



មជ្ឈមណ្ឌលសិទ្ធិមនុស្សកម្ពុជា  
Cambodian Center for Human Rights

December 2015

# LGBT Bullying in Cambodia's Schools



Supported by



## About the Cambodian Center for Human Rights

The Cambodian Center for Human Rights (“CCHR”) is a non-aligned, independent, non-governmental organization (“NGO”) that works to promote and protect democracy and respect for human rights – primarily civil and political rights – throughout the Kingdom of Cambodia (“Cambodia”). CCHR’s vision is of a non-violent Cambodia in which people can enjoy their fundamental human rights, are empowered to participate in democracy, and share equally the benefits of Cambodia’s economic development. CCHR promotes the rule of law over impunity, strong institutions over strong men, and a pluralistic society in which variety is welcomed and celebrated rather than ignored and punished. CCHR’s logo – a dove flying in a circle of blue sky – represents the twin principles of peace and freedom.

This report – *“LGBT Bullying in Cambodia’s Schools”* (the “Report”) – is an output of CCHR’s Sexual Orientation and Gender Identity (“SOGI”) Project. The SOGI Project was launched in 2009 with the aim of empowering Lesbian, Gay, Bisexual and Transgender (“LGBT”) people, advocating for their rights and networking with various partners to increase the promotion and protection of LGBT rights in Cambodia.

## Acknowledgements

This Report has been made possible by the support of the Swedish Association for Sexuality Education (Riksförbundet för Sexuell Upplysning) (“RFSU”) through the financial support of Sida, the Swedish International Development Cooperation Agency. CCHR would also like to thank partner organizations CamASEAN Youth’s Future, Men’s Health Cambodia (“MHC”) and Rainbow Community- Kampuchea (“RoCK”) for their valuable contributions. Finally, CCHR wishes to thank each of the participants who took part in the surveys, interviews and focus group discussions, which formed the basis of the research, and particularly those students who gave consent to be photographed for the cover image. The responsibility for the contents of the Report lays solely on CCHR.

## Queries and Feedback

Should you have any questions or require any further information about the Report, or if you should like to provide any feedback, please e-mail CCHR at [info@cchrcambodia.org](mailto:info@cchrcambodia.org). Alternatively, please contact CCHR at:

#798, Street 99, Boeung Trabek, Khan Chamkarmon,  
Phnom Penh, Cambodia

E-mail [info@cchrcambodia.org](mailto:info@cchrcambodia.org)

Tel: +855 (0) 23 72 69 01

Fax: +855 (0) 23 72 69 02

Web: [www.cchrcambodia.org](http://www.cchrcambodia.org)



# Contents

---

Acronyms .....	iv
Definitions.....	v
Executive Summary.....	vi
1. Introduction .....	1
2. Purpose, Scope and Methodology .....	3
3. Being LGBT in Cambodia .....	7
3.1 Legal framework – Cambodian Law.....	7
3.2 Legal framework – International Human Rights Law .....	8
3.3 Social Attitudes.....	10
4. The Global Context: LGBT Youth Bullying .....	12
4.1 Introduction .....	12
4.2 Asia .....	12
4.3 Europe.....	14
4.4 USA .....	14
4.5 Australia.....	15
5. Findings .....	16
5.1 Prevalence and Forms of SOGIE-related bullying in schools .....	16
5.2 Responses to bullying .....	22
5.3 Effects of bullying on victims .....	23
6. Conclusion & Recommendations.....	27
7. Bibliography .....	30

## Acronyms

---

<b>AIDS</b>	Acquired Immunodeficiency Syndrome
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>Cambodia</b>	The Kingdom of Cambodia
<b>CamASEAN</b>	Cambodia-ASEAN International Institute
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>CRC</b>	The Convention on the Rights of the Child
<b>Criminal Code</b>	The 2009 Criminal Code of the Kingdom of Cambodia
<b>Civil Code</b>	The 2007 Civil Code of the Kingdom of Cambodia
<b>CCHR</b>	Cambodian Center for Human Rights
<b>FGD</b>	Focus Group Discussion
<b>HIV</b>	Human Immunodeficiency Virus
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IHRL</b>	International Human Rights Law
<b>LGBT</b>	Lesbian, Gay, Bisexual and Transgender
<b>MHC</b>	Men’s Health Cambodia
<b>MSM</b>	Men who have sex with men
<b>NGO</b>	Non-Governmental Organization
<b>The 2010 Report</b>	A 2010 Report by CCHR, “Coming Out in the Kingdom: Lesbian, Gay, Bisexual and Transgender People in Cambodia”
<b>The 2012 Report</b>	A 2012 Report by CCHR, “Rainbow Khmer: From Prejudice to Pride”
<b>The Project</b>	The SOGI Project implemented by CCHR
<b>The Report</b>	This report, “LGBT Bullying in Cambodia’s Schools”
<b>RFSU</b>	Swedish Association for Sexuality Education (Riksförbundet för Sexuell Upplysning)
<b>RGC</b>	Royal Government of Cambodia
<b>RoCK</b>	Rainbow Community of Kampuchea
<b>Sida</b>	Swedish International Development Cooperation Agency
<b>SOGI</b>	Sexual Orientation and Gender Identity
<b>SOGIE</b>	Sexual Orientation and Gender Identity/Expression
<b>SSAGQ</b>	Same-Sex Attracted and Gender Questioning
<b>UDHR</b>	The Universal Declaration of Human Rights
<b>UK</b>	The United Kingdom
<b>UN</b>	The United Nations
<b>UNDP</b>	The United Nations Development Programme
<b>UNDP Report</b>	A 2014 report by the UN Development Program, “Being LGBT in Asia: Cambodia Country Report”
<b>UNESCO</b>	The United Nations Educational, Scientific and Cultural Organization
<b>USA</b>	The United States of America

## Definitions

---

<b>Sexual Orientation</b>	A person's capacity for profound emotional, sexual attraction to, and intimate and sexual relations with, individuals of a different gender or the same gender or both.
<b>Gender Expression</b>	Refers to how a person presents their gender. This can include behaviour and outward appearance such as dress, hair, make-up, body language, voice, chosen name, and pronoun.
<b>Gender Identity</b>	A person's deeply felt internal and individual experience of gender, which may or may not correspond to the sex assigned at birth.
<b>Gender</b>	Refers to the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for men and women.
<b>Sex</b>	Refers to the biological and physiological characteristics that define men and women.
<b>LGBT</b>	Stands for Lesbian, Gay, Bisexual and Transgender.
<b>Homophobia</b>	Discrimination against a person based on their sexual orientation.
<b>Transphobia</b>	Discrimination against a person based on their gender Identity.
<b>Transgender</b>	An umbrella term that refers to an individual whose gender identity is different from their sex assigned at birth.

# Executive Summary

---

This research report is the outcome of nation-wide research on the bullying faced by lesbian, gay, bisexual and transgender (“LGBT”) people during their attendance at school in Cambodia, and its long-term effects. This Report was commissioned after a large gap was identified in what was known about the experiences of LGBT students in schools in Cambodia.

A significant body of research suggests that homophobic and transphobic behavior is prevalent in educational institutions across the globe, and this hypothesis was affirmed by the results of this research. This report presents the findings of the nation-wide survey, focus group discussions (“FGDs”), interviews, and from desk research comprising studies from around the world, and also offers recommendations on how to systematically address the issue of bullying based on sexual orientation and gender identity/expression (“SOGIE”) in the Cambodian education system.

**Chapter 1 (Introduction)** introduces the broad objectives of the research and provides a brief overview of the current landscape vis-à-vis LGBT rights in Cambodia and the background to this study.

**Chapter 2 (Purpose, Scope and Methodology)** offers an overview of the methodology that was used to draft and research this Report and includes the limitations of the research.

**Chapter 3 (The Cambodian Context)** provides a summary of the current state of LGBT rights in Cambodia, including an examination of the legal landscape and prevailing societal attitudes in the country.

**Chapter 4 (The Global Context)** provides a detailed review of data related to SOGIE-related youth bullying from studies from around the world.

**Chapter 5 (Findings)** offers an in-depth presentation of the findings from the field research undertaken for this Report.

**Chapter 6 (Conclusion and Recommendations)** summarizes some of the main findings from the research and uses these to offer appropriate recommendations to a variety of stakeholders, aimed at preventing SOGIE-related bullying in Cambodian schools, providing a safe educational environment for LGBT youth, and tackling SOGIE-based discrimination in general, in order to enable all LGBT Cambodians to fulfill their true potential.

