

The
Gender
Equity
Initiative



Pathways to Equality

Advancing LGBTIQ+ Rights
in Cambodia

Vanna Sean,
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Acknowledgement of Country

The University of Melbourne acknowledges the Traditional Owners of the unceded land on which we work, learn and live: the Wurundjeri Woi-wurrung and Bunurong peoples (Burnley, Fishermans Bend, Parkville, Southbank and Werribee campuses), the Yorta Yorta Nation (Dookie and Shepparton campuses), and the Dja Dja Wurrung people (Creswick campus).

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We recognise the unique place held by Aboriginal and Torres Strait Islander peoples as the original owners and custodians of the lands and waterways across the Australian continent, with histories of continuous connection dating back more than 60,000 years. We also acknowledge their enduring cultural practices of caring for Country.

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Executive Summary

LGBTIQ+ people in Cambodia still face challenges with their Sexual Orientation, Gender Identity and Expression (SOGIE) in terms of mistreatment and discrimination. It is a common and persistent issue that mobilised advocates from the communities, NGOs, and allies to call on the government to develop policies to safeguard and ensure that they can enjoy their rights fully as citizens. The perpetuation of the patriarchal mindset and gender stereotypes leads to expectations and misperceptions of how males and females should behave. Gender-diverse people, on the other hand, may think, act, and perform in different ways from binary perspectives, which means they may face discrimination and mistreatment based on their SOGIE. While public awareness of SOGIE is still limited, having an effective policy to protect them from discrimination, bullying, and misbehaviour could enhance their quality of life and well-being physically and psychologically. Furthermore, the movement to advocate for same-sex marriage legalisation tends to be more active among the communities and some local NGOs with a tremendous need for marriage equality in male-female relationships. The complementary between those two legislations could enable a safer environment for LGBTIQ+ individuals and couples in Cambodia through the progressive development of the policies and legal frameworks when legal actions are in place.

Terminology of LBGITQ+

Gender-diverse terminology was coined in the West as a concept to give respect and a sense of belonging to the community (Edge, 2019; Leonard & Mann, 2018). Individuals and communities have adopted the description of the terms to suit certain preferences. The expression of each term below is according to a recent update of the UN Women (2022) as following:

- **Lesbian:** a woman who is emotionally, sexually, or romantically attracted to other women.
- **Gay:** typically, a man who is attracted to other men sexually, emotionally, and romantically but it also can be referred to anyone who may find an attraction to people of the same gender.
- **Bisexual:** refers to someone who is attracted sexually, emotionally, and romantically to more than one gender, particularly both men and women but not necessarily required to be equal.
- **Transgender:** is a term for people who have a gender identity or gender expression different from the sex at birth with or without medical procedures as part of their transition.
- **Intersex:** a person whose physical sex and characteristics (gonads, genitalia, or chromosomes) do not fit with the general definitions of male and female physiques. Even though it is a rare case, it happens naturally and may not be associated with sexual orientation or gender identity.
- **Queer/Questioning:** an inclusive term that broadly refers to anyone who does not belong to heterosexual and/or cisgender (man and woman). Whereas questioning refers to those who are in the stage of exploring their sexual orientation, gender identity, or both.
- **Plus (+):** it is frequently used to represent the rest of the additional terms that may not be able to fully cover in the statement including, but not limited to, pansexual, asexual, demisexual, gender fluid, etc.

