships and thus family is a heterosexist institution.

To reiterate, sexual orientation discrimination in the context of Cambodia is presented as a systemic issue that leads to material inequality (including unequal access to rights, resources, opportunity) and power disparity between heterosexuals and homosexuals. Among various settings, family is the most serious place where LGBT experience homophobia attacks and abuses.

CHAPTER IV

ROCK'S ACTIONS FOR SUPPORTING ANTI-DISCRIMINATION

The main purpose of this chapter is to discuss the activities of a selected organization to combat the discrimination based on sexual orientation and to explore significant factors that impact on the LGBT movement and RoCK. The paper addresses how it engages with diverse LGBT communities and promotes values of anti-discrimination within the Cambodian context. In this chapter, the study discusses the profile of RoCK, their perspectives on sexual orientation, the activities they undertake to tackle anti-discrimination, and their successes and challenges.

4.1 Profile of Rainbow Community Kampuchea

Rainbow Community Kampuchea – RoCK- was founded in 2009 and was registered as a local non-governmental organization in February 2014. RoCK is



known as a voluntary group of LGBT activists that aim to strengthen the network of Cambodian LGBTs throughout the country and to bring more understanding of LGBT people into mainstream Cambodian society.

RoCK is a unique organization. In Cambodia, the number of CSOs which focus on a broad category of issues have been increasing; however, RoCK is one of few which works exclusively on LGBT issues. The board, staff, and volunteers are mostly LGBTs who work for LGBTs. RoCK has a strong vision to assist Cambodian LGBTs to live their lives with full acceptance and equal treatment. It wants to get the same human rights, equal treatment for LGBTs from all sectors of society, especially families,

communities and authorities. It has three main objectives¹² : improving the lives of LGBTs in Cambodia; ensuring that LGBT peoples' rights are recognized and respected; and ensuring that LGBT people have a secure livelihood by removing the stigma.

At the time of conducting this research, RoCK has no president. It is managed by five board members who are currently working as staff for other CSOs. Board members are also working as volunteers. Most of the board are LGBT activists themselves which means they work as Board members on one part and work directly on the issues for their interests. According to Mary Collette O'Regan, Board members of RoCK are responsible for governing the organization and making sure that the values and integrity of the organization are on the right track. The Governing Board are legally responsible for RoCK in all matters. Responsibilities of Board members are ideal in nature. They are responsible for the funds, and legality of their activities, and for facing any risks. Board members also try to strengthen work planning, to network with key allies and to lobby key supporters, to develop new relevant projects, to organize for training and consultants (Collette, Board Member, October 28th, 2014, via Email).

RoCK has three staff and each has different roles. Each role has their own responsibilities. Further, this LGBT organization has only three staff who are operating on two different, but relative activities. Noy Sitha (transgender woman to man) and Chheng Rachana (lesbian) are responsible for LGBTIQ organizer while Horn Virak (gay man) is an advocacy officer.

¹² RoCK. (N.D). Who We Are, Where We Are Now.

During fieldwork in Phnom Penh, the interviews were conducted with LY Pisey, PHENG Sanh, NOY Sitha, ChhoeurngRachana and HORN Virak.

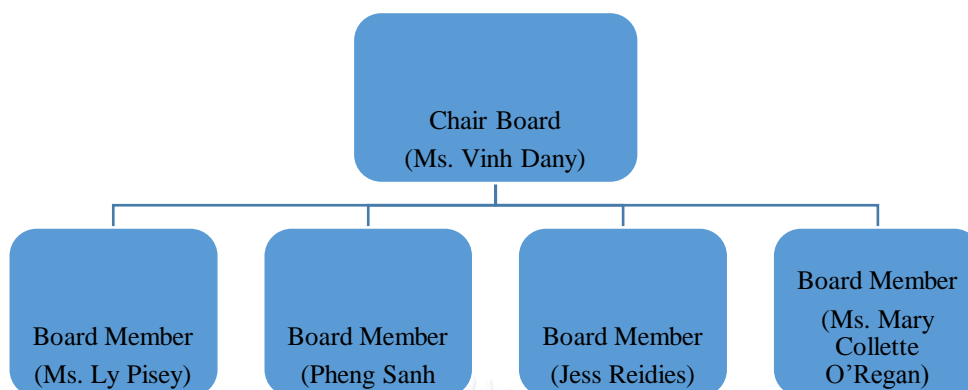


Figure 4: Board Members

4.2 RoCK's Perspective toward Sexual Orientation Discrimination

As discussed in the previous chapter, many symptoms and consequences of homophobia suggest that pervasive heterosexism is still part of Cambodian society. It has a concrete ground, wide and deep. Explicit rules and implicit norms established a strong institutional heterosexism and circulated throughout Cambodian society. It dominates the actions and expressions, and shapes the way of thinking. Therefore, institutional heterosexism prevails over interpersonal and unconscious heterosexism. The purpose of this section is to address perceptions of 'RoCKers' on sexual oppression and discrimination in the context of Cambodia. The interviews suggest that RoCK members are aware of the three levels of heterosexism and various faces of sexual oppression in different settings.

