

Civil Society's Response to Sexual Orientation Discrimination

A Case Study of Rainbow Community Kampuchea,
Phnom Penh

Sothy Lek



Consortium of Development Studies
in Southeast Asia (CDSSEA)



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The Consortium of Development Studies in Southeast Asia has drawn on primary postgraduate research undertaken for theses from the master's programs of Asian Institute of Technology's Master of Science in Gender and Development Studies (MGDS), Chiang Mai University's Master of Arts in Social Science (Development Studies) (MASS); and the Chulalongkorn University Master of Arts in International Development Studies (MAIDS). Scholarships for the students of CDSSEA has been generously provided by the International Development Research Centre (IDRC) of Canada. With a diversity of academic approaches (gender studies, political science, social sciences), the individual works of this collection have in common a focus on the increasing interconnection and regionalization of the five mainland Southeast Asian countries (Myanmar, Thailand, Laos, Cambodia and Vietnam), and examine these exchanges and encounters within the context of the Greater Mekong Sub-region (GMS).

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The Regional Center for Social Science
and Sustainable Development
Chiang Mai University

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ISBN: xx-xxx-xxx-xxx-x

Author: Sothy Lek
Series Editor: Chayan Vaddhanaphuti
Senior Editorial Adviser: Victor T. King
Publisher: Regional Center for Social Science and Sustainable Development (RCSD)
Faculty of Social Sciences, Chiang Mai University
Tel: +66 (0) 53 943 595-6 Fax: +66 (0) 53 893 279
web: rcsd.soc.cmu.ac.th, e-mail: rcsd@cmu.ac.th

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Contact: Regional Center for Social Science and Sustainable Development (RCSD)
Tel: +66 (0) 53-943595 Fax: +66 (0) 53-893279
web: rcsd.cmu.ac.th, e-mail: rcsd@cmu.ac.th

Series Foreword

The Regional Center for Social Science and Sustainable Development (RCSD) at Chiang Mai University has extended its publication program to include Master's dissertations from The Consortium of Development Studies in Southeast Asia (CDSSEA). The CDSSEA series covers mainland Southeast Asia: Myanmar, Thailand, Cambodia, Laos and Vietnam, and regionalization, development encounters and exchanges within the Greater Mekong Sub-region (GMS).

The CDSSEA program brings together resources and expertise from three of Thailand's leading institutions offering Master's degrees in development studies: Chiang Mai University's Master of Arts in Social Science (Development Studies) (MASS); Chulalongkorn University's Master of Arts in International Development Studies (MAIDS); and the Asian Institute of Technology's Master of Science in Gender and Development Studies (MGDS). Although the Consortium's program focuses on the relationship between development studies and social sciences, each of the programs has a different emphasis. The Chiang Mai degree focuses on social sciences and anthropological perspectives, with research interests in environmental and resource management, food security and local livelihoods, labour migration and trans-border issues, ethnicity and development, health, tourism, and agrarian transitions. Chulalongkorn's program concentrates on the political dimension of development, including democratization, human rights, conflict resolution, international and civil society development organizations, community development and globalization. The Asian Institute of Technology focuses on the relationships between gender and development—including women's rights, civil society, and gender dimensions of urbanization and industrialization.

The CDSSEA program has a practical dimension, building leadership capacity in mainland Southeast Asia's regional development, bringing together postgraduate students, encouraging debate, and promoting the rethinking of development alternatives in such areas as social equality, justice and participation, environmental and economic sustainability, and community development. In this regard, a major objective is to develop the knowledge and skills of development practitioners and to enhance the quality and effectiveness of policy-making and its implementation in the region.

The publications in this series—selected from the CDSSEA Master's program—are designed to express this diverse range of interests in development studies and regionalization, and to emphasize the relationships between empirical and theoretical research, policy-making and practice.

Victor T. King, Senior Editorial Adviser,
Critical Perspectives on Regional Integration Series

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Abbreviations

BBC	British Broadcasting Corporation
CBO	Community Based Organization
CCC	Cooperation Committee for Cambodia
CCHR	Cambodian Center for Human Rights
CCSP	Cambodia Civil Society Partnership
CDC	Council for the Development of Cambodia
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
CHRAC	Cambodian Human Rights Action Committee
COMFREL	Committee for Free and Fair Elections in Cambodia
CRDB	Cambodia Rehabilitation and Development Board
CSO	Civil Society Organization
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
LGBT	Lesbian, Gay, Bisexual and Transexual
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
LICADHO	Cambodian League for the Promotion and Defense of Human Rights
MOI	Ministry of Interior
MSM	Men who have Sex with Men
NGO	Non Governmental Organization
RGC	Royal Government of Cambodia

RoCK	Rainbow Community Kampuchea
SEAHRN	Southeast Asian Human Rights Studies Network
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme
VCSP	Village Commune Safety Policy
WSW	Women who have Sex with Women

Glossary

civil society	the elements such as freedom of speech, an independent judiciary, etc, that make up a democratic society.
heterosexism	a prejudiced attitude or discriminatory practices against homosexuals by heterosexuals.
heterosexual	of, relating to, or exhibiting heterosexuality.
heterosexuality	sexual feeling or behavior directed toward a person or persons of the opposite sex.
homosexual	sexually attracted to members of one's own sex.
Khmer Rouge	a Cambodian guerrilla and rebel force and political opposition movement, originally Communist and Communist-backed.
<i>kteuy</i>	Khmer language term often used derogatorily to refer to transgender people.
patriarchy	a social system in which power is held by men, through cultural norms and customs that favor men and withhold opportunity from women.
tomboy	In the Cambodian context, tomboys or “toms” are homosexual women or girls who dress and act in a “masculine” way, (short hair, T-shirts, jeans, etc.) Tomboys sometimes do not consider themselves trans or even lesbian.

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Sothy Lek

Chapter 1

Introduction

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 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 that has seen an increase is the organizations which combat sexual orientation discrimination against lesbian, gay, bisexual and transgender (LGBT) people. While LGBT in some countries (Canada, Belgium, Spain, and the Netherlands)

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 criminalization. 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 injures. Sexual oppression can be found in family, education institutions, workplace and society at large.

As a Southeast Asian developing country, Cambodia has played host to a number of CSOs, particularly so after the collapse of Khmer Rouge regime. CSOs have taken diverse actions 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 remain 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.

As CSOs play a crucial role in consolidating democracy, strengthening rule of law, promoting social justice and human rights, their involvement is indispensable. In Cambodia, unfortunately, the number of CSOs working on the promotion and protection of LGBT rights and freedoms is still limited. The various incidents of violations are also not properly documented and taken into account and the protection under the law is similarly lacking.

The purpose of this study is to examine the response of CSOs in combating discrimination based on sexual orientation in Cambodia. How do civil society organizations advocate for equality? Devoting full attention to the limitation conditions which affect 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 operating in Phnom Penh, has been selected as a case study.