1. Introduction

1.1. Background of LGBTIQ+ rights movement globally

Gender equality is one of the Sustainable Development Goals (SDGs) proposed and rolled out by the majority of United Nations country members (United Nations, 2016). In delivering this agenda, all stakeholders, including governments and relevant NGOs have the obligation to ensure men and women are treated equally and equitably (Campbell, 2018). This goal, however, has been criticised for not fully addressing the inclusivity and support for people with gender diversity (Browne & Nash, 2014; Sciortino, 2020). Even though LGBTIQ+ rights are being protected by the works and advocacy strategies of UN agencies (Human Rights Campaign, 2023; UN Women, 2022), homosexuality is still considered illegal by some countries concerning cultural or religious practices that may conflict with their existing values (Vandeskog et al., 2022). The death penalty, additionally, is the legal process in minor Islamic states to punish those whose Sexual Orientation, Gender Identity and Expression (SOGIE) do not fit the stereotypical definition of male and female and is still currently valid in some countries namely Brunei, Iran, Afghanistan, Mauritania, Saudi Arabia, Nigeria, and Yemen (BBC, 2023; ILGA World, 2024). Pakistan, United Arab Emirates, Qatar, and Somalia found no such clarity in death penalty legislation, however, the death penalty could be applied on a case-by-case basis (BBC, 2023).