As a lesbian and a key person of RoCK, Rachhana, 28, addressed a long list of LGBT issues. She pointed out that discrimination takes place in three main areas: family, public and the State. Even though the respondent did not use the technical words to category all types of heterosexual, the words she used to describe the experience of

LGBT and its meanings were sufficient to understand her. Referring to Rachhana's perception, the discrimination comes from individual and external factors. To her, the oppression and discrimination in family is more serious than others. In the family context, LGBTs are forced to change their behavior, the way they dress and to end relationships with friends. She continued that they are locked at home, pressured economically, and forced to marry. They lose motivation, and start to gain a negative mindset. At school, they are oppressed and by friends, teachers and school regulations and the LGBTs cannot express their personal preference and identity. They are punished and forced to stand, cut their hair or even in some circumstances, forced to leave school. LGBT students are beaten, blamed and called 'Khtuey' by their friends. In public, they face rude words, and teases. All these come from relatives and neighbors. In some public places, they cannot access certain places, for instance public garden. RACHANA added that at the hospital LGBTs have to wait too long for medical treatment, or suffering from impolite words from either medical professional or patient. Apart from being treated unequally in public places, LGBT people tend to have decreased opportunities in the job market. Even having sufficient knowledge, LGBTs sometimes find it very difficult to get jobs due to their outlook and personal preference. And even if LGBTs get jobs, they are still confronted with discrimination by their colleagues, being called named like 'Khtuey'. Eventually, she addressed the State. She noted in Cambodia the legal protection and promotion on LGBT rights seem to be silent (Chhoeurng Rachhana, Staff at RoCK, July 1st, 2014).

Another of RoCK's staff also had similar perspectives on the issues. As a transgender man, SITHA addresses that discrimination exists in every segment of society including family, neighbor, workplace and authorities. LGBTs have been

provided less rights and freedoms compared with heterosexuals. The discrimination in family is the most serious that helps to create several issues in society at large. He also suggested that LGBTs need education, jobs and social security and welfare, in order to survive and prosper (NOY SITHA, RoCK's Staff, July 15th, 2014).

VIRAK, 32, a member of RoCK's staff who functions as the advocacy officer, had similar ideas to RACHANA on sexual oppression. Interestingly, based on his viewpoint and experience as a gay, sexual oppression in the family and within the community tend to be decreased when LGBTs have jobs and enough income to support the family.

"[...] at first, my mum hate me so much. Even she never beat me, but she spoke a lot to me. Now everything is changing. I have a job in Phnom Penh. I can earn salary to support my mum and siblings to their education. They don't hate me now. They love me [...]. My relatives admire me because they know that I can have a job, salary and I love my family [...]." (VIRAK, Gay, RoCK's staff, July 9th, 2014).

To address sexual discrimination and heterosexism, RoCK have taken diverse actions. RoCKers either work on the grassroots level or at the national level. Based on the research findings, RoCK's work can be divided into four different types: LGBT organizing/networking, awareness-raising and campaign, research and publication, and casework.

4.3 The Response to Promote Anti-Discrimination

4.3.1 LGBT Organizing and networking

For LGBT organizing and networking, RoCK tries to work with Cambodian LGBTs around the country. At the end of 2013, RoCK established connections in 22 of

the 24 provinces. RoCK seeks LGBT people in different places and introduces itself to them. It gathers the issues and concerns of the LGBT people and documents them through film or other media. RoCK



also tries to work with LGBT families and local authorities. RoCKers discuss with and explain to the parents of LGBT children about being an LGBT person. They educate them about the rights and freedoms of LGBT children also as part of this activity. RoCKers also invite local authorities to participate in the discussion. However, RoCK often get a negative response from the authorities. In fact, RoCKers are often perceived as disruptors of social order and good moral. RoCK helps build the personal confidence of LGBT peoples and encourages them to keep in touch with them and give them information about LGBT issues at the local level. The key persons at the local level make it is easier for RoCK to keep in touch and work with other LGBT peoples in that community.