# 1. Introduction

---

LGBT members of society are by definition guaranteed the same rights as everyone else; however, in Cambodia, while there are no homophobic religious traditions, there is at the same time no specific legal or normative protection for LGBT people, and societal attitudes remain largely negative towards LGBT issues. Family values are incredibly strong in Cambodian society and there is intense pressure on young people to enter traditional marriages and have children.

Discrimination against LGBT people for being ‘different’ can begin from a young age, and have serious long-term impacts on an individual’s emotional, psychological and physical health and wellbeing.

This research comes at a time when there has been a discernible increase in the attention paid to LGBT rights both globally and locally. Recently, 12 United Nations (“UN”) agencies came together to issue an unprecedented statement urging all states to respect LGBT rights and end violence and discrimination based on SOGIE.<sup>1</sup>

At a regional level, there have been tangible signs of the advancement of LGBT rights. There are signs in Thailand and Vietnam that LGBT rights are beginning to gain traction in mainstream political discourse; indeed, this Report will allude to some of these developments in Chapter 4. Particularly noteworthy is the recent adoption by Nepal of a new constitution, which includes specific anti-discrimination measures prohibiting discrimination against LGBT people.<sup>2</sup> In doing so, Nepal became the first country in Asia to bestow constitutional status on such anti-discrimination measures.

Domestically, following pressure from civil society organizations, the events in Nepal triggered a welcome reaction from the Royal Government of Cambodia (“RGC”) regarding the potential legalization of same-sex marriage.<sup>3</sup> Furthermore, the RGC has recently become engaged with civil society to make teacher training and the school curriculum more LGBT-sensitive. These developments between civil society and the RGC provide an encouraging indication of the steady advancement of LGBT rights in Cambodia. Nevertheless, as this Report outlines, there is much more to be done if LGBT rights are to be guaranteed in Cambodia, both legislatively and in terms of societal attitudes. Often, the most challenging obstacle for LGBT people is not the legal framework, but poor treatment within society, and SOGIE-related bullying in schools is a prime example of the negative treatment that impacts enormously upon the lives of Cambodia’s LGBT population.

Globally, studies highlighting the issue of homophobic bullying have become prevalent in recent years; however, in Cambodia no research has been conducted on this topic to date. Over the course of 2014-2015, CCHR’s SOGI Project has been working to fill this gap. The Project has conducted extensive desk research, field surveys, interviews and FGDs aimed at assessing and analyzing the extent and impact of bullying based on SOGIE in Cambodia’s schools.

---

<sup>1</sup> United Nations Press Release ‘United Nations entities call on States to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) adults, adolescents and children’ (29 September 2015)

<sup>2</sup> ‘Nepal’s New Constitution Leads Region in LGBTI Rights’, The World Post (10 October 2015) Available at: [http://www.huffingtonpost.com/tracy-fehr/nepal-constitution-lgbti-rights\\_b\\_8239360.html](http://www.huffingtonpost.com/tracy-fehr/nepal-constitution-lgbti-rights_b_8239360.html)

<sup>3</sup> ‘Cambodia Welcomes Same-Sex Marriage, Gov’t Spokesman Says’, Khmer Times (24 September 2015) Available at: <http://www.khmertimeskh.com/news/16143/cambodia-welcomes-same-sex-marriage--gov---t-spokesman-says/>

**While bullying is seen by some as an unavoidable part of adolescence,** some groups are disproportionately targeted and therefore require special protection. According to the 2006 UN *World Report on Violence Against Children*, most bullying is sexual or gender-based, both in terms of the selection of victims and the nature of the abuse.<sup>4</sup> This is extremely concerning for LGBT youths who are often coming to terms with their sexuality or gender identity during adolescence.

The high rate of bullying against LGBT students because of their sexual orientation or gender identity has been well documented elsewhere in the world.

Overwhelmingly, studies have shown a link between bullying and mental health problems later in life, partly as a result of LGBT people experiencing a significantly higher rate of bullying at school than their non-LGBT peers. Research conducted by CCHR's SOGI Project supports this theory.

The Report will provide a useful contextual overview of life in Cambodia for LGBT people, by examining both the legal landscape relating to LGBT rights, and the societal pressures that LGBT people face. The Report will then comprehensively present its findings in relation both to its desk research, which provides a useful exposition of the current knowledge base regarding SOGIE-related bullying from around the world, as well as the primary data, acquired from the SOGI Project's field missions. In doing so, the Report represents a pivotal first step in the acquisition of usable data on the experiences of LGBT people in Cambodian schools, which is used to draw conclusions and suggest appropriate recommendations to decision-makers and stakeholders. It is hoped that this research will enable and encourage further research in this crucial area.

---

<sup>4</sup> United Nations, A/61/299, 'World Report on Violence Against Children', (2006)



## 2. Purpose, Scope and Methodology

---

This Report follows the publication of two earlier studies by CCHR’s SOGI Project: a 2010 report which provided an overview of how SOGIE is viewed in Cambodia - *“Coming Out in the Kingdom: Lesbian, Gay, Bisexual and Transgender People in Cambodia”* (“the 2010 Report”);<sup>5</sup> and a 2012 report which further illuminated the struggles experienced by LGBT people, and also focused on providing a vision whereby LGBT people’s human rights are fully protected by law, respected in practice, and recognized universally – *“Rainbow Khmer: From Prejudice to Pride”* (“the 2012 Report”).<sup>6</sup> This Report differs from both the 2010 Report and 2012 Report in that it aims to provide primary data relating to the experiences of LGBT youth in Cambodia’s schools, and specifically, the prevalence of SOGIE-related bullying. As such, unlike the two previous reports, the scope of this Report is intentionally narrow. In the consultation stage before the report was initiated, it was apparent to the Project that there was a dearth of data relating to the experiences of LGBT youth in Cambodia; indeed, the exploration of LGBT rights and SOGIE in Cambodia as a whole is at a nascent stage, making this a ripe area for research. It is hoped that by the publication of this Report, a foundation will be laid which stimulates further research in this field.

As well as obtaining primary data relating to SOGIE-related bullying in Cambodian schools, the Project also considered it important to collect data from comparable studies from around the world. The purpose of doing so is to analyze how the experiences of LGBT youth in Cambodia compares to the experiences of their peers in other countries, and whether any trends could be specifically identified. For instance, where the findings differ markedly from data from other studies, it may be attributable to specific cultural factors, either unique to Cambodia or the wider Asia-Pacific region. Through identifying possible cultural specificities in this data, the Project suggests that advocacy efforts and recommendations aimed at improving the state of LGBT rights could be better tailored.

The purpose of this Report is to present the data collected from the SOGI Project’s research on the current situation regarding SOGIE-based bullying in Cambodian schools. The Project hopes that this Report will make an important contribution to the understanding of LGBT issues in Cambodia generally, and will constitute an important and actionable source of information for the RGC, civil society and other stakeholders in future.

In order to gain information about the prevalence of bullying of LGBT people in Cambodian schools, extensive desk research was conducted, as well as primary research in the form of: a survey (taken to the field and offered online); interviews; and FGDs.

Desk research was conducted by the SOGI Project team in both Khmer and English. The desk research reviewed the available research into bullying at school, SOGIE-based bullying at school and long-term effects of such bullying. The research included Cambodia, Southeast Asia, and the rest of the world.

To conduct the field missions, the SOGI Project utilized its existing network to find willing participants to complete the survey, give interviews and participate in FGDs. This was achieved by

---

<sup>5</sup> CCHR ‘Coming Out in the Kingdom: Gay, Lesbian, Bisexual and Transgender People in Cambodia’ (Report) (December 2010) <[http://cchrcambodia.org/index\\_old.php?url=project\\_page/project\\_page.php&p=report\\_detail.php&reid=8&id=3](http://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=8&id=3)>

<sup>6</sup> CCHR ‘Rainbow Khmer: From Prejudice to Pride’ (Report) (December 2012) <[http://cchrcambodia.org/index\\_old.php?url=project\\_page/project\\_page.php&p=report\\_detail.php&reid=85&id=3](http://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=85&id=3)>

contacting LGBT community leaders and heterosexual community leader “allies”, or similarly placed persons, who knew the local LGBT communities and assisted the SOGI Project in order to find willing participants. The field research was only conducted with people who identified as LGBT. There was no control group. Participants were between the ages of 15 and 72, thereby focusing on both current students either at secondary school or university, as well as those who had participated in education at some point in the past. The Project intentionally identified a significant number of participants who had already left the education system, in order to better assess the long-term effects of SOGIE-related bullying in schools.