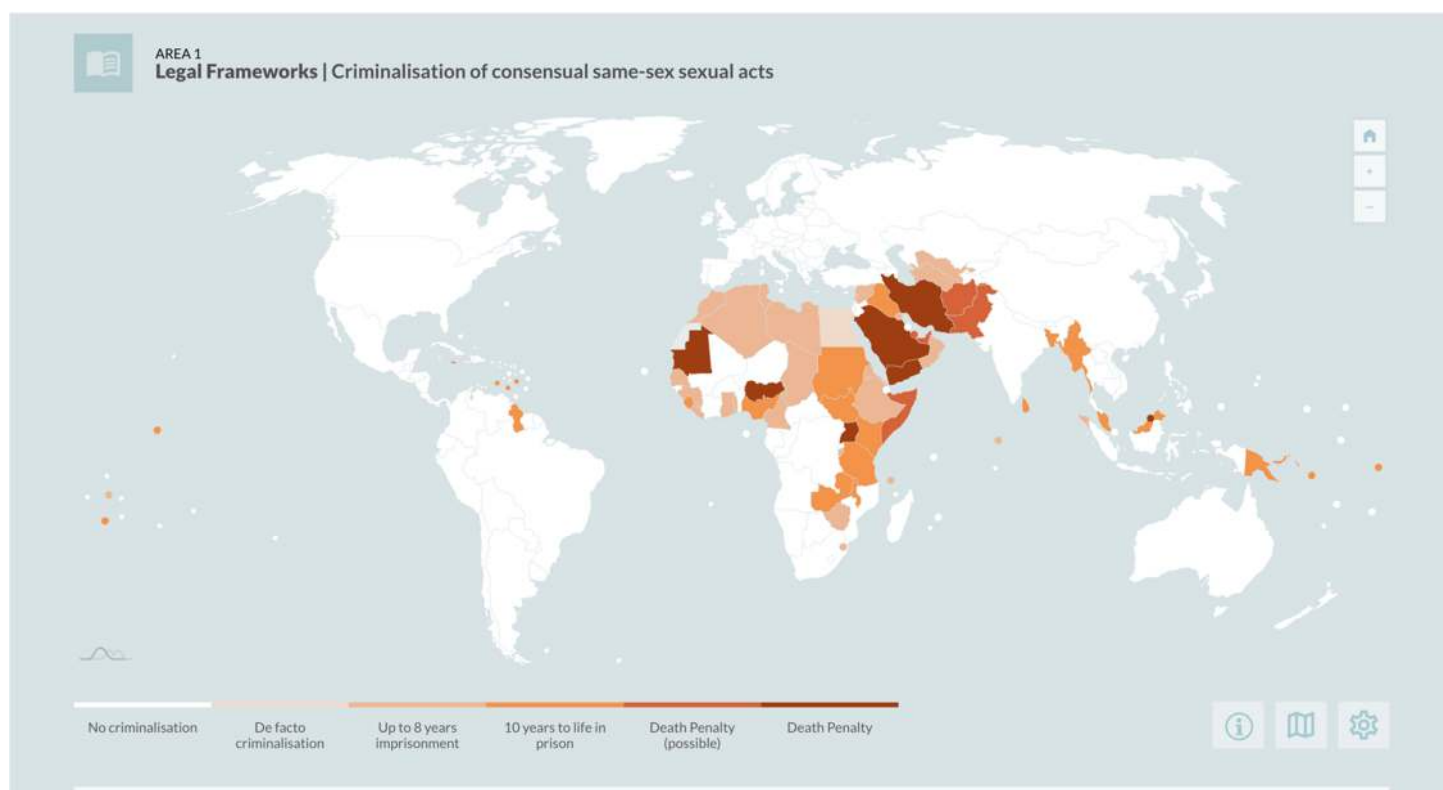


Figure 1 Demographic status of criminalisation for same-sex marriage (ILGA World, 2024)

On the other hand, other parts of the world celebrate the diversity of human beings. LGBTIQ+ people in 132 nations globally can live the way they are without the distress of being criminalised just because of their SOGIE (ILGA World, 2024). According to the Human Rights Campaign (2023), 36 countries have explicitly legalised same-sex couples to marry with whom they love and build a family with the right to kids adoption under the recognition of the law. In Asia, Taiwan and Nepal became the first two nations to legalise same-sex marriage for homosexual couples (ILGA World, 2024). Thailand's marriage equality legislation has recently been given approval from His Majesty King X and will be applicable in legal certification by January 2025 (Amnesty International, 2024; Darby, 2023). After that, Thailand will be the first country in Southeast Asia where marriage for gay couples is authorised and celebrated under the law.

1.2. The current situation of LGBTIQ+ individuals in Cambodia

Cambodia, a neighbouring country to Thailand, has a considerable group of LGBTIQ+ individuals and communities according to a UNDP study "BEING LGBT IN ASIA: CAMBODIA COUNTRY REPORT (2014)". The actual population of LGBTIQ+ individuals in Cambodia is still unable to be defined with limited studies and self-identification (OHCHR, 2023). Recently, some local NGOs and CSOs in Cambodia have been consistently advocating for same-sex legalisation to be recognised by the Cambodian government, as it will enable queer couples to fulfil their dream of building a family legally (Rainbow Community Kampuchea Organization, 2021). With the success of Thai LGBTIQ+ advocates, inspiration has the urge to encourage Cambodian communities and individuals to call for marriage equality legalisation from the government. The speech of former Cambodian prime minister Hun Sen, nevertheless, disappointed those in the community and NGO workers. He refused to authorise same-sex marriage with the excuse of the rising cases of HIV/AIDs among the homosexual community, specifically gay men (Nimol, 2023). In a public statement, LGBTIQ+ communities in Cambodia expressed that the speech created more discrimination and worsened the stigmatisation of LGBTIQ+ individuals (Nimol, 2024).

The legal protection regarding SOGIE remains unclear, and progress has not been made in Cambodian policy development (OHCHR, 2024). Even though the country does not criminalisation or have the death penalty for individuals based on their SOGIE, the increase in sexual assault, harassment, bullying, and discrimination, reported and unreported cases among lesbian, transgender and gay people are common with the absence of anti-discrimination legislation against LGBTIQ+ individuals (Bearup & Seng, 2023; UN Women, 2022). Limited public awareness about SOGIE is considered a major consequence of contributing to unacceptable behaviours and attitudes towards LGBTIQ+ individuals in

Cambodia (Bearup & Seng, 2023; Vandeskog et al., 2022). Therefore, this research will explore the role of laws and state policy development, mainly on the anti-discrimination and marriage equality legislation and how they will contribute significantly to the legal protection mechanism. The study will also review the current LGBTIQ+ rights movement globally and in Cambodia, focusing on the necessity of those two legislations in practice. In this sense, the analysis will highlight the root causes of gender inequality and how it perpetuates gender discrimination in Cambodia while examining the effectiveness of the legal protection framework.

1.3 Methodology

This is secondary data research that focuses on the desk review of the information that has already been acquired and documented in relevant topics. The study will emphasise the descriptive analysis, critical findings, and interpretation from the previous scholarships, I/NGO research reports international and local media, and government policy statements.