4.3.2 Raising Awareness

The purpose of raising awareness is to make either LGBT people or the general public understand about the issues and concerns of LGBT peoples. Therefore, this kind of activity is conducted within the LGBT community and public sphere. RoCKers have engaged in TV interviews, radio interviews, workshops and dialogues and conducted the sexual orientation and gender study session with university students.

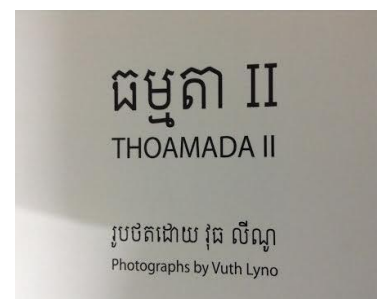
Additionally, RoCK conduct two big events annually: LGBT Pride and another event on 10th December. The LGBT Pride is annually celebrated on 17th May. The main purpose is to gather LGBT people



from different places to let them have a chance to know and share their experience of being LGBTs with each other. Hence, it also helps LGBT persons to strengthen their relationship and the unity of the LGBT movement. The LGBT Pride is also used to indicate to Cambodian LGBTs that being LGBTs people, they are not isolated and alone. Another big event falls on the 10th December. The main topic of this event is to address about the human rights and other relevant law. The conference is frequently used to educate LGBTs about human rights and the rights of LGBTs. The local authorities are also invited to join in the event. Moreover, RoCK still creates special events like playing traditional game, show short performance and concert. They also take a Cambodian Tuk Tuk and travel around Phnom Penh for the purpose of raising awareness on LGBT issues to the public.

4.3.3 Research and Publication

To promote anti-discrimination against LGBT peoples, RoCK also produces research, reports, books and booklets. For example, the book called “Thoamada I&II or Normal I&II” have been produced as an educational tool to open up and correct the cultural taboos, wrong understandings and negative beliefs in Cambodian society. RoCK also was one of the supporters on a research study entitled, *“An exploration of social exclusion of lesbians, gay and transgender persons in families and communities in some areas of Cambodia and their ways of coping”*. Apart from that, this LGBT organization continues to produce short films and other documentaries on the lives and problems of Cambodian LGBTs.



4.3.4 Casework

In its casework, RoCK operates on specific cases of human rights violations. This involves working with all relevant parties to seek solutions. The main stakeholders are LGBT families, chief villagers, local authorities, human rights NGOs, and the media. There was one interesting case in which one lesbian was arrested and sentenced to three years in prison. However, after one year in prison, RoCK cooperated with another Local NGO appealing the case. Finally, the lesbian was released.

4.4 Positive Progresses

RoCK's activities and programs have gained some strength while issues of sexual orientation discrimination have gradually been more taken into account. RoCK has operated various activities both locally and nationally. To date, RoCK has worked in twenty-one provinces. Reaching out to the local level is a way to build a network with LGBT people. In my fieldwork, however, local conditions play a more significant role in developing the expansion and limitation of RoCK. The organisation thrives if LGBT people are actively involved yet it suffers if local authorities use their power to oppress and criticize it. Therefore, it is crucial for RoCK to adopt a new strategy that empowers anti-sexual oppression and as a way to continue its expansion.

RoCK has contributed to positive gains in the anti-discrimination movement. RoCK is not the only CSOs working for rights and freedom of LGBT people but it is a locally based NGO which works exclusively on LGBT's issues. After years of RoCK's advocacy together with other CSOs, the Ministry of Women Affairs eventually put LBT (lesbian, bisexual women, and transgender women to men) on its national strategic plan 2013-2017. This positive progress at the national level implies that the Government has

indicated its support on the policy of homosexuality. Within this context, LGBT issues have reached the political agenda. Concerning this optimistic change, Srun Sron, a former of RoCK's activist, believed that the Government has shown enthusiasm and positive inclusion to address issues of LGBTs. He added,

"[...] our government signed all covenant, conventions and recommendations. Last year, in November at Geneva, Minister of Women Affairs also spoke to support LGBT in Cambodia. On September this year, Ministry of Women Affairs also discussed in its national consultation about CEDAW which also mention LGBT as marginalized group. So in general, CSOs are now paying more attention." (SRUN SRORN, a Founder of CamASEAN Youth's Future, June 29th, 2014).

As a lesbian, a LGBT activist, and a Board member of RoCK, Collette also gave a positive views on the government side. She said,

"This is a very good progress because any time a significant national document like the strategic plan can recognize and include issues and needs of any marginalized group, then it is progress because usually the issues of marginalized peoples are absent from such documents." (Collette, RoCK's Board, October 28th, 2014, via Email).