The survey was a critical part of the research process for the Report. The SOGI Project conducted three separate field expeditions to a total of eleven provinces: Mondulkiri; Stung Treng; Siem Reap; Banteay Meanchey; Battambang; Kampong Chhnang; Koh Kong; Kampong Som; Kampot; Takeo; and Phnom Penh.

A survey was designed in 2014 to establish the prevalence of bullying among LGBT people in schools and was used in the first round field expedition. The initial survey canvassed 119 LGBT participants between the ages 16 and 65 years old. While there were lesbian, gay and bisexual people taking part in the survey, a majority of participants identified as transgender female and a large number of participants were from Siem Reap province. The survey consisted of the following sections: part one contained general questions about the respondents and their sexual orientation and gender identity; part two gathered information about their experiences at school; and part three focused on their current life and view of being LGBT in Cambodia, and the long-term effects of SOGIE-related bullying.

The questions included in the survey were designed to elicit information particularly relating to four broad thematic areas: the prevalence of bullying based on SOGIE in Cambodian schools; the form of the bullying and its sources (i.e. other pupils, teachers etc.); responses to the bullying (both the subject of the bullying and the school’s response); and the long-term effects of the bullying. This is a similar approach to that taken in the studies that are quoted in this Report from other countries, in order to facilitate comparisons of results and identify trends between the data.

On analysis of the data gathered during this first field mission, the SOGI Project team discovered some areas for improvement. A common difficulty in the original survey was that many questions assumed any bullying experienced by LGBT people was a result of their SOGIE; however, due to the somewhat vague wording of these questions, the results from certain questions were inconclusive. There are many reasons a person can be the target of bullying, and SOGIE is just one such reason. While the data collected in the first stage is thus unfortunately not as strong as it could be, it nevertheless provided a firm empirical basis for further and more targeted field research.

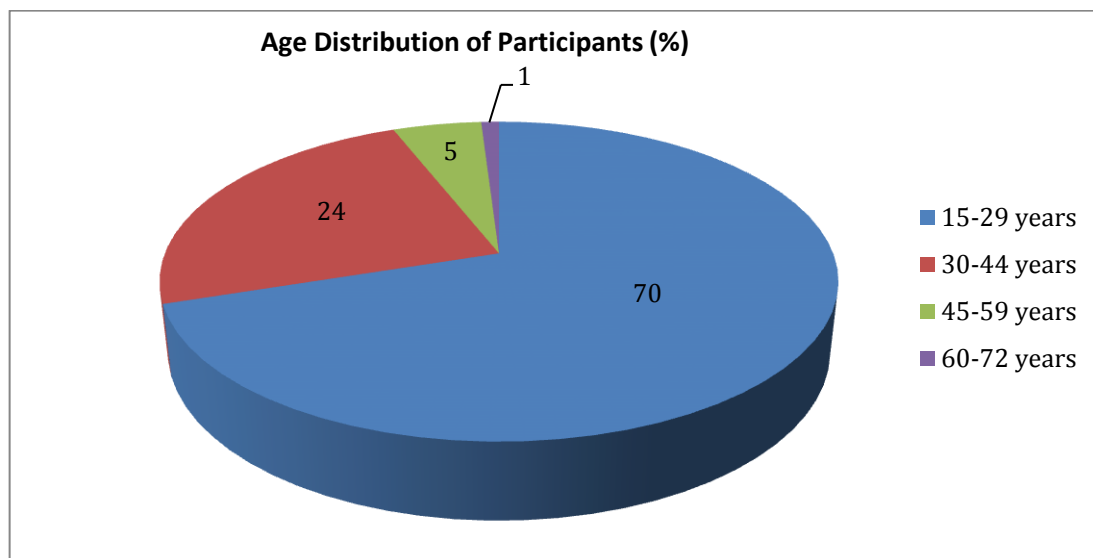
Following this experience, the SOGI Project team identified certain parts of the survey that could be improved upon, and made some slight amendments. Unfortunately, this meant that some of the data compiled in the first survey could not be collated with data collected on the second field mission. In the ‘Findings’ section of this Report, it is clearly stated when a particular result is the product of one survey, or a combination of both.

The majority of changes to the survey were made to part 2. In the revised survey, only participants who had answered “yes” to being asked if at any point they had experienced bullying at school, were asked to partake in the stream of bullying questions that followed; these questions sought to elucidate further information about the bullying, specifically the cause (SOGIE-related or not), the

prevalence and form(s) of bullying, as well as the perpetrator(s) of the bullying. The bullying questions were also edited for vagueness and clarity in order to improve accuracy in the participant's answers.

After amending the survey, a second field mission was conducted between 15 and 21 March 2015 in Koh Kong, Kampong Som, Kampot and Takeo provinces, and built on the first field mission in which the SOGI Project team visited the northern provinces of Monduliri, Stung Treng, Siem Reap, Banteay Meanchey, Battambang and Kampong Chhnang. The field research included interviews, FGDs and individual, anonymous interviews to gather data about each individual's personal experience. The results from the second mission were combined with the results from 33 participants from Phnom Penh obtained during the first field expedition. The reason for the inclusion of the Phnom Penh results from the first expedition was that these results were obtained after the changes were made to the survey and therefore can be easily compared to the data from the second field mission. These results canvassed 126 participants, ranging in age from 15 to 72 years old.

**Total number and age of respondents** = 245 (119 in first survey and 126 in second survey). In total, there were 170 participants aged 15-29 (69%), 60 participants aged 30-44 (24%), 13 participants aged 45-59 (5%), and 2 participants aged 60-72 (1%). The age distribution of our participants is displayed graphically in the pie chart below:



### **Limitations:**

The results of the survey proved highly interesting and show that there is a need to further explore this important topic. Feasibility (temporal and funding constraints) prevented the Project from conducting a more extensive survey. It would also be beneficial to survey a control group of non-LGBT individuals in order to compare their experiences with their LGBT counterparts.

There are a few limitations existing in the field mission research. The current, existing networks in the Kampot and Takeo provinces are very new and less developed than the others. Local contacts currently lack the capacity to negotiate effectively with target groups, particularly the lesbian population. Additionally, there were sometimes difficulties arranging interviews with participants,

and many participants felt occasionally embarrassed, shy or hesitant to show their identities in public, particularly in Takeo and Kampot provinces. The survey also only includes those who identify as LGBT and are known to some extent by community leaders. Therefore, there are likely to be many LGBT people who are not known to community leaders and whom the research did not reach.

Further, a great deal could be learned by interviewing teachers, principals, school staff and parents or other family members to look at the wider impact of bullying and what strategies are in place to deal with the problem.

Another limitation is the scope of the survey itself. As with any survey, there has to be a limit to the quantity of questions that could be included. Inevitably, this leads to certain areas of respondents' experiences being less explored than others. In our survey, many questions focus on both the prevalence of bullying in schools and the long-term effects. Conversely, fewer questions are focused on the responses to bullying. Nevertheless, the collected data enables a number of clear conclusions to be drawn, and provides a strong foundation for further research.

## 3. Being LGBT in Cambodia

---

### 3.1 Legal framework – Cambodian Law

LGBT issues are largely ignored under Cambodian law. Being neither criminalized nor protected by legislation, LGBT Cambodians exist in a legal vacuum. Homosexual activity is not illegal in Cambodia, yet the country lacks any LGBT-specific anti-discrimination laws, and there are no specific criminal sanctions in place for those who violate the human rights of LGBT people, in schools or elsewhere.

Article 31 of the Cambodian Constitution guarantees equality before the law,

*“regardless of race, color, sex, language, religious belief, political tendency, national origin, social status, wealth or other status.”*

While it can be argued that LGBT persons are covered by the *“other status”* category, this argument is weakened by the fact that nine categories are specifically enumerated. Another constitutional provision could be interpreted as providing some protection to LGBT people, namely the stipulation that directly incorporates international human rights treaties into Cambodian domestic law:<sup>7</sup>

*“The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women’s and children’s rights.”*

However, as outlined in section 3.2 below, international human rights law (“IHRL”) is also somewhat vague in the protection it offers to LGBT people.