Research Objectives

1. To explore the current situation of LGBTIQ+ individuals in Cambodia, with a particular emphasis on exploring the hardships and inappropriate treatment they may face because of their SOGIE.
2. To provide a comprehensive analysis of the necessity of anti-discrimination laws and legalising marriage equality for gay couples.
3. To initiate the advocacy to the Cambodian government, NGOs, CSOs, and LGBTIQ+ individuals to consider further actions towards anti-discrimination legislation.

Research Question

To satisfy the objective of this research, key questions were designed to meet the findings of this study as follows:

1. What are the significant challenges Cambodian LGBTIQ+ individuals have been facing when there is no legal protection for their SOGIE?
2. To what extent has SOGIE awareness been mainstreamed to the public to minimise stigmatisation and misperception of LGBTIQ+ individuals?
3. How well do the anti-discrimination and same-sex marriage legalisation contribute to enhancing advocacy and policy development to achieve gender equality goals?

2. Significant Factors of Gender Disparity in Cambodia

2.1. Patriarchy and Gender Stereotype

In Cambodia, the patriarchal mindset is deep-rooted in society and masculinity is perceived as an ideal expression and the symbol of strength and resilience. Traditional gender roles are often imposed, with men expected to be the breadwinners and decision-makers, while women are expected to focus on domestic duties and caregiving to their families (Bearup & Seng, 2023; Hoefinger, 2014). It often involves a hierarchical organisation where men are considered superior to women, leading to the subordination and marginalisation of women in various aspects of life, including family, work, and politics. Szablewska and Jurasz (2019), however, argue that the patriarchal practice can be associated with anyone regardless of their gender, either consciously or unconsciously. They may internalise patriarchal norms and beliefs, adopting attitudes and behaviours that reinforce traditional gender roles between males and females (Szablewska & Jurasz, 2019). These patriarchal norms are being perpetuated, for instance, how a mother teaches her daughter to be a decent caregiver in domestic responsibilities before she marries a husband rather than supporting her professional ambitions. Additionally, Tann (2023) makes a point that patriarchy could be adopted by everyone, not just men, aligning with patriarchal values or figures of authority to gain power, protection, or status in a patriarchal society. Patriarchy, therefore, represents a dominant power and control over other's social privilege, political leadership, and moral authority.

The perpetuation of patriarchal norms in Cambodian society creates certain roles and stereotypes for individuals whose sex is assigned at birth as male or female, regardless of their gender identity or expression (Bearup & Seng, 2023; Szablewska & Jurasz, 2019). The traditional codes of conduct for men and women (Chbab Srey and Chbab Bros) portray men as rational breadwinners, symbolising strength and masculinity, while females are expected to be submissive, gentle, and caring towards their partners and families (Mynea, 2024; Szablewska & Jurasz, 2019). Even though the codes have been eliminated from the school system (Mynea, 2024), the stereotypical mindset may still influence how society perceives men and women in the long term.

Those expectations become potential challenges or stigmatisation for people in the LGBTIQ+ community when they are unable to fulfil the expectations or disrupt the specific roles. Gay men, for instance, are seen as abnormal when they lack manliness and cannot achieve men's roles in reproductivity (Bearup & Seng, 2023; Leonard & Mann, 2018). While lesbian women may face the conception of 'proper women' and neglect feminine characteristics (Leonard & Mann, 2018; Tann, 2023). LGBTIQ+ relationships, moreover, challenge those notions of the natural order and appropriateness, leading to social unacceptance and resistance.