Similarly, the government has been involved with and encouraged CSOs to conduct research on the issues of Cambodian LGBTs. The former RoCK activist also took part in the study and the result was submitted to the Government. For instance, one of the studies was conducted in 2013 and was entitled, *"An exploration of social exclusion of lesbians, gay and transgender persons in families and communities in some areas of Cambodia and their ways of coping"*.

Another positive gain is that foreign donors have become interested in RoCK. To date, RoCK has one foreign donor but other international supports are considering funding the organization. According to PISEY,

“Our donation is AJWS (American Jewish World Service). But many foreign donors want to help us right now. We haven’t accepted or rejected yet. We have to think very much about it because money can sometimes destroy our group. Anyways, on 7th – 15th June this year, we sent our staff to participate in the conference and to meet donors who want to help us at the Sweden.” (LY PISEY, RoCK’s Board)

RoCK has gained its popularity among the LGBT community. Research findings suggest that this positive reaction lies not only in having its connection to the provinces, but that LGBT people feel confident to express themselves and have started to get involved in advocacy. LGBT people feel more confident and this helps them to express their personal preference to the public. For example, PECH is a transgender man. He is working as a factory worker in Phnom Penh. PECH mentioned,

“[...] at first I didn’t know RoCK and I also didn’t disclose my behavior. After I participate in activities organized by RoCK, I feel stronger than before. I know that RoCK works with people like me. It works for me as well and other Kteuy peoples. Now, many people start to understand my issues. I feel that I am not isolated because I have RoCK and other LGBT friends [...].” (PECH, Transgender Man, July 6th, 2014).

Further, the findings suggest that it is effective that ROCK work exclusively on problems of LGBTs, because it is in fact an integral part of the build-up of a wider network of CSO’s struggling for a better society, particularly solving human rights abuses through the lens of gender and sexuality. Further, it is impossible to argue that RoCK has omitted other groups. As remarked in chapter II, in Cambodia local and international CSOs have increased and have been working on diverse fields of issues in different locales of Cambodia. RoCK is a small local NGO in terms of size and human capital so focusing on many social issues might not lead to positive consequences. It is

better if RoCK concentrates on the LGBT group and leave other social issues for other CSOs who are working in Cambodia.

To reiterate, sexuality oppression appears on the individual, family, community and the State level. This study however it is argued that RoCK can impact on the individual and family levels because of obstructions limiting the ability of RoCK to work well at the community and the State level.

Cambodian laws help RoCK work well at the individual and family level. Being an LGBT is not illegal under the law of Cambodia. It gives civil society a special space to establish social organization to cope with sexuality oppression, and RoCK is one of a few good examples showing that LGBT organizations can be legally establish without obstruction from law. Further, it gives room for the rise of an LGBT movement and RoCK can conduct actions and run programs at the local level to deal with individuals and family levels without serious legal pressure. Further, the Cambodian Buddhist culture also implicitly plays an important part in facilitating the ability of RoCK to conduct its activities. Buddhism, the major religion in Cambodia, which is practiced by the majority, does not place value on heterosexual marriage. Instead it values happiness, no matter who people marry or live with. Within this context, the religious condition in Cambodia is far better than those Muslim countries where homosexuality is strongly prohibited under religious law. Again, these two implications, law and religious beliefs, give special room for RoCK to promote LGBT rights and to raise awareness to LGBT individuals and their families.

Another reason is that the emergence of the LGBT community itself creates strong solidarity between LGBT individuals, and RoCK now has networks spread throughout almost all provinces in Cambodia. This means that LGBTs themselves have

played a role in advocating for the LGBT community and increased commitment for an enabling environment for the LGBT movement.

Another important factor provides RoCK the ability to work better at the individual level is technological developments. It is undeniable to say that Cambodia today has good access to internet and social media which means the LGBT community have much more chance to access to information and knowledge and to connect with each other from different places. Mobile phone and internet are allowing LGBTs to receive information, to speak up, and to connect between LGBT peoples and between RoCK locally and internationally. For instance, not only does RoCK have its own official webpage¹³ but RoCK also has its own facebook group¹⁴ to discuss the experience of being LGBTs and to share resolutions to deal with discrimination and oppression. Besides reaching LGBT people at the grassroots level, according to Rachhana, RoCK also works very closely with LGBTs from different places and backgrounds through social network.