There is also a dearth of specific anti-discrimination provisions based on SOGIE in other areas of Cambodian law. For instance, the 2009 Criminal Code of the Kingdom of Cambodia (the “Criminal Code”) prohibits discrimination on certain grounds, but, similarly to the Constitution, neither sexual orientation nor gender identity / expression are included. However, unlike the Constitution, Article 265 of the Criminal Code does not contain ‘other status’ as prohibited grounds for discrimination, only listing ethnicity or race, religion, political tendency, trade-union activity, family situation, sex, state of health, and disability. Furthermore, Article 12 of the Labor Law 1997 prohibits discrimination on certain prohibited grounds, namely: race, color, sex, creed, religion, political opinion, birth, social origin, and membership of workers’ union or the exercise of union activities. Again, SOGIE is not included as a prohibited basis for discrimination.

Despite the lack of protection for LGBT people in Cambodian domestic law, one encouraging legislative development occurred with the abrogation of the explicit prohibition on same-sex marriage which occurred with the adoption of the 2007 Civil Code. Until 2011, Article 3 of the 1989 Law on Marriage and the Family defined marriage as *“a solemn contract between a man and a woman”* and Article 6 expressly prohibited marriage between *“a person whose sex is the same sex as the other”*. Article 78 of the 2011 Law on the Implementation of the Civil Code has made the majority of the Law on Marriage and the Family’s provisions ineffective, including Articles 3 and 6. The 2007 Civil Code now governs potential restrictions on the parties to a marriage in Cambodia. In its Chapter 3, *“Marriage”*, there is no clear prohibition of same-sex marriage nor specific mention that a marriage must be between a man and a woman. In addition, the reference to *“homosexual marriage”* in

---

<sup>7</sup> As confirmed by the Constitutional Council of the Kingdom of Cambodia, Decision No. 092/003/2007, dated 10 July 2007

Article 1023 (2) about single adoption arguably provides implicit recognition of the legality of same-sex marriage. However, this tentative progress does not clearly bestow same-sex marriage with legal status, partly because Article 45 of the Constitution of the Kingdom of Cambodia states: *“Marriage shall be conducted according to conditions determined by law based on the principle of mutual consent between one husband and one wife”*. Despite this constitutional provision, CCHR’s SOGI Project and its partners have documented many cases of same-sex marriages being recognized by local authorities in Cambodia, normally when one partner agrees to identify as the “husband” and the other as the “wife”. This occurrence can be explained partly by the more fluid interpretation of the words “husband” and “wife” in the Khmer language, and partly due to low levels of law enforcement and dissemination at a local level in Cambodia generally. Adding weight to the hypothesis that same-sex marriage is already legally available in Cambodia is a statement by government spokesman Phay Siphon on 24 September 2015, who said, *“Nothing is banning [same-sex couples] from loving each other or getting married”*.<sup>8</sup> Overall, the legal situation regarding same-sex marriage in Cambodia is best described as confused and haphazard.

Of particular relevance to this Report, Article 35 of Cambodia’s Education Law specifically confers a number of rights upon all Cambodians in the education system. They include: the right to freedom of study; the right to access quality education; the right to participate actively and fully to develop education standards; and the right to be respected and have their human rights respected, especially the right to dignity, the right to be free from any form of torture and from physical and mental punishment. The 2007 Education Law also imposes an obligation upon Cambodian students to respect *“gender equity values”* and *“other person’s rights”*. Furthermore, students whose rights have been violated have the right to protest the violation and the right to have their complaint resolved.<sup>9</sup>

At a policy level, Cambodia’s National Education Strategic Plan for 2014 - 2018 promises equal access to quality education for all children, regardless of social status, geography, ethnicity, religion, language, gender and physical form. The plan also commits to developing a legal framework to tackle gender discrimination in schools. However, the Plan makes no mention of SOGIE issues. There have been encouraging signs of progress towards LGBT-inclusivity in other areas, on the part of the RGC. For example, the Ministry of Education, Youth, and Sport has recently been cooperating with civil society to train Cambodian teachers in LGBT-inclusivity, and sought civil society input into the ‘Life Skills Handbook’ (used in all schools in Cambodia), in order to make it LGBT-friendly. Furthermore, The Ministry of Women’s Affairs has also included LGBT issues into its strategic plan for gender equality and women’s empowerment for 2014-2018.<sup>10</sup>

### **3.2 Legal framework – International Human Rights Law**

The right to education is contained in Article 26 of the Universal Declaration of Human Rights (“UDHR”), and is expanded upon in Article 13 of the International Covenant on Economic, Social and Cultural Rights (“ICESCR”), to which Cambodia is a party, in the following terms:

---

<sup>8</sup> ‘Cambodia Welcomes Same-Sex Marriage, Gov’t Spokesman Says’, Khmer Times (24 September 2015)

<sup>9</sup> Education Law 2007, Article 40

<sup>10</sup> Neary Rattanak IV Five Year Strategic Plan for Gender Equality and Women’s Empowerment, 2014 – 2018

*“The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.”<sup>11</sup>*

None of the UN human rights treaties to which Cambodia is a party specifically deals with LGBT issues, and LGBT persons are not enumerated as a specifically protected group in the International Covenant on Civil and Political Rights’ (“ICCPR”) prohibition on discrimination. In practice, however, the jurisprudence of the UN treaty bodies indicates that international human rights law does offer specific protection to LGBT people. In 1994, the UN’s Human Rights Committee (the ICCPR’s treaty body), issued a decision in the case of *Toonen v Australia* in which the prohibition of discrimination on the basis of “sex”, pursuant to Article 26 of the ICCPR,<sup>12</sup> was interpreted to include discrimination on the basis of sexual orientation.<sup>13</sup> In *Young v Australia*, the Human Rights Committee again determined that unjustified difference in treatment based on sexual orientation comprised discrimination under Article 26 of the ICCPR.<sup>14</sup> In 2012, the Human Rights Committee published the decision in *Fedotova v. Russian Federation*,<sup>15</sup> in which Russia’s ban on homosexual “propaganda” towards minors was found to violate the right to be free from discrimination, as well as the applicant’s freedom of expression. Additionally, the Convention on the Rights of the Child (“CRC”), the ICESCR, and the Convention on the Elimination of all Forms of Discrimination Against Women (“CEDAW”) have all been authoritatively interpreted by their respective treaty bodies to include prohibitions on LGBT discrimination.<sup>16</sup>

Accordingly, by its ratification and importation of the ICCPR and ICESCR, the Cambodian Constitution provides a certain level of protection for LGBT people against discrimination. However, the lack of specific mention of SOGIE in Article 31 of the Constitution, combined with a lack of widespread knowledge and understanding of the applicability of international law, not only amongst those affected by discrimination, but also by members of the judiciary, provides for a vague legal framework.

The Yogyakarta Principles are a set of guidelines that were drafted by a group of international human rights experts in 2006, with the aim of outlining *“the existing state of international human rights law in relation to issues of sexual orientation and gender identity.”*<sup>17</sup> They additionally aim to act as a comprehensive, persuasive set of principles which can influence the application of existing international human rights law to LGBT persons. While not holding the status of a legally binding

---

<sup>11</sup> ICCPR Article 13.1

<sup>12</sup> ICCPR, Article 26 *“All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”*

<sup>13</sup> *Toonen v Australia* CCPR/C/50/D/488/1992

<sup>14</sup> *Young v Australia* CCPR/C/78/D/941/2000

<sup>15</sup> *Fedotova v Russian Federation* CCPR/C/106/D/1932/2010

<sup>16</sup> See for example: Concluding observations by the HRC: Poland (CCPR/C/79/Add.110), 1999, para. 23; Concluding observations by the CESCR: China (E/C.12/1/Add.58), 2001, paras. 15(c) and 31; Ireland (E/C.12/1/Add.35), 1999, para. 5; Concluding Observations by the CRC: United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/4), 2008.

<sup>17</sup> The Yogyakarta Principles: The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (26 March 2007)

document, the Yogyakarta Principles are highly relevant because they are an affirmation of already established and binding legal principles. Principle 16 of the Yogyakarta Principles states:

*“Everyone has the right to education, without discrimination on the basis of, and taking into account, their sexual orientation and gender identity.”*<sup>18</sup>

Principle 16 further alludes to the existence of seven positive obligations on states to take legislative measures which are aimed at eliminating all forms of discrimination against LGBT people in the education system, including the formulation of policies and laws to combat bullying on the basis of SOGIE.