2.2. The Influence of Gender Stereotypes on Buddhism

In the overview of the gender stereotypes in Cambodia, it is crucial to pinpoint some defining social and cultural aspects. As a Buddhist country, this religion has moderate negative effects on the mistreatment of gay persons. The gender stereotypes in Buddhist practices still perpetuate gender inequality (Bearup & Seng, 2023; Douth, 2022). In practices among Cambodian Buddhists from ancient times until the present, only men favour being sacred of the Buddha (monk), while women can only be nuns and provide spiritual practices and guide religious ceremonies to the Buddhists (Douth, 2022; Vandeskog et al., 2022). In some areas, nuns are occupied as caregivers in cooking, cleaning, and community services (Bearup & Seng, 2023). SOGIE is likely a rare topic to discuss, and for some practitioners, being gay is the result of their 'Karma' from their past lives, especially in remote areas (Cheng, 2018). However, urban areas may exhibit more acceptance due to increased exposure to global perspectives (Rowlett, 2018).

There are no studies in Cambodia that mention 'gayness' in Buddhist teaching that acknowledges the diversity of humanity (Cheng, 2018). Traditional Cambodian views on gender and sexuality are influenced by cultural norms that often regard heterosexuality as the standard. Those who are projected that they do not belong to male or female, are forced to participate in conversion therapy, which Buddhist monks mostly conduct (Alibudbud, 2023). The practices have undesirable effects on physical and mental well-being and violate their basic rights as human beings. Without a proper understanding of this matter, the Buddhist community is likely perpetuating discrimination and inappropriate behaviours directly and indirectly toward Buddhist LGBTIQ+ individuals.

3. The Importance of Anti-Discrimination Legislation

3.1 What is an Anti-Discrimination law?

From a wide perspective, an equal rights policy refers to legislation that eliminates discrimination against individuals or a group of people because of their age, religion, disability, race, gender, sexual orientation, or other sensitive attributes (Au, 2022; Hazarika & Dowerah, 2023; Waite, 2021). The development of these laws aims to promote social inclusion and protect everyone from inappropriate treatment that could harm their basic rights to live a decent life including education, healthcare, housing, employment, and access to the services they deserve to be provided. For gender-diverse people, this plays an essential role in safeguarding them from all forms of discrimination against their sexual orientation, gender identity, and gender expression. It likewise ensures that equal

opportunity applies to their basic needs, just as everyone else in society does. Browne and Nash (2014) suggest that such law may not be the only protocol to prevent the mistreatment but, public awareness and enforcement commitment from the authorities would support and enhance the actual practices.

Homophobia in the form of bullying, harassment or shaming by name-calling is a common concern that affects not just their psychological, physical, and emotional growth but also their social well-being. In a study by UNDP Cambodia in 2014, a large amount of LGBTIQ+ persons were experiencing bullying and violence (physical, sexual, emotional). In the selected sample 56 percent of 149 respondents who identified themselves as gay men and lesbians reported suffering from bullying, discrimination, and domestic and sexual violence (*BEING LGBT IN ASIA: CAMBODIA COUNTRY REPORT, 2014*). Another similar survey, focusing on 2037 women and transwomen, illustrates the large population of inappropriate behaviours in shaming (sexually and physically), sexual harassment and violence to transgender females - 66 per cent more than women in general (OHCHR, 2023).

Article 10 of the Cambodian Civil Code says “Personal rights include the rights to life, personal safety, health, freedom, identity, dignity, privacy, and other personal benefits or interests.” (*Civil Code of Cambodia (English)*, 2008, p. 10). The country, however, has yet to perform any comprehensive legal framework to ensure the rights of other genders besides males and females are protected (OHCHR, 2023). As outlined above, there is a tremendous need to advocate for the Cambodian government to consider developing an anti-discrimination act for LGBTIQ+ individuals. With effective legal protection for LGBTIQ+ individuals, they can be protected and enjoy their basic rights as citizens and promote inclusivity in Cambodian society.

3.2 Why is the legislation enormously imperative to LGBTIQ+ persons?

While there are legal mechanisms specifically protecting women from discrimination, there is a necessity to implement those safeguarding systems for everyone including LGBTIQ+ individuals. In the gender equality act, Cambodian women are protected by several laws and policies that safeguard them from all forms of discrimination, aligned with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). National Action Plan to Prevent Violence Against Women (NAPVAW) and Strategic Plan for Gender Equality (Neary Rattanak) are among the comprehensive policy frameworks implemented by the Ministry of Women’s Affairs (MoWA) for almost two decades with a focus on public awareness campaigns about women’s rights, inclusive policy reforms, engage number of women’s participation, and eliminating gender-based violence and discrimination (MoWA, 2021; Oxfam Cambodia, 2019).