Conceptual Framework

Although the general situation of human rights in Cambodia has improved dramatically in the last three decades, analyzing the everyday challenges LGBT people face today, based solely on sexual orientation discrimination, helps in understanding the need for more support in the eradication of said bigotry, which systematically suppresses LGBT people in all contexts of life; i.e. family, school, workplace, public places and society at large.

To understand the full picture of homophobia against LGBT peoples, it is necessary to borrow Young's concept "five faces of oppression" which consist in exploitation, marginalization, powerlessness, cultural imperialism and violence (Young, 2005). The oppression and discrimination based on sexual orientation can appear in different forms and levels, and to combat them with the goal of making a better environment for Cambodian LGBTs, it is crucial to establish the context. This is also impossible without the involvement of Cambodian civil society organizations.

As a non-profit-making actor, CSOs neither work for the State nor the private sector, but as the intermediary between them, in order to achieve their public interests. CSOs educate the people in their rights and freedoms and bring those excluded 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 be challenged with unexpected barriers which might be created by cultural and social norms, conservative stereotypes, 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.

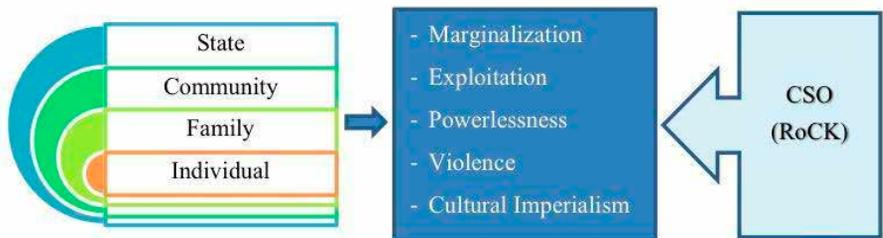


Figure 1: Conceptual Framework

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 aims to

- Improve the lives of LGBT in Cambodia so that LGBT people feel confident to be who they are – through outreach work and other mobilizing activities.
- Ensure 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.
- Ensure 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.

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 exploitation is visible through the increased likelihood of being stuck in unskilled, low-paying jobs, the increased likelihood of exercising prostitution, the increased difficulty of finding and keeping a job and their rights not being considered, protected and/or promoted. Marginalized LGBTs are also often excluded from social activities and their issues are frequently not taken into account. The LGBT community faces a series of knock-on effects to losing their basic rights, such as being

considered lesser members of society. In Cambodia the LGBT community is also perceived as obstructors to public security or common social values, and thus are needed to be kept under close watch by the authorities.

Violence is another oppression the LGBT community commonly faces. 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, occurs when a foreign culture devalues the local culture and thus local people might see their own cultural as obsolete. In this context, because being LGB or T is commonly perceived as a disruptor of social values, 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 it. To gain a basic picture of sexuality discrimination it is worth understanding heterosexism. Heterosexism is a system of attitudes, biases, 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. As an example of interpersonal discrimination—discrimination indicated by actions or expressions—we can see how individuals might unconsciously discriminate LGBTs by perceiving their condition as an illness that needs to be cured. It is also not uncommon to see discrimination within the family sphere in the form of beating or any other kind of abuse. Within the community space, like school or workplace, LGBTs are often discriminated by being bullied, being denied participation in social activities or being perceived as “not employable”. In addition, at the State level, particularly in the context of Cambodia, being LGBT is neither prohibited nor promoted. Notice here that when not explicitly and openly defending LGBT rights and not recognizing their personal needs, the State implicitly enables pressures, oppressions and discriminations from social context.

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 making the State responsible and accountable for the issues of LGBT peoples based on the principle of basic human rights and interpreted through the lens of sexuality. An important issue to contemplate here is that, while CSOs try to make the State responsible for the country and its citizens, it can impose any sanction or repression on activist groups, and by doing so these groups and CSOs are prevented from challenging the State. This point is crucial in the understanding of how sanction, in any context, can limit the space of civil society.

Research Questions

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

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.

Research Methodology

For this study's research the qualitative technique is proposed. The study comprises documentary research held through 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.

The methodology for the study in the fieldwork is sustained by semi-structured interviews with members of RoCK, LGBT people and CSOs. Before departing for the field research contacts were already obtained from 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 documentary sources which were collected from workshops, conferences, Chulalongkorn University library, Chulalongkorn University online database, internet and NGOs. Documentary sources have not only been collected in the form of written text such as books, academic journals, reports, newspaper articles, and research papers, but also include various electronic files, NGOs reports and laws. All this secondary data is related to CSOs and human rights, which are useful for the researcher to understand the central sexual orientation discrimination related issues.

Below are the list of LGBTs respondents and key informants who were involved in this research study. All names of LGBT respondents are changed for privacy purposes.

Name	Age	Sex	Gender Identity	Occupation	Date of Interview (Year 2014)	Birthplace
Lucky*	20	F	B	University Student	5th July	Phnom Penh
Chanvy	26	F	L	Cook	6th July	Phnom Penh
Kaka	20	F	TM	Vegetable Seller	6th July	Kompong Speu
Pech*	27	F	TM	Factory worker	6th July	Phnom Penh
Chantha	27	F	L	Factory worker	6th July	Kompong Speu
Chanra	27	F	L	Factory worker	6th July	Kompong Thom
Sokha*	62	F	L	Employee in Company	15th July	Pursat
Rayuth*	32	M	G	University student/Sex worker	9th July	Kandal
Phalla*	24	M	B	University Student	15th Jul	Phnom Penh

CIVIL SOCIETY'S REPOSE TO SEXUAL ORIENTATION DISCRIMINATION

Makara*	21	F	TM	University Student	9th July	Phnom Penh
Honglim	22	M	B	Employee in Pub	11th July	Phnom Penh
Bunhak	44	M	G	Cook	12th July	Kompong Cham
Phanna	52	M	G	Cook	12th July	Svay Rieng
Meas*	22	F	TM	University Student	21st July	Battambang
Mala*	24	F	L	Employee in Company	22nd July	Siem Reap
Sokchea	22	M	TW	Classical Dancer	22nd July	Banteay Meanchey
Votey*	24	F	TM	University Student	27th July	Phnom Penh
Daya	24	F	L	University Student	27th July	Kompong Cham
Rosa*	35	M	TW	Student/Sex Worker	28th July	Phnom Penh
Thida*	51	F	TM	Unemployed	29th July	Kompong Chhnang
Mara	45	F	TM	Hairdresser	29th July	Kompong Chhnang
Neasa*	21	F	L	University Student	30th July	Kandal
Panha*	21	F	L	University Student	30th July	Pursat