“RoCK also has facebook group. Now, LGBTs can drop their issues, concerns and suggests then we tries to help them by giving advice and answer to their questions. We also use facebook to network and invite LGBT to join our seminar. We have many friends in facebook and some friends we even never meet each other. But we feel very close with each other.” (CHHOEURNG RACHANA, Staff at RoCK, July 1st, 2014).

The following section presents significant factors that impact on the Cambodian LGBT community as well as RoCK to raise issues and to challenge from the community and the State levels.

¹³ RoCK’s webpage: <http://rockhmerlgbt.wordpress.com/>

¹⁴ RoCK’s facebook group: <https://www.facebook.com/groups/RoCKhmer/>

4.5 Limitations and Conditions Effect on RoCK

The emergence of the Cambodian LGBT movement has noticeably contributed to the establishment of a space for CSOs including RoCK to come together for social dialogue and to engage in united action and help strengthen the power of the LGBT movement to influence the society at large. Interestingly, the findings strongly suggest that the power of LGBTs to engage with RoCK and to voice the issues and concerns has increased as the population of LGBT people and human rights NGOs simultaneously has increased. However, there are still limitations and conditions that effect on the ability of RoCK as well as LGBTs to engage and to advocate on sexuality oppression.

The space given to LGBTs and RoCK to speak and raise common interests is still being influenced by some important factors: social and cultural factor, the weak implementation of laws and policies, and political factors. The limitations and conditions act as a barrier for RoCK and the LGBT community in the promotion and defense of LGBT rights in the community and the State level. Therefore, its actions and programs are not fully effective.

4.5.1 Social and Cultural factors

As the findings suggested in previous chapter, traditional gender roles and social norms is a significant catalyst for discrimination. Most of the time, at every level of Cambodian society, social norms provide heterosexual men and women the value and privilege that homosexuals or LGBT are denied. For instance, the traditional social norms of Cambodian society emphasizes deference to the family as a heterosexist institution and thus tends to degrade homosexuals and make them become marginalized

from the process of family decision making. Unfortunately, the impunity of heterosexual culture continues to repress the LGBT movement and RoCK's actions. For example, RoCKers revealed that *"LGBTs' parents sometimes think that RoCK is the intimidated group of the social order and moral goods of Cambodian society (LY Pisey, Board member, & Rachhana, RoCK's staff)*. This tells us that LGBT's participation in engaging with RoCK's advocacy has been limited by traditional social norms. That is why RoCK is frequently perceived as a disruptor of social moral good. This section also tries to indicate that the lack of cohesion within the community, due to the strong heterosexist norm, has a crucial impact on the operation of RoCK at the community level. If the majority of people still value the heterosexuality higher, then they will not support homosexual people and programs related to the promotion of LGBT rights.

One should remember that the promotion and the defense of equal rights and freedoms among heterosexuals and homosexuals in the Cambodian context largely deals with traditional norms thus it does not need only the LGBTs and RoCK per se but also it is largely driven by the supportive weight, either directly or indirect, from heterosexuals. This means in order to have a positive change at the community level, RoCK relies on a vibrant social cohesion. Furthermore, a strong social sense of unity joined by diverse people helps to show the Cambodian government that the majority of citizens need the Government to protect LGBT rights and to fulfill the needs of LGBTs.

4.5.2 Weak Implementation of Laws and Policies

In general, civil society has been provided a specific space in which RoCK and LGBTs have been able to participate and to raise the voice of LGBTs issues and concern and to engage in policy development. For instance, after years of RoCK's advocacy

with other CSOs, the Ministry of Women Affairs eventually put LBT (lesbian, bisexual women, and transgender women to men) on its national strategic plan 2013-2017. This positive progress indicates that at least RoCK has scope for political negotiation with the Government. It also mirrors the important role of LGBT engagement and RoCK contributed to pressure on the Cambodian government to create a positive environment for LGBT movement.

However, this study argues that the ability of RoCK and the LGBT movement to operate at the community and State levels has been limited and refrained due to the weak implementation of laws and policies. The ability of RoCK to be able to work better and more effectively depends on the willingness of the Government. Cambodian supreme law and the Government have fully recognized the legal instruments as embedded in UDHR, UN Chapter and other international human rights documents through its ratification. In practice, however, the Cambodian government tends to be reluctant to fulfill its promises. In return, the government agencies tend to create problems for LGBTs and limits the space in which the LGBT movement can operate. For example, research implicitly suggests that RoCK and LGBTs have been confronted with misinterpretation of government policy, namely the “Village Community Safety Policy”, as addressed in the previous chapter. The misconduct of this policy gave cause for local authorities to label either RoCKer or LGBTs as a social disruptor under the act, and target them with arbitrary arrest. This argument is supported by the case studies of Rayuth and Rosa, as discussed in chapter III. This indicates that even if RoCK is not directly suppressed by the Government, the misinterpretation of government policy by the local authority at the grassroots level has refrained RoCK and LGBTs to operate. Moreover, in this study it is argued that the wrong implementation of Government

policy has restricted RoCK to work with the community and to protect LGBT vulnerable groups.