The anti-discrimination law regarding individual SOGIE would be crucial to foster comprehensive gender equality and leverage social justice to a state where everyone could enjoy their fundamental human rights liberally and safely (Donnelly & Whelan, 2020). It is aligned with the Universal Declaration of Human Rights which entitles all government bodies to ensure equality and a non-discrimination environment for all people, regardless of sexual orientation or gender identity (OHCHR, 2018). Furthermore, the law could be implemented to raise public awareness and promote social acceptance of gender-diverse people. When LGBTIQ+ persons are explicitly protected by non-discrimination legislation, it directs a clear message to everyone that any form of discrimination or inappropriate behaviour against SOGIE is intolerable and unlawful. In other words, homosexual individuals could gain more acceptance in the sense of human beings when the law recognised their existence and therefore, they may live more comfortably in society and be less burdened emotionally and psychologically (Crehan et al., 2021; Leonard & Mann, 2018). In addition, the laws could play essential roles in leading further reforms with the government in terms of legalising marriage equality for same-sex couples, rights to adopt children and gender identity protections (Phuyel, 2023). Even though the process may require effort and time as well as strong commitment from gender-diverse communities, the government, NGOs, and other relevant stakeholders, the outcome of the legal framework will be the tool to challenge unfair treatment and prevent stigmatisation.

4. The Association Between Anti-Discrimination Legislation and Same-Sex Marriage

4.1. The progress of legal and policy development in Cambodia

Neither anti-discrimination nor marriage equality laws are being developed in Cambodia (OHCHR, 2024). A tiny step forward is that the Ministry of Education, Youth, and Sports (MOEYs) has finally implemented sessions about SOGIE and gender equality at the high school level from grades 7 to 8 as part of their morality class in 2023 (Reuters, 2019). However, the quality and effectiveness of lesson delivery and how the knowledge is transferred to adolescent students are still other monitoring tasks for stakeholders and advocates (OHCHR, 2024). The government also took some consideration recommendations from the United Nations Human Rights Council (UNHRC) in the third Universal Period Review (UPR) in 2019. Those recommendations mainly focus on the three aspects of legal and policy reforms in the country:

“(a) amending Article 45 of the Constitution of Cambodia to enable legal marriage equality for same-sex couples;

- (b) enacting laws and policies guaranteeing non-discrimination based on sexual orientation, gender identity and expression, and sex characteristics; and
- (c) enacting legislation allowing legal gender recognition for trans persons.” (OHCHR, 2024, p. 4).

The Cambodian government, noticeably, promised to work on those suggestions before the next UPR in late 2023. Until now, no progress has been made in the legislation amendment or reform (OHCHR, 2024). The advocacy works of Rainbow Community Kampuchea Organisation (RoCK), a local NGO that works closely with LGBTIQ+ individuals and communities at the grassroots and national levels on community organising and advocacy for policy reform (Rainbow Community Kampuchea Organization, 2021), has made another positive progress in the communities. In 2020, the Ministry of Interior sanctioned the provincial administration to adopt a certificate for same-sex couples in the name of the “Declaration of Family Relationship” procedure, which was proposed in 2018 by RoCK (OHCHR, 2024). The declaration letter is considered an informal and private contract between gay partners utilised as a temporary evidence-based document when they both decide to be together and acknowledged by the local authorities among 20/25 provinces (H, 2021). With this declaration, the couples are able to celebrate their wedding traditionally and be together in the status of wife and husband or siblings, but not recognised by the marriage law of Cambodia (OHCHR, 2024). Without recognition under the law, the declaration is, however, just a paper, while basic rights in legal disputes such as custody or guardianship, joint assets, and civil status documentation are nowhere to be found in the declaration.