Rainbow Community Kampuchea, Phnom Penh

Name	Age	Sex	Gender	Occupation	Date of Interview (2014)
Chhoeurg Rachana	28	F	LM	LGBT Organizer	1st July

Ly Pisey	31	F	LM	Board Member	15th July
Noy Sitha	62	F	TM	LGBT Organizer	15th July
Horn Virak	32	M	G	LGBT Advocate	
Mary Collette O'Regan		F	L	Board Member	30 Oct (via email)
Other CSOs					
Name	Age	Sex	Gender	Occupation	Date of Interview (2014)
Srun Srorn (Former Staff of RoCK)	32	M	M	Founder of CamA-SEAN Youth's Future and Advisor for One World UK	29th June
Nuon Sidara	34	M	M	Project Coordinator on Sexual Orientation and Gender Identity, Cambodian Center for Human Rights (CCHR).	9th July
Sex		Gender Identity			
F = Female M = Male		B = Bisexual, L = Lesbian, Gay = Gay, TM = Transgender woman to man, TW = Transgender man to woman,			
* LGBT who knows RoCK					

Table 1: List of Participants

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, the researcher can discover a lot about the community's concerns just by working closely with them, and getting them to share their experiences related to sexual orientation discrimination. Most importantly, RoCK is one the CSOs who is exclusively working with LGBT people in Cambodia.

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 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.

Data Analysis

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

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

Data Collection and Research Tools

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

Semi-Structured Interview

The research employed semi-structured interviews with LGBTs, RoCK representatives 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.

Qualitative Data Analysis

As part of the qualitative investigation for the study the researcher analyzed information in four main steps: the first one consisting on collecting all data and information related to the research topic, and being obtained from different sources such as literature reviews, documentaries and fieldwork; The second one consisting on the selection and agrupation of data according to its relevance to the research questions; the third one consisting on the verification of the data obtained within the research framework; and the fourth step consisting of all data and information being presented in clear form of analysis.

Validity and Reliability

The triangulation method was used to ensure the reliability of the data collected and it's proper understanding. This has been achieved through:

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

Research Scope and Limitation

Although the time frame for the research was relatively short, and thus the study is limited to interviewing the key informants and LGBT respondents, it includes key figures whose expertise in the investigated theme compensated for the lack of time. These include five potential informants from RoCK, the founder of CamASEAN Youth's Future and Advisor for One World UK, and 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 related to LGBTs, but RoCK is one of the only civil society organization working exclusively on them, main reason why RoCK was selected for this research. Due to RoCK being located in Phnom Penh the main investigation work of the researcher has been developed within interviews to LGBT people who live and work in Phnom Penh.

Operational Definition

For this research study “discrimination” is defined as unequal treatment or distinction against individuals or groups, regarding their personal identity and/or based on their physical appearance, social status, and socioeconomic status. It is considered to restrict, deny, exclude, suppress, repress, and oppress individuals or groups from social and political participation, social service, equal opportunities, equal rights and freedoms. It can be direct or indirect, verbal or nonverbal. There are diverse factors leading to discriminatory practices and stereotypes, such as cultural and traditional norms and practices, laws and policies, lack of knowledge and understanding, and the gap between rich and poor.

The term *kteuy*, often used by Cambodian people, refers to a person who is neither really male nor female (មនុស្សសមាណភេទ សុទ្ធិវបុរស សុទ្ធិវស្សី), according to Samdech Sangha Raja Jhotañano Chuon Nath, the Kana Mahanikaya Supreme Patriarch of Cambodia. In the report entitled, “Rainbow Khmer: From Prejudice to Pride”, he states 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 term *kteuy* is defined as the discriminatory word used by people, particularly heterosexuals, when referring to homosexuals, including LGBT people.

In this study the researcher uses two ways in order to recognize whether or not the interviewed person is LGBT. First the researcher asks them to define themselves by self-identification i.e. whether they are lesbian, gay, bisexual or transgender. Secondly, the researcher asks some question to categorize them, for example “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 both women and men. “Transgender”, on the one hand, is used to describe a person who changes attitude, behavior and appearance both mentally and physically. Similarly, transgender can be referred to as “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).

Significance of Research

This study is significant for two reasons: firstly, because this thesis contends that viewing the process of CSO’s responses provides a deeper understanding of democracy and the role that civil society plays in Cambodia, and how the combined forces of the LGBT movement can converge to have unpredictable consequences. Secondly, the importance of the research lies on the bases that the concept of a CSO in a democratic system has never been fully applied to a case study in Cambodia. Applying it to the same issues of discrimination in a different country’s context may reveal new knowledge in sexual orientation discrimination that could assist policy makers in analysis before creating or enacting laws or policy decisions related to the issues of discrimination based on sexual orientation.

Ethical Issues

There is no tangible risk for stakeholders thanks to the researcher’s good relationship with the key informants who work with RoCK. This thesis guarantees the protection of the rights of respondents and personal safety and dignity are prerequisites in all the conducted research. 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 in which 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 2

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.

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. Furthermore, 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. 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 helps 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 certain group is the most significant group of beneficiaries that should be placed on their agenda, they forcefully have to exclude and marginalize other groups. When they focus on one certain group, they in fact forget the other powerless groups. In other words, CSOs can either be seen 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, volunteers, issues-oriented, advocacy, social movement, religious, community, foundation, educational project interest groups and associations. Because civil society is generally known as comprising of non-governmental organizations (NGOs), it is more prudent to discuss the NGOs in the following section.

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. Their 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 freedoms for same-sex marriage when homosexuality is prohibited and criminalized, particularly in Muslim countries. This could be considered a weakness of CSOs.

The book "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 that 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, that 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 saying that NGOs are not independent bodies because of influence by their donors. A large number of southern NGOs receive support from northern NGOs; 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, organizations have to interact with mutual-dependent 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). It is then understandable that external factors can 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 of contributing 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 delivering services and addressing a wide range of socio economic problems. Their participation strengthens democracy, establishes grassroots advocacy, and ensures 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, 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.

Civil Society – State Relations

Economic development is seen as an 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 democracy to 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 suggests, a strong capitalism does not always result in 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 have 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 and hence 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 classes in mounting street protests to bring down this elected and popular politician. In Burma 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).

Forces outside the civil society sphere also affect the condition of civil society. Even if civil society is the best it can be, external factors can interact with and block its actions. The State, for instance, has commonly found ways of cooperating with CSOs, and 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 affect 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 of CSOs in the public sphere but there is only a few political contestation. This means the opposition to the government is reduced and so 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.

In conclusion, the relationship between CSOs and NGOs with the State is sophisticated. They are usually seen as the anti-state or supportive agencies, while CSOs claim that they work independently and 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 deteriorating, 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 has 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). Furthermore, 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). It is therefore clear that most human rights activists in Cambodia are suppressed by the government.