It is clear that the lack of Government willingness and the misinterpretation of Government policy places pressure on LGBTs and RoCK. It shows us that LGBT people and RoCK are vulnerable to the State authority, or more specific to the actions and interpretation of the Government polices at local level. It implies that Cambodia does not criminalize LGBTs, but it criminalizes the activities that are stereotypically associated with LGBTs. When government agencies categorize LGBTs as a risk group and when the Government at the top level does not openly protect and defend LGBT rights and does not recognize their need, then it can be said that the State enables pressure, oppression and discrimination from the family and community level. It then poses a pressure on RoCK to operate its mission and programs.

4.5.3 Political Factor

Politics has a significant influence on civil society and RoCK. The research findings suggest that even if Cambodia is a democratic country, this political ideology is still young, particularly at the grassroots level. For instance, at the local level, RoCK is often criticized by local authorities as the disruptor of public order and moral good. This issue established boundaries that affect the activities and the programs of RoCK in fostering the development of LGBT rights at the community level. It limited the communication between RoCK and the LGBT people. The barriers from the government agencies indicates that implementation of democratic and human rights principles in Cambodia, particularly at the local level is still limited. This study argues RoCK, is to some degree, impacted by direct and indirect political weight on its actions,

programs and decision. Moreover, this also implies that RoCK is less appreciated when it works in the field of advocacy and human rights of LGBT.

Interestingly, even if the government ministry seems to take an interest in LGBTs as a marginalized group and included the sexuality related issues in the national agenda, this act may be for reasons other than sexual non-discrimination. For instance Cambodia like all other states may want to be accepted by the international community as a modern, civilized state. Moreover, to be noticed, the government started to show enthusiasm about the LGBT movement in the year of the national election, 2013. This might mean that the Cambodian Government sees the emergence of LGBTs as one of targeted groups to get support for the national election. The lesson learnt from the case of Scotland might be useful to support this argument. Just before the independence election on September 18th, 2014, the leaders of political parties in Scotland outlined their strong commitment to fostering the development of LGBT rights. The news, entitled “*Scottish leaders outline position on LGBT equality ahead of independence vote*”, says “*in the event of that Scotland votes for independence on 18 September, five of the six parties say they will support protections for LGBT equality in a written constitution [...].*” (Pink News, 2014). From this lesson, it is possible to say that a supportive policy on LGBT acts as a significant mechanism to gain the support from LGBT population. It implies the supportive actions of the Government on LGBT rights and freedoms is not about promoting non-discrimination reason, yet it is more about the political reason.

4.6 Other Challenges

Obstruction by State officials creates a problem for RoCK in carrying out its agenda. The authorities establish the boundaries that define the activities and programs

of RoCK for the LGBT movement. These boundaries are meant to limit the power of RoCK whilst protecting the interest of the heterosexuals. Further, because one of RoCK's goals is to educate people and to build the networking around the country, the challenges with local authorities, particularly LGBT families are not a good consequence for RoCK. In order to be called an effective NGO, RoCK needs to, at least, make a good interrelationships with relevant stakeholders in order to avoid the possible contingencies. That is why involvement from the government agencies at the local level is significant. Mentioning all these troubles helps to indicate that RoCK is, to some degree, ineffective. Based on this reality, RoCK is, without any doubt, impacted, directly or indirectly, by political weight on its actions, programs and decisions.

The poor leadership and strategy in an organizational and administrative management play an additional impediment to succeed. With an ambition to operate in all provinces and to shift the lives of LGBTs, RoCK has a very limited number of staff with only three permanent staff and no president. It indicates that human resources is very limited and rather weak. This argument is supported by the LGBT respondents who suggested that RoCK should build its capacity and human resources otherwise it would not work well (Lucky, Bisexual, July 5th, 2014, & Makara, Transgender Man, July 9th, 2014). Most importantly, RoCKers themselves also revealed that sometimes RoCK needs to cooperate with other CSOs like UN Women, LICADHO and CCHR to solve LGBTs' problems (CHHOEURNG RACHANA, Staff at RoCK, July 1st, 2014).