### 3.3 Social Attitudes

Due to a combination of culture, religion, and history, SOGIE is perceived very differently in Cambodia than in Western countries. Cambodia has never experienced mass oppression of LGBT people at the hands of the state or religious institutions, which was commonplace in other regions of the world. Despite this relatively positive historical context, LGBT Cambodians are not currently treated as equal citizens, and often live on the margins of Cambodian society. As well as lacking an expressly protective legal framework, LGBT persons often have to contend with considerable societal pressures, in which they are often misunderstood and mistreated by those around them. However, it should be noted that men who have sex with men (“MSM”) are generally tolerated significantly more than lesbian women and transgender people.

The majority religion in Cambodia is Theravada Buddhism, with an estimated 97% of the population practicing.<sup>19</sup> This form of Buddhism generally espouses tolerance of sexual minorities, and Buddhist teachings are relatively free from discrimination on the basis of SOGIE, compared with other world religions. A 2014 report by the UN Development Program (“UNDP Report”) states regarding Buddhist teachings: *“no distinction is made between homosexual and heterosexual behavior – both must be free from harm, with mutual consent”*.<sup>20</sup> In 2012, the Cambodian LGBT Pride celebrations officially closed at Phnom Penh’s Tuol Dombok Khpos pagoda with a blessing by local monks. During the ceremony, the head monk of the pagoda stated: *“Our Buddha taught us to love each other, to help each other and not to discriminate against each other”*. A representative of the local LGBT rights NGO RoCK, who organized the ceremony, stated that almost every Buddhist pagoda in Phnom Penh was happy to host the event.<sup>21</sup>

Despite the tolerance inherent to Theravada Buddhism, there is another dominant social force in Cambodia, which is the root of much of the discrimination suffered by LGBT people: traditional Cambodian family values. For young school students who are still dependent on their parents, the family is a particularly powerful institution. Concern about the reputation of the family among the local community leads many parents of LGBT young people to react negatively to their child’s SOGIE. A national dialogue conducted by UNDP with a wide range of stakeholders in the field of LGBT rights in Cambodia revealed that domestic violence against LGBT children is commonplace, while exclusion, discrimination, and emotional abuse are prevalent within the family structure. Many of the

---

<sup>18</sup> Yogyakarta Principles, Principle 16

<sup>19</sup> Pew Research Centre, 2012. Available at: <http://www.pewforum.org/2015/04/02/religious-projection-table/>

<sup>20</sup> UNDP, ‘Being LGBT in Asia: Cambodia Country Report’ (2014)

<sup>21</sup> ‘Pride closes with a Buddhist Blessing’, Phnom Penh Post (22 May 2012)



participants in the dialogue reported “*insults, beatings, cursing, blaming and confiscating of personal items*” by parents on the basis of SOGIE.<sup>22</sup> As reported by CCHR in 2012, many parents believe their LGBT child has a mental illness, and try to “cure” their son or daughter by bringing them to a traditional Khmer doctor (*grou khmer*). Coming out in Cambodia often leads to rejection by the family, with children sometimes being forced out of the family home. On their own, young LGBT people in this situation are susceptible to further discrimination by strangers, the police, and others. Without financial support and with employment opportunities limited, many LGBT youths, particularly MSM and transgender females, turn towards sex work to sustain themselves; according to one study, 7% of the Cambodian LGBT respondents were engaged in sex work.<sup>23</sup>

Among those who are not forced from the family home, a particularly traumatic experience faced by many young LGBT Cambodians is the pressure to enter into a traditional heterosexual marriage by their parents. Marriage plays an exceptionally important role in Cambodian culture, and CCHR has encountered many cases of forced marriage because of this. In such situations, marital rape is also commonplace.

There is a lack of comprehensive research data available regarding social attitudes towards SOGIE in Cambodia. Sporadic studies have been undertaken which offer some insight, though limited in scope. According to interviews conducted by CCHR in 2012, there is a far higher likelihood of LGBT students dropping out of school compared with average national dropout rates, primarily because of “*economic hardship resulting from non-acceptance by their families*” and “*name-calling and bullying by their classmates in connection with their sexuality.*”<sup>24</sup> A 2013 study on social exclusion of LGBT people in Cambodia examined university-level educational attainment found that 20% of gay males, 17% of lesbians, and only 6% of transgender people attended university.<sup>25</sup> In a 2012 study, which surveyed heterosexual men only, 63% of the respondents stated that they would be ashamed to have a homosexual son. However, the same survey asked whether laws against discrimination on the basis of sexuality should be introduced, and 65% of the respondents stated that they would support such a legislative development.<sup>26</sup>

In the National Dialogue on SOGIE conducted by UNDP, some of the issues facing LGBT schoolchildren in Cambodia were addressed. Aside from bullying and teasing from classmates, participants reported being forced to wear uniforms that did not correspond to their gender identity by teachers and school regulations. Those who did not conform reported being publicly reprimanded and shamed by school authorities. CCHR’s research into LGBT bullying in schools aims to gather, for the first time, empirical data related to many of the issues raised at the National Dialogue.

---

<sup>22</sup> UNDP, ‘Being LGBT in Asia: Cambodia Country Report’ (2014)

<sup>23</sup> Salas V. & Srun, ‘An Exploration of Social Exclusion of Lesbian, Gay and Transgender Persons in Families and Communities In Some Areas Of Cambodia and Their Ways of Coping’ (Report)(2012)

<sup>24</sup> CCHR ‘Rainbow Khmer: From Prejudice to Pride’ (Report) (December 2012) at page 19

<sup>25</sup> Salas V. & Srun, ‘An Exploration of Social Exclusion of Lesbian, Gay and Transgender Persons in Families and Communities In Some Areas Of Cambodia and Their Ways of Coping’ (Report)(2012)

<sup>26</sup> Domrei Research and Consulting, ‘Baseline Survey on a Joint Communications Campaign on Violence against Women’, (Report)(2012)

## 4. The Global Context: LGBT Youth Bullying

---

### 4.1 Introduction

Globally, millions of schoolchildren are regularly victimized by physical, verbal, emotional, and psychological abuse in educational institutions and settings. Bullying, for any reason or none, has a deep and long-lasting impact on any child's life, preventing or hindering the fulfillment of a broad range of fundamental human rights.

According to UNESCO, SOGIE-based bullying has been found to reduce school attendance, impact dropout rates and damage academic performance and achievement. Moreover, bullying on the basis of SOGIE has serious consequences for young people's mental and psychological health, which in turn impacts negatively on their education. Studies have proven that long-term SOGIE-based bullying is a major contributory factor to depression, anxiety, loss of confidence, withdrawal, social isolation, self-harm and suicidal tendencies among victims. SOGIE-based bullying has an impact on those who are bullied, those that do the bullying, bystanders and the school in which bullying takes place. SOGIE-based bullying has serious educational consequences; it impacts on the right to education, it is a form of discrimination and exclusion, and it violates the principle of safe schools.<sup>27</sup>

SOGIE-based bullying is a relatively understudied phenomenon, and the UN only addressed the issue for the first time in 2011, in the form of an international consultation to address homophobic bullying in educational institutions with UN agencies, NGOs, ministries of education and academics from more than 25 countries around the world.<sup>28</sup> Since then, UNESCO has been promoting a global effort to gather data on the prevalence, causes, impact and types of SOGIE-based bullying in schools across the world. In recent years, national studies into bullying on the basis of SOGIE have been conducted in several countries around the world.

### 4.2 Asia

In recent years, there has been a marked increase in the amount of attention paid to SOGIE issues and LGBT rights in Asia. Although very few studies have been carried out which specifically relate to SOGIE-related bullying, the plight of LGBT persons is an issue which has finally entered the national dialogue and political arena of many nations in the region. A review of developments provides a useful contextual background to CCHR's research in Cambodia.