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 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, but largely depend on struggle of people who believe that human rights should be provided for them. Political will and social condition also have to be taken into consideration because they 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 them. Social condition is also seen as a crucial factor to ensure human rights and equality. The development of human rights and equality is impossible in patriarchal and conservative societies, and is only possible in democratic rather than communist countries. 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). However, rights do not have meaning by themselves but are largely dependent on the interpretation by people. Moral rights, on the other hand, refer to what a culture, country or group of people consider right or proper by moral standards. It is agreeable that moral and legal rights are sources of human rights, but considering them so can be controversial, as many times, what the law allows might be entirely in opposition with the imperant morality or vice versa. People under the law are equal but might not be contemplated as equal when morality is considered. Moral-based reasoning can result in the exclusion from the group and gradual loss and abuse of rights of a person. Because human rights are a combination of legal and moral rights, when one of them is denied, the access to the other is inevitably denied as well.

Sexual Orientation Discrimination

Discrimination can be defined as the unequal treatment or making a distinction against individuals or groups based on personal identity and physical appearance and can often 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 with 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).

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, which suppresses heterosexuals and homosexuals creating equality between persons (Collins, 2004).

Pharr (1997) understands sexism as ways to discriminate against and oppress not only women but also LGBT people. The author explains that lesbians are perceived as being a threat to the heart of sexism and how 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 women (Pharr, 1997). It is therefore worth exploring the idea of sexism to fully understand the levels in which 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 involving 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, unconscious sexism 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 oppression. The first type of oppression takes place in the form of “exploitation” which refers to the systematic process of transfer of one’s energy, benefit, power, status and wealth to another or group power or privilege. The agents of exploitation exercise their capacities under some forms of control 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 people are denied access to certain rights and participation in social life or excluded from equal citizenship rights and then subjected to severe material deprivation and even extermination. It is unjust primarily because it limits them from the opportunity to exercise their capacities in socially defined and recognized ways. The third category of oppression is “powerlessness”. Powerlessness’ most direct consequence is 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 “cultural imperialism” which consists in the universalization of one group’s experience and culture and 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 systemic and legitimate “violence”. This kind of oppression generates suffering from fear, threat or unprovoked attacks. The fear of violence functions to help keep the oppressed groups as subordinates. Regarding 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 reproduced in major economic, political and cultural institutions.” (Young, 2005).

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.”

The above provisions' main concern is the concept of equality. Equality in human rights means that all individuals have an equal value regardless of the background they come from. The differences between people do not mean they are entitled to different rights and freedoms therefore no distinction should be made on the basis of any kind.

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 nobody.

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.

(Non)-Discrimination in Cambodia

One example of discrimination based on sexual orientation in the Cambodian Constitution is referring 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). 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 stated 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.” He added, “most of them are good people and are not doing alcohol, drugs or racing vehicles.” (AP: The big story, 2012).

Cambodian Civil Society and Sexual Orientation Discrimination

Evolution of Cambodian Civil Society

The presence of NGOs in Cambodia is not new 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; as due to the civil war and political instability 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 and 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 which meant ending up in 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. 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 elections in 1993, the number of NGOs in Cambodia has remarkably increased; however, the roles and missions of NGOs are not almost the same like in the transitional period. In general, 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's rights and children's rights. They develop innovative policies and play an advocacy role to influence policy makers. They sometimes play the role of monitoring or investigation the government.

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 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).

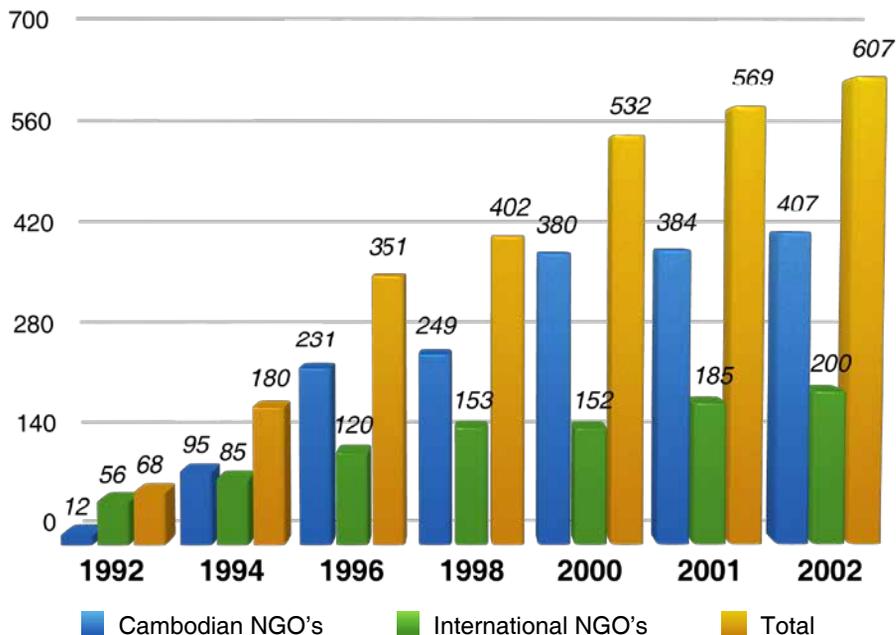


Figure 2: Number of NGOs in Cambodia 1992-2002

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 Cambodia 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).

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 create 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 three 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 example, the law regarding defamation and disinformation has been used selectively and in a biased manner against journalists, human rights activists and political leaders, and the courts do not seem to interpret 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 of 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 poor and powerless to the generally perceived as corrupt and politicized court (Un, 2013). Referring to Un (2011), instead of using physical violence to suppress 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 alternative discourses, and opposing from voicing their criticisms (UN, 2011). The example of land issues indicates that quality of human rights violations in Cambodia has extremely escalated, and the government has used its various strategies to limit the boundaries of civil societies and oppositions. Within this case, civil societies are refrained from protecting the minorities and marginalized groups 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 the external funding threatens the freedom of local NGOs in determining its own strategic development and indicating the lack of effective collective efforts to address issues of sustainability. Equally important is the interdependence generated by the traditional patron-client relationships, and that makes local NGOs lose their organizational autonomy. Furthermore, 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, and to higher paying organizations. In addition, most local NGOs in Cambodia are lacking the skills in strategic planning, developing governing board, and fundraising. The research skills are also similarly lacking (Chong & Elies, 2011).

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 within the family, community, workplace, school, public spaces, health facilities (Woodside, 2014) (Phnom Penh Post, 2014) 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 in 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 the value 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. Additionally, they were often charged for disrespect to authority. 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 of using drugs (Drennan, 2013). LGBT people continue to face violence and intimidation from family members and communities. Their peers, for instance, at school insult, tease and in some cases, physically 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 of 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 other countries, as it places no value on marriage or procreation per se but instead they are considered positive if they bring out love and respect, and 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.