In order to increase its effectiveness and to handle social issues, as discussed above, RoCK needs to communicate and network with other CSOs. It has to partake in and be part of civil society. When other CSOs work on relevant issues or when there is a suitable condition to work together to voice the LGBT issues, RoCK takes part in

civil society to battle with discrimination as well. However, Moon (2012) has an interesting idea on the nature of civil society. According to Moon *“rather than being an open marketplace for political interests and ideas, civil society has great power to decide who belongs and who does not, whose grievances and losses are worthy of collection attention and whose cases presents organizations and their leaders with enough political capital to challenge State authority.”* (Moon, 2012). If one applies this concept to RoCK’s relations in the civil society sphere, one may see a possible problem that may occur. Having relations with other stakeholders in civil society, according to Moon’s concept, RoCK faces the risk of being marginalized. The main reason is that RoCK disseminates issues and exchanges opinions with other CSOs. Or because RoCK is in civil society, it can be manipulated by others CSOs. Within this context, the involvement of RoCK with other CSOs can impact on the way of thinking of RoCKers toward the issues. More or less, RoCK’s actions and objectives can be diluted by the external actors. Therefore, RoCK becomes a marginalized organization.

It is prudent to address that in Cambodia the CSOs and human rights activities, which are actively involved in land and housing issues are frequently repressed and criticized by the Government. Yet RoCK is more secure. However, this paper argues that the secure condition might mean that RoCK is ineffective to affect the State. Put in different words, RoCK is secure because its programs and activities do not challenge strongly heterosexualist institutions. If its activities are going to effect the Government’s interest, the reactions from the State or heterosexuals will start to oppress RoCK. It is just like the case of RAK, a gay man who used to work in private organization. He was good enough to work in higher position thus he was due to be promoted. Unfortunately, his colleague started to protest against him and eventually he

remained working in his original position. When he was in a low position, no one was threatened. Therefore, even if RoCK is secure, it does not necessary mean it is effective. It is secure because its works do not extremely influence society, particularly heterosexuals. If its activities and programs are definitely strong which can change heterosexist society, it is possible to say that RoCK will be suppressed, to some extent, by some portion of the population. Therefore, ineffectiveness keeps RoCK in a low-profile.

The workers are another part of the challenge. Most of RoCK's activists including board members are voluntary staff. According to PISEY, they rarely meet each other. She said, "*We can meet only when we are free from our main jobs.*" Hence, it is impossible to devote full commitment to fulfill activities since they do not work permanently. Moreover, RoCK has no clear strategic plan to combat the discrimination and to cope with unpredictable events. "*What RoCKer have done are following old habits*" (LY PISEY, RoCK's Board, July 15th, 2014 & CHHOEURNG RACHANA, RoCK's Staff, July 1st, 2014). This is really problematic because the issues are not always the same and the external environment, including social and political factors, is always unstable. Therefore, conducting the works and coping with issues by using the same tools is not making any changes.

CHAPTER V

CONCLUSION AND RECOMMENDATION

The previous chapters have laid out a case study on sexual orientation discrimination and the involvement from one particular CSO, which demands for the defending and promotion LGBT rights and freedoms, RoCK. The purpose of this chapter is to conclude the findings, analyze and to link them together in a manner that provides a clear and comprehensive understanding of RoCK's response to the issues. This chapter also proposes recommendations and topics for further research that will widen the base knowledge on discrimination against LGBT peoples.

5.1 Conclusion

This research is about civil society organization's response to sexual orientation discrimination. In order to complete the study, the Rainbow Community Kampuchea located in Phnom Penh has been selected as the case study. The primary objectives of the research are to explore the response of RoCK to mitigate the sexuality discrimination and to discover the conditions, which impact its response.

Sexuality discrimination or homophobia appears in four main levels from individuals, family, community and the State at large and in each level LGBT people are challenged with various forms of oppression. Marginalization, exploitation, powerlessness, violence and cultural imperialism are basic forms of oppression LGBTs face, and this oppression is largely driven by institutional, interpersonal and unconscious heterosexism. One can find oppression of LGBT people that is created by explicit rules and implicit norms, interaction and expression, psychological mechanism,

and tacit beliefs, which constitute and sustain sexuality inequality. All oppressions establish the disadvantage and injustice for Cambodian LGBTs. Sexuality discrimination and destroy of the lives of LGBT people, and keep LGBT persons living lives of fear. The concrete and systemic nature of heterosexism in Cambodian society helps to strengthen homophobia and sustain an unjustifiable and damaging distinction.