4.2. How does the legal mechanism impact positive changes in Gender Equality?

Marriage equality is defined as a status of recognition by the law between two individuals regardless of their SOGIE to ensure that the couples enjoy their legal rights, assistances, and responsibilities whether it is homosexual or heterosexual marriages (Darby, 2023; Krumbein, 2020). In line with the recommendations of UPR, marriage equality for Cambodian same-sex partners has been campaigned publicly and served as the advocacy strategy to reform marriage law. “I Accept” is a main campaign implemented by RoCK and LGBTIQ+ communities to mobilise support and acceptance from the public and government in obtaining marriage equality under the law (Rainbow Community Kampuchea Organization, 2021). In several years of implementation, the project has consolidated voices, stories, and participation from the LGBTIQ+ communities, allies, and relevant stakeholders both in rural and urban areas to raise awareness to the public about the challenges and discrimination

against same-sex relationships and hardships for LGBTIQ+ people (H, 2021). Just like male and female couples, LGBTIQ+ partners deserve to have a 'traditional wedding' legally and build a family together with acknowledgement of their affection.

While anti-discrimination legislation is absent in Cambodia, LGBTIQ+ couples may be vulnerable to unwelcome behaviours, such as discrimination based on their sexual orientation or being stigmatized as the 'spread of HIV/AIDS'. Equality, human dignity and non-discrimination, protected by the law, play a crucial role in ensuring that homosexual couples can live their lives free from mistreatment and prejudice (Krumbein, 2020; Leonard & Mann, 2018). Liu (2021) empathizes with this, highlighting how Taiwan's engagement with relevant stakeholders in public discussions on LGBTIQ+ rights since the 1990s has ensured visibility and the ability of LGBTIQ+ individuals to live life authentically under legal protection (Liu, 2021). When they feel secure and supported, they can envision their aspirations and remain unafraid of being with who they love. With solid legal precedents, individuals and couples can use the law to challenge discriminatory practices and policies in legal frameworks (Au, 2022; Krumbein, 2020; Liu, 2021). As a result, Taiwan stands proudly as the first nation in Asia to permit gender-diverse individuals to marry and receive government recognition in 2019. Therefore, the complementarity of same-sex marriage legalisation and anti-discrimination in Taiwan is necessary to engage comprehensive protections among LGBTIQ+ individuals and simultaneously, ensure that equality extends beyond marriage in the legal procedures.

Similar to the Taiwanese community, LGBTIQ+ individuals in Cambodia deserve the right to be protected from all forms of discrimination and enjoy basic human rights like everyone including marriage, employment, and healthcare. Anti-discrimination laws give a sense of protection and a secure feeling to gender-diverse people in Cambodia that their SOGIE is not prohibited in the environment they live in (Rowlett, 2018), and it is a safe space to be who they truly are (Harris, 2017). It also enables visibility of their existence and provokes more policy establishment that responds to their needs and concerns for inclusive development (Liu, 2021; Rowlett, 2019; Szablewska & Jurasz, 2019). Hundreds of Cambodian gay couples are advised to organise their wedding day hidden in the name of a housewarming or birthday party to avoid confrontation with the local authority and public criticism (*BEING LGBT IN ASIA: CAMBODIA COUNTRY REPORT, 2014*; Cheng, 2018). Without the systemic recognition and safeguarding of their SOGIE, the legalisation of marriage between non-heterosexual couples may cause more harm and difficulties to their safety in terms of discrimination against their love life and partnerships. In other words, marriage equality legalisation can be more effective in practice as long as the individuals have a sense of security and protection in society.

5. Recommendations

There are some comprehensive recommendations for the Cambodian government and implementing civil society, including NGOs and CSOs, as well as public awareness of gender equality and SOGIE.