However, as mentioned above, there is still a lack of basic understanding from families and societies. Many LGBT people are challenged with social stigma and family pressures. Moreover, 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). 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 cannot keep their LGBT identity secret can be ostracized by their families and communities (Cambodian Center for Human Rights [CCHR], 2010).

Although there are quite a number of activists and CSOs working on LGBT issues at the moment, they are mainly working in urban areas, therefore those who live in more remote and rural areas do not have access to this support system. the discrimination against LGBT people in the workplace continues to be commonplace in Cambodia still today, and the lack of specific laws against discrimination in the workplace has lead to them regularly being denied jobs. 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 changes that would greatly benefit the LGBT community, such as the eradication of all forms of discrimination; having the right to be with the person they love and establish a family; and having equal opportunities to have a job with no discrimination (Cambodian Center for Human Rights [CCHR], 2010).

Sexual Orientation Discrimination and CSOs

The modern history of the LGBT community in Cambodia goes back several decades, existing documentation of homosexual couples living together even before the end of the Khmer Rouge (BuzzFeed News, 2013).

After the establishment of the 1993 Constitution there was a big increase in the number of operating CSOs as well as their activity scope. CSOs assist the LGBT community to voice their concerns and to demand equal rights and freedoms from the society that they live in. An example of this is the “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 generated the establishment of the Rainbow Community Kampuchea, in order to promote and support the existing LGBT community and to raise awareness and understanding of their 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. A closer examination on RoCK and it's details will be carried out in chapter IV.

Chapter 3

Sexual Orientation Discrimination in Cambodia

The main purpose of this chapter is to present 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.

Introduction

Discrimination occurs in the context of a complex structural and systemic problem. Looking at factors and degrees of discrimination based on sexual orientation, it is clear that discrimination against the LGBT community has its roots in heterosexism, which has been thoroughly explained earlier.

Human rights abuses are also precipitated by Government agencies and law. According to research, local authorities have often misinterpreted government policies and implemented them in such a way that it suppresses LGBT people. The research also shows that government authorities often arrest, beat and detain LGBT people without reasonable cause. Cambodian laws 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 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 it, i.e. 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, as an example, every student must wear school uniform properly in accordance with their sex, and not their personal preferences and any deviation from school clauses will be penalized. Being LGBT and leaving school at a young age can affect future job opportunities dramatically.

Sexual orientation oppression is therefore not something which can be explained only by personal or individual prejudice, lack of awareness, or lack of tolerance. Heterosexism is systemic and concrete and 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 other words, these material inequalities help to strengthen and reproduce sexual orientation discrimination, and allows the social system to give advantage to heterosexuals over LGBT persons.

Cambodian LGBT people commonly face oppression. The participants in this study I have spoken to have experienced homophobia in different forms and settings: individual, family, community and State level, they have been challenged with exploitation, marginalization, powerlessness, violence and cultural imperialism oppression. The exploitation can be perceived through economic inequality, lower wage, and mistreatment in the workplace, and it includes inequities in employment, reduced access to health treatment and education. This heterosexist division of labor places LGBTs in a position of unemployability for most jobs, leaving them subjected to the less desirable careers and the lowest paying positions. In other words, they are deprived of choice, rights and respect, and are commonly depicted as abnormal and mentally ill; Cambodian LGBTs often face powerlessness and are vulnerable, poor and unemployed, seen as disruptors of public order and challenged with violence, electrocuted, forced to marry, bullied and teased throughout their lives.

Research findings suggest certain forms of unintentional or unconscious oppression, like parents who, with their child’s best interest at heart, try to find a cure for their condition. Findings also suggest 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 and 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, so 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; in the previous example, in fact, parents are the agents of oppression.

Discrimination against LGBTs occurs in the different depictions 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 summarises the type of oppression in each level.

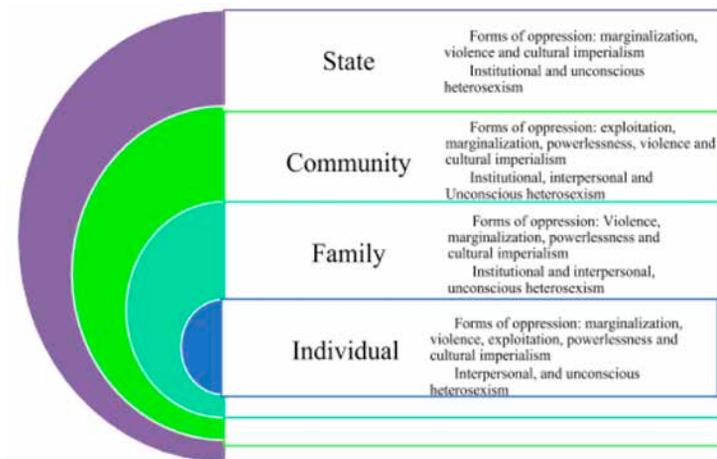


Figure 3: Levels of Sexuality Oppression/Discrimination

Individual Level

As previously mentioned, at the individual level, Cambodian LGBTs are challenged with marginalization, exploitation, powerlessness, violence and cultural imperialism.

The difficulty of being accepted within the Cambodian society as LGBT forces many of them to face marginalisation in the form of social stigma and future uncertainty. A good example of this is Chantha's (27) case. She comes from Kompong Speu province and, at the time of interview, was working as a factory worker in Phnom Penh. When her mother knew that she loved and wanted to live with another woman, she took her to a Khmer traditional doctor who tried to cure her by pouring holy water on her. For her mother to love someone who is from the same sex is unnatural and a mental disease.

When I cut my hair and dressed like a man, my mom took me to *kru khmer* (traditional medicine practitioner) for water-pouring because my mum believed that there was a bad spirit inside me. It was a disease [...] she did not allow me to work in Phnom Penh anymore because she was afraid that I would act as my friends in Phnom Penh. [...] I still resisted to staying at home, because I wanted to earn money. So, I still come and work here. (Chantha, Lesbian, July 6th, 2014).

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

My parents 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 with my grandma in the countryside and later on sent me to stay with my aunty in Siem Reap province, because they hoped that I would change from my current behavior to being 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 trousers. 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 now is a university student, he is still oppressed by his fellow students and lectures. At the university, his colleagues and lecturer believe that, being *kteuy*, Rayuth cannot seek a good job and have a better life. He said,

My family was really ashamed with the public life. They said I am destroying the reputation of my family. Once I had a chance to talk on a TV show, I publicly revealed that I was gay. My dad called me and disowned me, he added that he had no child like me. He believed that being *kteuy*, I wouldn't have a good future and no one would employ me. [...] When I was in primary school, the boys forced me to play boy-games like football, which I didn't like. Sometimes when I walked back from school, they would beat me without any reason [...]. At university, they (classmates and lecturer) implied that *kteuy* could do nothing besides opening a beauty salon. *Kteuy* 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).