It is a prerequisite to have involvement from civil society for anti-homophobia and oppression. RoCK is a local NGO working exclusively to foster the development of LGBT rights in Cambodia. Having awareness of heterosexism and oppressions, RoCK has taken diverse actions and programs as responsive tools to cope with sexuality discrimination either with individuals, family, community or the State and to make Cambodia a better place for LGBTs. Its responses are divided into four main types: LGBT organizing and networking; raising awareness; research and publication; and casework. However, the activities on research and casework are still limited. In return RoCK tends to be active with LGBT organizing and awareness-raising.

RoCK uses LGBT organizing and networking to collectively build a network with LGBTs who live and work in different locales in Cambodia. Reaching out to LGBTs at the grassroots level does not only create networking with LGBTs, but RoCK also disseminates human rights information to LGBT individuals, LGBT families, and tries to encourage local authorities and police to engage and support its actions. At the local level, unfortunately, LGBT groups are frequently criticized by local authorities and LGBT families as a group that tries to create issues for public order and destroy the moral good. Secondly, awareness raising is also useful for helping LGBTs and the public to understand about the issues and concerns of Cambodian LGBTs. The two main events used for awareness-raising are LGBT pride and the event held every year

on 10 December. Different activities and performances are created by participation from LGBTs from different provinces, and human rights CSOs. It is worth mentioning that activities and programs have been well implemented at the grassroots level; subsequently, it has increased its supporters from diverse LGBTs in twenty-one provinces. Further, LGBT movement is becoming more attractive not only to local peoples, and international sponsors but also to the Cambodian government. In 2013, the year of national election, the Government have included issues of LGBTs in the government national strategic plan.

However, even if RoCK has different ways to cope with sexuality discrimination, it cannot completely address issues that exist in different levels. Socio-cultural factors, weak implementation of laws and policies and political factors have significant effects on the conditions of the RoCK's response and thus limits the boundaries of RoCK's activities and programs. This study has found that these factors obstruct RoCK in working well with the community and the State level. Therefore, RoCK is not fully effective in its operation to combat sexuality oppression and homophobia in Cambodia.

Overall, LGBT issues in Cambodia face many difficulties but there are also possibilities for positively improving the situation but this will take time, a lot of effort, and a good strategic approach. The fact that the basic democratic system in Cambodia is not performing very well (independent judiciary, civil and political rights, independent media, strong welfare system, strong education system etc.) all of these factors impact double on LGBT people, because LGBT people are marginalized already due to stigma and discrimination. Traditional gender norms and morality norms also create many difficulties for LGBT. It will take a lot of awareness-raising and education

to enable people to understand the diversity of personal preferences and expression and that this is not something immoral, it is something very human and very enriching for society.

5.2 Recommendation

5.2.1 To Civil Society Organizations

Civil society organizations should provide vocational training to LGBT people. Generally, LGBTs give up school at a very young age and hence they lack knowledge and skills, which greatly influence their ability to get a job, and therefore negatively affects and future. Based on research that found that if LGBTs have a strong economic status than discrimination reduces. Therefore, making LGBT people to find a job is an integral part of reducing discrimination in Cambodian society.

To tackle the challenges at the national level, Cambodian civil society organizations should improve broader interrelationships and develop transnational cooperation especially with civil societies or networks in other States that have already been successful in demanding for greater LGBT rights and freedoms. Having more connection and cooperation at the international level can establish the necessary weight to pressure the Cambodian government to more actively defend the LGBTs and to adopt legislation on LGBT rights. Equally important, Cambodian civil society is also possible to convince the Government that any positive treatment on LGBT community will extremely affect the reputation of government on the international stage.

5.2.2 To Government and Government Agencies

The Government should make sure that any policies and laws are accurately implemented in the right way. This is a prerequisite to overcome any possible contingencies, which might occur due to misinterpretation and the lack of responsibility and accountability of the government agencies at low level. For example, the study found that some Cambodian local authorities have implemented government policies called the Village Commune Safety Policy (the “VCSP”) to oppress LGBT people. Hence, it is crucial to promulgate laws and policies to every segment of society, in particular the local authorities.

To reduce and eliminate homophobia or heterosexism, it is very important for people to understand about human rights and fundamental freedoms. Hence, education is indispensable. The Government should check and design school curriculums by inserting human rights education as early as primarily school. It can make people understand about rights and freedoms from a young age and thus change their perception about heterosexuals and homosexuals.

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