A. For Cambodian government

- Since the Ministry of Education has included SOGIE learning sessions in the education system at the high school level, it is essential to ensure the lessons are delivered to students with clear messages and comprehensive. In addition, the Ministry may have to ensure the curriculum is well-equipped for schoolteachers with the friendly-user manual and professional trainers. The information about LGBTIQ+ is quite sensitive, and it will be convenient to digest when it is simple and understandable.
- Giving more respect to people to change their own terms of sex and gender in the identification registration without complicated medical or psychological proof, in line with the UPR recommendation in 2019 (OHCHR, 2024).
- Engage more consultation with NGO partners and gender-diverse communities to develop anti-discrimination policies to prohibit all forms of discrimination in employment (both private and public sectors), education (no school-bullying policy), and the healthcare system as promised to the UPR.
- Initiate awareness-raising campaigns with local media, schools and universities, influential public figures, and NGOs to promote inclusion and acceptance of LGBTIQ+ individuals, especially the harmful consequences of isolation, traditional conversion therapy, bullying, and prejudices.

B. For Implementing NGOs, CSOs, and international agencies

- Continue to provide intersectional supports that leverage the quality of life of LGBTIQ+ individuals, mainly in remote areas, such as domestic violence, mental health support, and employment skills.
- Working with the authorities to conduct regular monitoring mechanisms in the abuse cases against homosexual persons and provide free legal aid to them if needed.
- Initiate and lobby the government to ratify and implement human rights protocols and recommendations from UPR, as the government assured to implement by 2023.

C. For Community engagement from LGBTIQ+ individuals and allies

- Provide further solidarity support to each other in the community and embrace diversity as the strength of the LGBTIQ+ society.

- Learn to stand up for their rights and others by echoing the inappropriate treatments and all forms of violence to authorities and NGO bodies.
- Engage actively in policy development and consultations on anti-discrimination, marriage equality, child adoption, etc.

6. Conclusion

In Cambodia, a country where homosexuality is not illegal, there is likewise no legal protection against prejudices and unacceptable practices against their SOGIE (OHCHR, 2024). The misbehaviours, including name-calling, bullying, and violence (physical, sexual, and emotional), are perpetuated by the misunderstanding of the SOGIE and awareness of gender diversity and inclusivity (Bearup & Seng, 2023; Hoefinger, 2014). In addition, patriarchy and non-positive masculinity also have major impacts on discrimination and gender stereotypes (Szablewska & Jurasz, 2019). Buddhism tends to be influenced by gender stereotypes and perceives gayness as karma (Cheng, 2018). The influence of traditional codes of conduct for males and females projected the views of how Cambodian society treats people on the basis of their sex at birth (Mynea, 2024; Szablewska & Jurasz, 2019). Even now the code of conduct has been eliminated from the education system (Mynea, 2024), but the notion remains rooted in generations. Acknowledging all those challenges, the advocates and alliance NGOs progress their work with the government to develop comprehensive legislation aiming to protect all LGBTQ+ individuals so that they can fully experience their rights without the distress of discernment and stigmatisation (OHCHR, 2023). Under the interventions from international bodies of UN agencies, the Cambodian government accepted the UPR recommendations in early 2019 and confirmed to take notable actions by 2023 (OHCHR, 2024). Unfortunately, none of the recommendations have been ratified or adopted into implementation by 2024 by the government (OHCHR, 2024). However, the continuation of the advocacy to the government to draft legal procedures in safeguarding and allowing them to marry each other regarding basic human rights. Those essential laws complement each other in a way that anti-discrimination law works to ensure their rights are entitled to be equal and protected against inappropriate treatment in society (Liu, 2021; Rowlett, 2019; Szablewska & Jurasz, 2019). Therefore, this analysis research has some recommendations to urge the Cambodian government to take serious actions on the SOGIE sessions and raise public awareness. Civil society and NGOs may consider contributing their ongoing support to the LGBTQ+ individuals and monitoring mechanisms with the local authority. At the same time, the internal within the community can be a powerful tool to leverage solidarity and unity under collaboration closely with the NGOs and CSOs.

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