A series of articles recently published in the Kyoto Review of Southeast Asia focused both on the pressures faced by LGBT persons, and the progress being made in the recognition of LGBT rights in a range of Southeast Asian countries. Of note, the experiences of LGBT persons in Myanmar are reportedly somewhat similar to those in Cambodia, whereby societal pressures and traditional family values often result in shame and anguish and sometimes violence towards LGBT people.<sup>29</sup>

---

<sup>27</sup> UNESCO, 'Impact of Homophobic Bullying'. Available at: <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/health-education/homophobic-bullying/bullying/>

<sup>28</sup> UNESCO, 'Education Sector Responses to Homophobic Bullying', (Booklet) (2012). Available at: <http://unesdoc.unesco.org/images/0021/002164/216493e.pdf>

<sup>29</sup> David Gilbert, 'Familial Transphobia and the Kinship of Opens in Myanmar', Kyoto Review of Southeast Asia (September 2015) Available at: <http://kyotoreview.org/issue-18/familial-transphobia-kinship-opens-myanmar/>

Elsewhere, a study undertaken by Professor Douglas Sanders of Mahidol University in Bangkok highlights recent progress in the recognition of LGBT rights in Vietnam and Thailand.<sup>30</sup> Regarding Vietnam, Sanders highlights the slow implementation of legislative changes affirming same-sex marriage and cohabitation. Positively, in Vietnam, LGBT rights are being debated at governmental level, and civil society actors are actively involved in the dialogue. Concerning Thailand, Sanders highlighted the present administration's lack of interest in LGBT issues, but noted that there does not appear to be any outright hostility, there being no restrictions being placed on the publication of gay magazines and civil society organizations. Sanders also acknowledged the recent passage of a sexual equality bill, providing for equal treatment of transgender people. It is therefore reasonable to conclude that Cambodia is lagging some way behind its two neighbors when it comes to legislative progress on SOGIE issues.

At a regional level, a prominent group of human rights activists calling themselves the ASEAN SOGIE Caucus has formed with the overriding purpose of having LGBT rights included in the human rights infrastructure of ASEAN,<sup>31</sup> a task made extremely difficult by the principle of non-interference in a state's internal affairs being a fundamental tenet of ASEAN,<sup>32</sup> and the requirement that decisions be made with consensus.<sup>33</sup> Nevertheless, it further represents the growing movement for SOGIE issues and LGBT rights to be placed firmly on the political agenda in Southeast Asia.

In order to develop a regional focus to UNESCO's global initiative to combat SOGIE-based bullying in schools, UNESCO organized the first 'Asia-Pacific Consultation on School Bullying on the Basis of Sexual Orientation and Gender Identity/Expression' in June 2015, in Bangkok, Thailand. This consultation attempted to: broaden awareness and understanding of bullying based on SOGIE in Asia-Pacific educational institutions; identify and share examples of good practice to prevent and address bullying on the basis of SOGIE; and facilitate action in select countries to prevent and address school-related bullying on the basis of SOGIE.

A few studies have been undertaken in the region regarding SOGIE-related bullying. For example, a recent online survey carried out in Japan revealed that 44% of gay and bisexual respondents had been bullied, resulting in 23% becoming truant and 18% resorting to self-harming.<sup>34</sup>

A study in Thailand by Mahidol University in Bangkok and commissioned by UNESCO Bangkok and Plan International Thailand, which included a survey undertaken by 2070 students aged between 13 and 20, as well as in-depth interviews and FGDs, revealed that 56% of survey respondents reported being bullied within the past month as a result of their SOGIE.<sup>35</sup> The study further found that social abuse (face-to-face and online social exclusion) was the most common type of bullying at 36%, and physical abuse the second most common type with 31%. Worryingly, very few of those bullied turned to their educational institution for help, with less than a fifth (19.5%) turning to personnel connected with school. Overwhelmingly, 68% did not tell anyone, with 23% claiming that this was because "*nothing would happen even if someone were told*". Of those who experienced SOGIE-

---

<sup>30</sup> Douglas Sanders, 'Same-sex Relationships: Moves to Recognition in Vietnam and Thailand', Kyoto Review of Southeast Asia (September 2015) Available at: <http://kyotoreview.org/issue-18/same-sex-relationships-vietnam-thailand/>

<sup>31</sup> <https://aseansogie.wordpress.com/>

<sup>32</sup> ASEAN Charter, Article 2

<sup>33</sup> ASEAN Charter, Article 20

<sup>34</sup> Yuki Nikaido, 'Bullying rampant for gay, bisexual teens', The Asahi Shimbun (01 September 2015) Available at: [http://ajw.asahi.com/article/behind\\_news/social\\_affairs/AJ201509010026](http://ajw.asahi.com/article/behind_news/social_affairs/AJ201509010026)

<sup>35</sup> 'LGBT-friendly Thailand?: A brief on school bullying on the basis of sexual orientation and gender identity' (2014) Available at: <http://unesdoc.unesco.org/images/0022/002277/227706E.pdf>

related bullying, 23% reported being depressed (compared to only 6% of those who did not report being bullied at all), and 7% reported attempting suicide (compared to only 1.2% of those who did not report being bullied and 3.6% who reported being bullied for non-SOGIE reasons).

### 4.3 Europe

Several studies have focused on SOGIE-related bullying in schools in Europe. A Northern Ireland study surveyed 190 (15-25 year old) same-sex attracted men and found that 65% had experienced problems at school based on their sexual orientation, with 45% reporting that they suffered bullying<sup>36</sup>. Worryingly, the same study reported that out of those reporting problems, 15% had experienced homophobia by teaching staff and 10% by other school staff. A Europe-wide study conducted in 2012, in which over 90,000 people that identified as LGBT took part, found that over 80% of respondents recalled hearing negative comments or witnessing negative conduct because a schoolmate was perceived to be LGBT during their schooling before the age of 18.<sup>37</sup>

A further study conducted by Sheffield Hallam University of the UK which surveyed 187 LGBT persons across Croatia, Ireland, Italy, Denmark and Poland found that 73% experienced name-calling, 47% experienced threats and intimidation and a third thought about suicide as a result of bullying whilst at school<sup>38</sup>.

Another study in the United Kingdom found that over half (55%) of LGBT youths had been bullied because of their sexual orientation or gender identity, with 60% of this group saying it occurred often or very often.<sup>39</sup>

### 4.4 USA

In 2009, a nationwide survey was carried out to evaluate the experiences of LGBT persons in schools; the survey included 7261 students aged 13-21 who identified as LGBT.<sup>40</sup> The study found that 84.6% were verbally harassed because of their sexual orientation, and 63.7% because of their gender expression. 40.1% reported physical harassment and 18.8% physical assault as a result of their sexual orientation, while 27.2% reported physical harassment and 12.5% physical assault because of their gender expression. Of those harassed or assaulted, 64.2% did not report the matter to the school believing that this would either make the matter worse, or nothing would be done and 33.8% who did report the bullying said that the school failed to do anything; results which are strikingly similar to those in Thailand and strongly indicate that the occurrence of schools failing to protect students from SOGIE-related bullying is not culture-specific. Those bullied reported higher levels of absenteeism, depression and anxiety than those who did not report bullying. Another 2009 study in

---

<sup>36</sup> McNamee, 'Out on Your Own: An Examination of the Mental Health of Young Same-Sex Attracted Men' (2006) Available at: [http://www.rainbow-project.org/assets/publications/out\\_on\\_your\\_own.pdf](http://www.rainbow-project.org/assets/publications/out_on_your_own.pdf)

<sup>37</sup> European Union Agency for Fundamental Rights, 'European Union lesbian, gay, bisexual and transgender survey: Results at a glance' (2013) Available at: [http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf)

<sup>38</sup> Sheffield Institute of Education, 'Barriers and bullying: the experiences of LGBT young people in Europe' (2003) Main findings available at: <https://www.shu.ac.uk/sioe/case-studies/ceir.html>

<sup>39</sup> National AIDS Trust, 'Boys Who Like Boys: A study of where young MSM learn about sex, relationships and HIV' (2015) Available at: [http://www.nat.org.uk/media/Files/Publications/Boys\\_Who\\_Like\\_Boys.pdf](http://www.nat.org.uk/media/Files/Publications/Boys_Who_Like_Boys.pdf)

<sup>40</sup> GLSEN, 'The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools' (2009)

the USA found that LGBT students were more likely both to report suicidal ideation (30% compared to 6% of non-LGBT students) and self-harm (5% compared to 3% of non-LGBT students).<sup>41</sup>

## 4.5 Australia

In 2010, a nationwide study conducted over 12 years into SOGIE-related bullying was published.<sup>42</sup> The study involved a survey of 3134 14-21 year-old same sex-attracted and gender questioning (“SSAGQ”) people. The study found that 61% of respondents had experienced verbal abuse and 18% physical abuse as a result of homophobia. Interestingly, and in contrast to what appears to be occurring in Cambodia where society is more accepting of MSMs than lesbians, the survey found that male respondents received more abuse than female respondents, which may be explained by cultural differences. The study reported that 40% of those verbally abused because of homophobia had considered self-harm, double that of those who were not abused, and 62% of those who were physically abused considered self-harm, three times more than those who did not report any abuse. Additionally, twice the amount of persons who were verbally abused had attempted suicide compared to their non-abused peers; for those who reported physical abuse the figure was 4 ½ times more. Interestingly, in terms of responding to homophobic bullying, around 40% talked to and sought support from teachers, in marked contrast to the findings in the studies in Thailand and Cambodia reviewed in this Report.