These issues found in Rayuth's case were common to other LGBT respondents' cases.

Besides 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 jobs and two cases reveal that LGBTs had no choice but prostitution. As prostitutes they are very vulnerable to sexual assault and other crimes that are very hard to enforce by authorities. They are not valued and 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 explained that because of the lack of job opportunities, she eventually decided to become a prostitute.

[...] I left home. I have no job. I decided to sell sex. Some clients hit me and rape me, I cannot count how many times I am beaten. One time I was raped by several men, then they hit me and took all my money. Another time, after they raped me, they stripped me, and threw 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 say that talking with me can make them become *kteuy* like me. The teacher does not want to answer my questions. When I ask questions, he pretends not to hear me [...]. (Rossa, Transgender Woman, July 28th, 2014).

As mentioned earlier, homophobia at school causes a lot of LGBTs to drop out of school, diminishing their chances of achieving a proper education, and bringing them to a spiral of powerlessness, becoming unemployable and having no work autonomy. All this leads to, not only economic hardship, but to continuing the stigma and lack of respect surrounding this collective.

For example, Penh (27) 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 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 said they didn't have any friend like me. I often hit them because they blamed me. I gave up school when I was in grade 6. I couldn't read and write until I was 18. not having enough knowledge, I could only work as a factory worker with a low salary. (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.

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 by unconsciously being depicted as abnormal in need of cure or correction. LGBTs in some instances are also being forced to marry, despite forced marriage being contrary to Cambodian law and International Human Rights law. Yet if one looks at the nature of law, Cambodia only recognizes marriage between a man and a woman which creates a foundation bias to prohibit same-sex marriages among LGBT people. At the same time, the traditional gender roles in the family still remain deep and concrete. Men are expected to be heads of the family, husbands and fathers whilst women should take the role of subordinates, wives and mothers. In the case of Meas, mentioned before, he states

(my parents) forced me to love and marry a real man. (...) My uncle hates me so much. He says I am destroying the family reputation (Meas, Transgender man, July 21st 2014).

These facts indicate that being homosexual in the Cambodian context is not valued neither by laws nor traditional practices. As a result, forced marriage among homosexuals is not understood as a human rights violation. forced marriage according to 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 an heterosexist institution.

Cambodian LGBTs are also challenged with violence and powerlessness qua oppression through interpersonal discrimination in the family sphere. According to the research, all of the LGBT respondents have faced various types of physical and/or psychological violation. They have suffered from being beaten, blamed, insulted, locked, and having their belongings confiscated. In order to prevent LGBT children from leaving home, parents sometimes lock their LGBT child in the house and confiscate their belongings. Two of twenty-three respondents revealed that their family members even used electric shock to punish them. Using economic pressure is also a tool used to suppress an LGBT child in order to prevent them from being LGBT. Penh (mentioned above) said,

[...] my parents blame me for my actions. They said a woman has to marry with a man and cannot love another woman. They added that I acted like a crazy person. I was beaten with a 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 tried to commit suicide but I was saved [...]. (Penh, Transgender Man, July 6th, 2014).

Another example is Rosa. Her parents passed away when she was a little kid, so she spent her childhood with her brother. She faced very strong punishments 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 her home and become a sex worker. After leaving home, she had no job. Then she decided to sell her body for a living. Rosa described her experience like this

[...] my parents have passed away. I lived with my brother. He hates me so much. My brother hit me with the gun, used electric shock, gave me no rice to eat, shouted at me, blamed me, and threw all my clothes away, didn't give me any money so I could not go to study. [...] then I left 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 by the State. In reality homosexuals cannot comply with the mainstream role of 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. It is clear that the oppression in family institution is systematic. As a consequence of this we can observe many negative effects like depression, low self esteem and self discrimination.

Interestingly, in some areas of Cambodia, village officials allow to include same-sex partners 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 family members. He relates the experience of a couple that, having lived together for many years, adopted and raised children together and having both stable jobs and support within their community, request to be included in the family book, but are denied so due to the lack of legal precedents. (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).

Community Level

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

At school, LGBT students face marginalization, violation and powerlessness through unconscious, interpersonal and institutional discrimination. It is a common school rule that students are required to wear trousers when being male and skirts when being female. This rule is used to distinguish between male and female student in accordance with their sex, yet it poses a conflict for transgender students. Expression in accordance with their personal preference is often denied. Another issue is that even though every person has the right to equal opportunity of education, protection within the educational institution is inexistent. LGBTs are commonly bullied, teased, ignored and excluded from socialization. This means the school becomes an insecure institution where the oppression and discrimination remain. Penh was challenged with extreme oppression and discrimination at school until he decided to give up his studies in primary school.

No one wanted to sit in the same table as me, no one wanted to play with me, no one wanted to talk to 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).

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, has long hair, white skin and dresses in female attire; She reveals that she is bisexual. She studies in one of the universities in Phnom Penh. She has a smiley disposition at the time of meeting, but when we start talking about the school life, Lucky changes her facial expression and says,

Some university students look at me up and down and then say that I am mentally ill. Some of my university lecturers suggested that we are LGBT because we eat too much chicken. [...] I rarely get an applause and I usually get a low mark even when I answer in the same ways as other students. I feel they don't value my school work. (Lucky, Bisexual, July 5th, 2014).

Due to the uptight regulations in educational institutions regarding dress codes, even if LGBT students ask for more flexibility in order to express their true identity and personality within the institution, it is very unlikely that this might lead to a satisfactory conclusion. This is because these students brake the school regulations, that expect boys to wear short hair and trousers and girls to wear long hair and skirts. LGBT students also often don't follow the social norms regarding behaviour according to their birth gender. It is shameful for LGBT students for their true identity to be revealed, which most commonly leads to dropout.

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 job 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, which might lead to

prostitution. Two out of twenty-three LGBT respondents had resorted to prostitution. The case of Rosa shown earlier is a good example of this.

I would like to emphasise here the high rate of school dropout amongst LGBT, that inevitably leads to low knowledge and lack of preparation for skilled jobs. In the example before we could read about Penh's case, who didn't learn how to write until he was 18, and as a result is a factory worker with a very low pay and very few opportunities for prospering in his life. 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 shows an heterosexist division of labor. Most of the jobs are only available for heterosexual men and women while a few are available for homosexuals.

LGBT people often lead their lives in poverty and unemployment. Their livelihood is of course in a vulnerable condition. A good example is the 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 will not be able to 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 homosexual or transgender people live in vulnerable conditions in terms of employment appears in the studies of the workplace. The interviews show that gay and transgender women are believed to be weak people and that there is a perception that an heterosexual person will be a better fit for the job. This argument is already supported by Rosa's case study, as discussed in the above section. It is even more crucial to mention 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 his previous job as follows,

[...] Due to good performance I was promoted to a better position. Unfortunately, my colleagues were not happy for me to lead them. They thought I was weak and not capable, so they talked to my boss to avoid my promotion. Even though I had the capacity to do the job, I was discriminated against because of my sexual orientation. [...] My gay friend faced the same trouble as me. He applied to become a teacher and he passed the exam. When he was appointed to teach at a

public school, the school director rejected him and said that the school had enough teachers and did not need more. In fact, the school didn't have adequate teachers and my friend was rejected because he was 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 disadvantage and injustice. It can establish the economic and power inequality between heterosexuals and homosexuals.

The State Level

Cambodian LGBT people continue to be challenged with marginalization, violation and cultural imperialism through oppression. Positively, being LGBorT in Cambodia is not prohibited under State law and same-sex relations are not illegal. Negatively, same-sex marriage is not recognized under the State law. This directly affects the family lives of LGBTs and limits their possibilities of establishing a family, a same sex relationship or a same sex marriage. As discussed in the family section, State law helps to limit the scopes for LGBT lives and sustains the family as an heterosexist institution.

There is a crucial example of the oppression suffered by the LGBT community, regarding "the Village Commune Safety Policy" (VCSP). . This policy was originally established to cope with crime and illegal activities such as drugs smuggling and using, prostitution, human trafficking, domestic violence and using illegal weapons. Instead of this government agencies implemented this policy to target LGBT peoples as sex workers and drug users (Cambodian Center for Human Rights [CCHR], 2012). Due to incorrect interpretation of this law by commune officials, the LGBT community are perceived as a risk group. It also helps 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. In Rayuth's case study we can see he has been challenged with discrimination and oppression not only from his family, but from his community as well. He said,

[...] when I had a problem with my partner, I went to the police station to ask for help, but the police didn't solve my

problems. They said they do not solve the problems of *kteuy* [...] They arrested me without any evidence. The police arrested many gays and transgender peoples in other places, 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 does wrong, the police will arrest all. When I asked them about the reason for my arrest, they wanted to hit me with their shoes and gun. They shouted at me that being a *kteuy*, I have no right to complain [...]. (Rayuth, Gay, July 9th, 2014).

Another case to support this point, is the transgender woman, Rosa. She was arrested. When released, she wanted to file a complaint against the police, but she could not.

[...] the police arrested and detained me. They really wanted to hit me because I am *kteuy*. After I was released, I wanted to sue the police for arresting me without any reasons. But then, the police said that if I want to file a complaint against them, I should have strong evidence and a lawyer. They added I will face many problems if I sued them. So, I decided not to sue them. (Rosa, TW, July 28th, 2014).

This case 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.

Traditional Culture as Cultural Imperialism

According to the research findings, the oppression of cultural imperialism can be analyzed in different ways, with different points of view 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. Traditional gender roles in the Cambodian context extremely value 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 relevant in the Cambodian context.

On the other hand, cultural imperialism as described by Young (2005) might be applicable in the Cambodian context, as the oppression and discrimination here imply that cultural imperialism occurs when people refuse to recognize the values of LGBT, neither through laws nor social norms. Being LGBT is perceived as unnatural, and same-sex marriage is seen as a breach to traditional gender roles and not recognized under Cambodian law. At the same time the emergence of LGBTs tends to create a threat to the local Cambodian tradition. People implicitly perceive LGBTs as not belonging to their society and not complying with their assigned roles. Hence the difficulty of accepting LGBT as normal and recognizing their relationships, as this would imply a direct rejection to their own traditions. This tells us that local Cambodians see LGBTs as a foreign culture which undermines their local norms.

Uneven Discrimination

The research also indicates some interesting factors which show a partial reduction in the discrimination and oppression against LGBT people. The most important consideration being the wealth factor. The study suggests that when 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, CCHR official, confirms that if 'tomboy' 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 reach 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, Chan (26), who is a cook in a Japanese restaurant, describes her life, being a lesbian during her school days

I didn't face any oppression when I was at school. My friends didn't hate me. They liked me and admired me because I drove a car to school. I had money and a car. No one discriminated me. My parents didn't have any strong reaction over my sexual preference. They wanted me to concentrate on my studies. They never beat and blame me. (Chan, Lesbian, July 6th, 2014).

The case above demonstrates how income seems to play a very important component in minimizing the discrimination and oppression against LGBTs, but this seems to help only at the individual level. The wealth factor may help a certain group of LGBT individuals to have better living conditions than others. It's still important that income does not address the systemic nature of oppression and heterosexism; even if most LGBTs had a higher than average income, it is not certain that oppression and violence would decrease. This might be one of the reasons why many Cambodian LGBT people keep hidden their sexual orientation and personal preferences. Furthermore, as the number of visible LGBTs increases in society, assume non-stereotypical roles and have a greater access to economic and cultural resources, there may be a heterosexist backlash against them.

Apart from the economic factor, age also plays an interesting role in LGBT discrimination. As an LGBT gets older, the perception and experience of the exclusion and discrimination diminishes, to the point of disappearing in many cases. In interviews with Pov and Sros we can see this clearly,

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

[...] when I was a little boy, I didn't feel any suffering. I could go to study as other students. I had many friends. They liked me so much. I used to go to my friend's house and their parents also liked me. My parents never beat me. I believe 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 are 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 actions to tackle the problem, and 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 significant influence on the family life of LGBTs, but same-sex couples remain living and spending their lives together. The not recognition of these couples can prove troublesome when a couple decides to break their relationship, or if one of the partners passes away, as it is difficult to allocate assets and other properties.

The State tends to categorize LGBTs as a risk group which can establish contingencies to disrupt public order. 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 it does not openly protect LGBT rights and recognizes LGBTs' needs, it enables pressure and discrimination from family and community. As we've seen before 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 of this are unequal treatment and perpetuation of the heterosexual privileges, as well as policy misinterpretation, resulting in LGBT suppression.

At the community level, LGBT are often considered disruptors of the moral good, and local authorities take it to their hands to keep them from obstructing the social order, often by depriving them from common rights, opportunities and services, and resulting in exclusion, oppression and disapproval. Even if the State does not deny the enrolment of LGBT students, the school environment does not provide equal conditions. LGBT students are often bullied and teased by other students. The school administration is also reluctant to openly take possible means to address the situation. Because of the protection and promotion of LGBT rights being too narrow at the State level, LGBT then continues to be challenged with lack of access to job opportunities

and mistreatment in the workplace. LGBTs are frequently denied employment and promotion to better positions. Rejection may come from employers and colleagues. This helps to increase economic hardship, material inequality and the power gap between heterosexuals and homosexuals. In some cases it can even lead to sex work and prostitution, as seen in two cases of the study. Prostitution is therefore unconsciously linked with LGBT in the public imaginary, preserving the stigma.

Discrimination in the family is common for many LGBT children, as seen in the study regarding the question about physical and mental abuse. This can occur as a consequence of the lack of protection and promotion at State level. 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. 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.

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, and opportunities) and power disparity between heterosexuals and homosexuals. Amongst various settings, family is the most damaging place where LGBT experience homophobic attacks and abuses.

Chapter 4

RoCK's Actions to Support Anti-Discrimination

The main purpose of this chapter is to discuss the activities of the selected organization to combat the discrimination based on sexual orientation, and to explore significant factors that impact 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.

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 the 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 objectives: 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 members who perform different roles each of them with it’s own responsibilities. These three staff members work mainly on two different, but relating activities. Noy Sitha (transgender woman to man) and Chheng Rachana (lesbian) are responsible for LGBTIQ organization, while Horn Virak (gay man) is an advocacy officer.

During fieldwork in Phnom Penh, the interviews were conducted with LY Pisey, Pheng Sanh, Noy Sitha, Chhoeurng Rachana and Horn Virak.

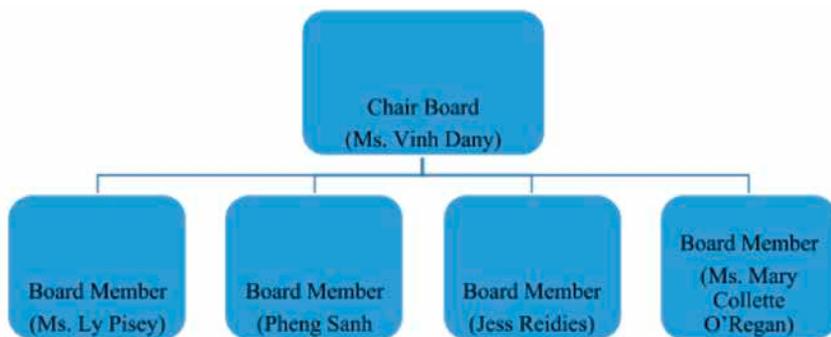


Figure 4: Board Members

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 categorize 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 the 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 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 *kteuy* by their friends. In public, they face rude words, and teases. All these come from relatives and neighbors. In some public spaces, 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 professionals or other patients. 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 names like *kteuy*. Eventually, she addressed the State.

She noted in Cambodia the legal protection and promotion on LGBT rights seem to be silent (Chhoeung 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, community, workplace and authorities. LGBTs have been provided less rights and freedoms compared with heterosexuals. The discrimination in the 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, as observed before, 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 hated me so much. Even if she never beat me, she spoke a lot to me. Now everything is changing. I have a job in Phnom Penh. I can earn a salary to support my mum and my siblings' 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.

The Response to Promote Anti-Discrimination

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 gets 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 the organization and gives 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.

Raising Awareness

The purpose of raising awareness is to engage both the general public and LGBTs in the understanding of the collective's issues. 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 conducts 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 with it's main topic being addressing the lack of human rights and other relevant laws. 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. RoCK also creates special events like playing traditional games, shows short performances and concerts. They also take a Cambodian Tuk Tuk and travel around Phnom Penh for the purpose of raising awareness on LGBT issues to the public.

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.

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, she was released.

Positive Progress

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 away 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 LGBTs

issues. After years of RoCK's advocacy together with other CSOs, the Ministry of Women Affairs eventually introduced 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 RoCK 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, the Minister of Women Affairs also spoke to support LGBT in Cambodia. On September this year, the Ministry of Women Affairs also discussed in its national consultation about CEDAW which also mentioned LGBT as a marginalized group. So in general, CSOs are now paying more attention. (Srun Sron, 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 view 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, one of these studies was the previously mentioned, "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 and 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 in Sweden. (Ly Pisey, RoCK's Board)

RoCK has gained its popularity amongst 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 mentioned,

[...] at first I didn't know RoCK and I also didn't disclose my behavior. After I participated in activities organized by RoCK, I felt 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).

The findings suggest that it is effective that RoCK works exclusively on problems of LGBTs, because it is in fact an integral part of the build-up of a wider network of CSOs struggling for a better society, particularly solving human rights abuses through the lens of gender and sexuality. 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 areas 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. In 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 as 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 established without obstruction from law. It also 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. 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 other 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.

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 that provides RoCK with the ability to work better at the individual level is technological development. It is undeniable that Cambodia today has good access to internet and social media which means the LGBT community have much more 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 webpage but also its own facebook group 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 try 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 met. 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.

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 affect 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 factors, 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.

Social and Cultural factors

As the findings suggested in previous chapter, traditional gender roles and social norms are 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 alters 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.

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 indirectly, from heterosexuals. This means that 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.

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 social disruptors 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 policies 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.

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 political reasons.

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 heterosexuals. Furthermore, 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 are 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 attention and whose cases present 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 affect 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 a private organization. He was good enough to work in higher position thus he was due to be promoted. Unfortunately, his colleagues 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 is following old habits" (Ly Pisey, RoCK Board, July 15th, 2014 & Chhoeung Rachana, RoCK 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 5

Conclusions and Recommendations

The previous chapters have laid out a case study on sexual orientation discrimination and the involvement from one particular CSO, which demands for the defence and promotion of 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.

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 mechanisms, 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. Furthermore, the LGBT movement is becoming more attractive not only to local people, and international sponsors but also to the Cambodian government. In 2013, the year of national election, the government included LGBT issues 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 limit 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, though 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.

Recommendation

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 their future. Research has found that if LGBTs have strong economic status, then discrimination decreases. Therefore, helping 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 can convince the government that any positive treatment on LGBT community will extremely affect the reputation of government on the international stage.

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. Therefore, 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 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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Civil Society's Response to Sexual Orientation Discrimination

A Case Study of Rainbow Community Kampuchea, Phnom Penh

Sothy Lek

The emergence of the LGBT (lesbian, gay, bisexual and transgender) community has accelerated in recent years, and with it sexuality-based discrimination has emerged as a serious issue in Cambodia. While the number of civil society organizations has increased in recent years, only a few have dealt with LGBT rights.

This paper explores the response of civil society organizations to sexual orientation discrimination through the experiences of the Rainbow Community Kampuchea in Phnom Penh. Rainbow Community Kampuchea is a local NGO working exclusively to foster the development of LGBT rights in Cambodia. Highly aware of heterosexism and oppression within the Cambodian context, they have taken diverse actions as tools to respond and cope with sexuality discrimination and make Cambodia a better place for LGBT people.

This paper explores how Rainbow Community works to mitigate sexuality discrimination through a series of interviews with both LGBT people and influential members of the Community.