Another study published in March 2015 highlighted a resurgence in homophobia in Australian schools, and found that a third of 14-17 year olds would be uncomfortable having an LGBT person in their friendship group while 40% felt ‘anxious’ or ‘uncomfortable’ around same-sex attracted people. In turn over half of those surveyed said they had witnessed first-hand people being bullied on the basis of their sexuality.<sup>43</sup> Another Australian study found that 25% of LGBT people who had experienced SOGIE-related bullying reported using cannabis in the last year compared to the national average of 10%, indicating that SOGIE-related bullying may have an impact on later anti-social behaviors.<sup>44</sup>

---

<sup>41</sup> Almeida, Johnson, Corliss, Molnar, Azrael, ‘Emotional Distress Amongst LGBT Youth: The Influence of Perceived Discrimination Based on Sexual Orientation’, *J Youth Adolesc.* (2009) Vol 38 Issue 7 1001-1014

<sup>42</sup> Hillier, Jones, Monagle, Overton, Gahan, Blackman, Mitchell, ‘Writing Themselves In 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people’ (2010) Available at: <https://www.latrobe.edu.au/arcshs/downloads/arcshs-research-publications/WTi3.pdf>

<sup>43</sup> ‘Major Campaign Aims to Stamp Out Discrimination Against LGBT People’, Beyond Blue (31 March 2015) Available at: <https://www.beyondblue.org.au/about-us/news/news/2015/03/30/major-campaign-aims-to-stamp-out-discrimination-against-lgbti-people>

<sup>44</sup> Leonard, Lyons and Bariola, ‘A Closer Look at Private Lives 2: Addressing the mental health and well-being of lesbian, gay, bisexual and transgender (LGBT) Australians’ (2015) Available at: [http://glhv.org.au/files/Closer\\_Look\\_Private\\_Lives2.pdf](http://glhv.org.au/files/Closer_Look_Private_Lives2.pdf)

## 5. Findings

---

Analysis of the data collected by CCHR’s SOGI Project reveals that SOGIE-related bullying is prevalent in schools across Cambodia, and its effects continue to impact the lives of LGBT people in Cambodia throughout their lives. Discrimination in school is prominent in the form of verbal, physical, and sexual harassment, discrimination from teachers, and social exclusion by classmates on the basis of SOGIE.

Through analyzing the results of the research, field missions and surveys, the Project has found that the situation facing LGBT school students in Cambodia bears a strong resemblance to their counterparts in other countries in the region, as well as around the world.

### 5.1 Prevalence and Forms of SOGIE-related bullying in schools

After conducting the first survey, the SOGI Project team noted that the questions on the survey were worded in a way that assumed a person’s SOGIE was the reason they were bullied. Having noticed this flaw, and acknowledging that there are many reasons an LGBT person could be bullied, the team restructured the questions in order to improve the quality of the research. According to the second survey from the second and third missions, as well as the results from Phnom Penh from the first mission, 62.71% of respondents experienced bullying at any point during their time in school. When asked to expand on this, 93.59% of the participants who had been bullied felt the bullying was either partly or entirely because of the sexual orientation or gender identity. These results show that almost all the participants in the survey who reported being bullied in school felt like they were bullied because of their sexual orientation or gender identity.

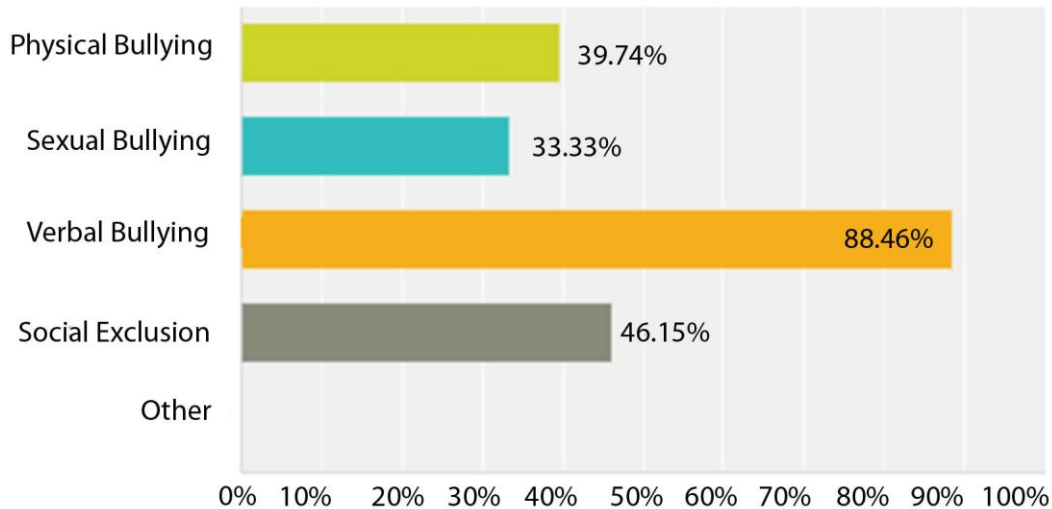
Of those who reported being bullied at school, 42.02% said they were bullied “often” or “every day.” The majority of participants, 53.85%, said they were “sometimes” bullied. Worryingly, only 5.12% of participants reported either “never” being bullied at school, or only being bullied “rarely”. This data provides evidence of SOGIE-related bullying being highly prevalent in Cambodian schools.

As can be seen in the graph below, when asked what form of bullying was used, an overwhelming 84.46% said they were verbally bullied, which was comfortably the most prevalent form the bullying took. The second most common type of bullying was social exclusion, which 46.15% survey-takers said they experienced. Although the least common types of bullying reported, the number of participants who reported physical and sexual bullying is significant and troubling. Physical bullying, which included behaviors such as pushing, hitting, spitting, violence, being locked in a toilet and having belongings stolen, was reported by 39.74% of the participants. Indeed, the number reporting physical bullying in this study exceeds the number of participants that reported physical bullying in the study conducted by Mahidol University in Bangkok (31%).<sup>45</sup> Sexual bullying, which included behaviors such as the victim being coerced into pulling their pants or skirt down, simulated or actual sexual abuse and unwanted touching, was reported by precisely one third of the participants. This information provides a better understanding of the environment an LGBT child must endure during their time at school. While most face verbal bullying, a very significant proportion will also face an array of other forms of bullying as well.

---

<sup>45</sup> See study carried out by Mahidol University in Bangkok in Section 4.2 of the Report

**If you were bullied, what form did the bullying take?  
(select all that apply)**



Further insight into SOGIE-related bullying in Cambodian schools was provided by a transgender woman in Phnom Penh, nicknamed Kolap, who explained her situation while attending school to the SOGI team during a field mission:

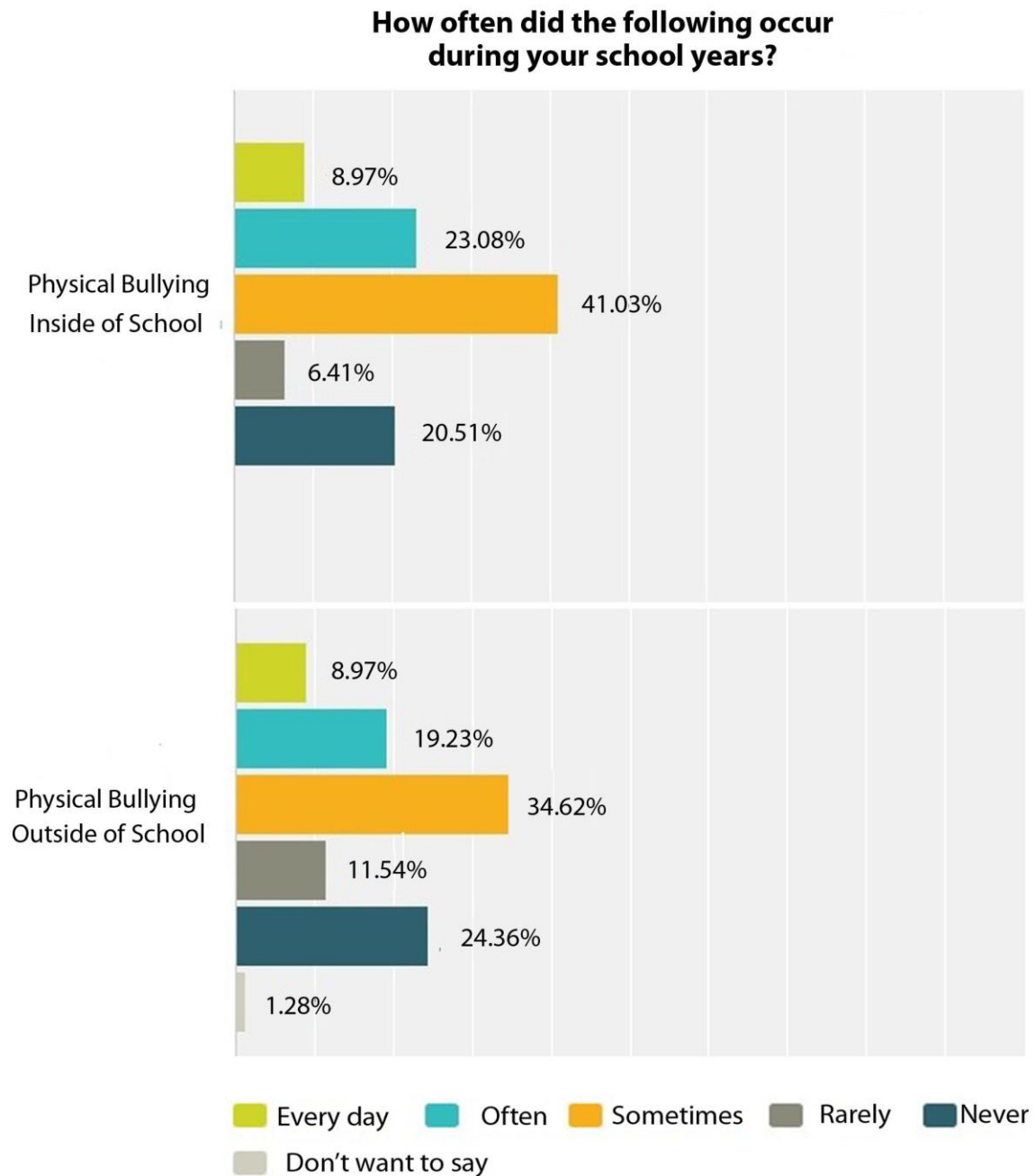
*“...I have a lot of experiences related to youth bullying at school. There was lots of problems: name calling, insults, yelling and exclusion from youth boy groups as they discriminate to Srey Sros (transgender women) like me. Most often they pushed me and touched my body...”*

In the second survey, participants were asked to describe the occurrence of each form of bullying as “every day,” “often,” “sometimes,” “rarely,” “never,” and “don’t want to say.” This included physical bullying at school and outside of school, sexual bullying at school and outside of school, verbal bullying at school and outside of school, and exclusion by peers at school and outside of school. The purpose of acquiring data of SOGIE-related bullying both inside and outside of school was to assess whether the school environment was more or less discriminatory than outside of school, enabling appropriate conclusions to be drawn as to the role of Cambodia’s schools in SOGIE-based discrimination.

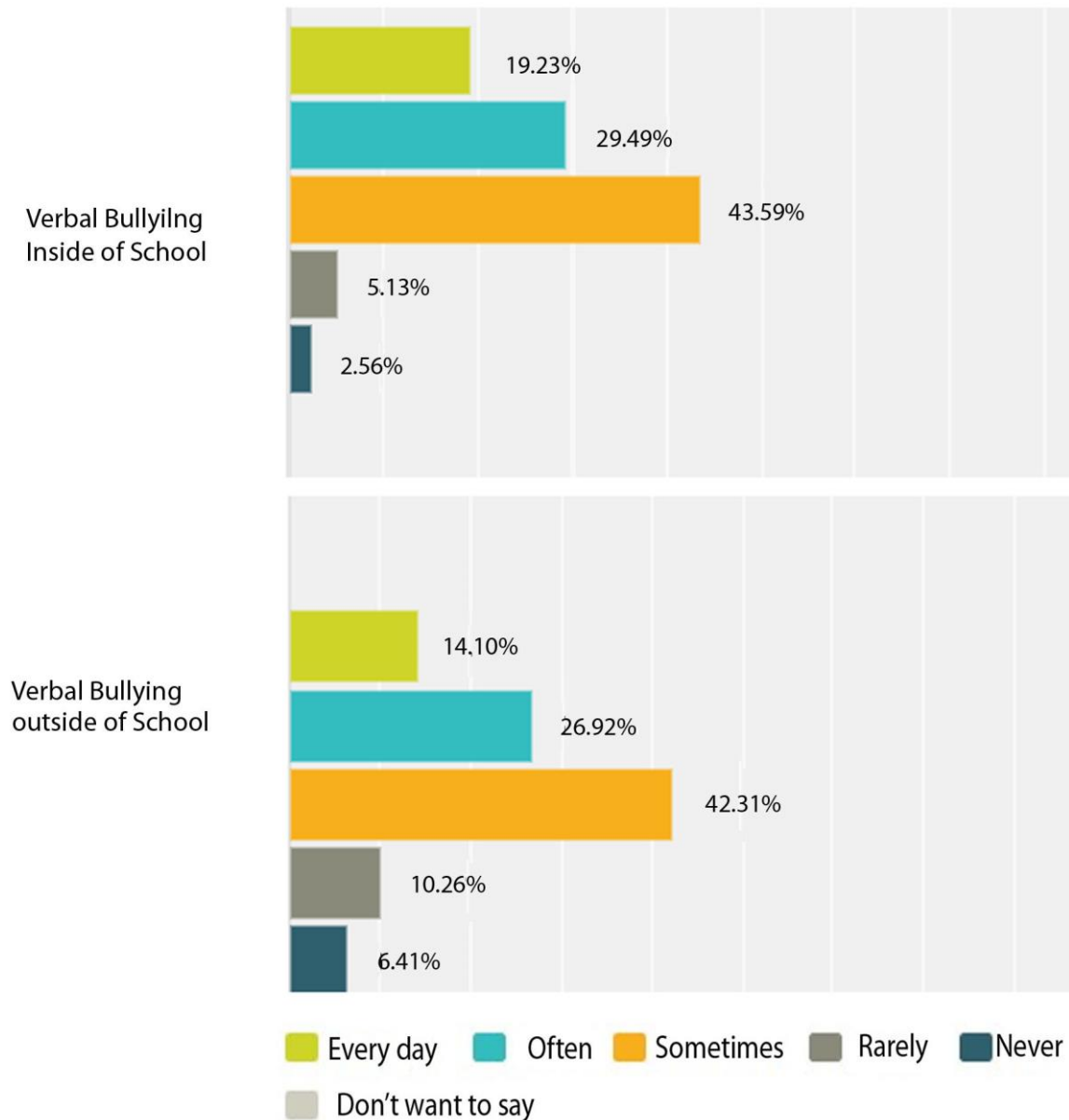
The results of these questions provided interesting results and will hopefully provide a useful impetus for further research. Of those who encountered physical bullying at school, 73.08% said they did so either “sometimes”, “often” or “every day”. Outside of the school environment, the figure was slightly less, with 62.82% of participants experiencing physical bullying either “sometimes”, “often” or “every day”. Furthermore, verbal bullying was also more prevalent inside of school than outside with 92.31% reporting its occurrence “sometimes”, “often” or “every day” inside of school, compared to 83.33% outside of school. Using the same criteria, the figures for social exclusion were broadly similar inside school (64.1%) as outside school (62.83%). Of the participants who reported experiencing sexual bullying, 48.72% stated that this had occurred at



school “sometimes,” “often,” or “every day.” Sexual bullying proved to be the only form of bullying more prevalent outside of school, with 55.13% of participants being victims to sexual bullying outside of school “sometimes,” “often” or “every day”. The results with respect to physical bullying and verbal bullying can be seen in the following graphs:







The above data suggests two rather troubling conclusions. Firstly, it indicates not only that SOGIE-related bullying manifests itself in a variety of different forms, but also that those who are bullied because of their SOGIE experience such bullying on a very regular basis, with the majority of participants being bullied either “sometimes”, “often” or “every day”. Secondly, the findings provide disturbing evidence that SOGIE-related bullying is more prevalent inside the school environment than outside of it, and therefore the data provides a strong evidential basis that Cambodian schools are not providing a safe space for LGBT students and may be contributing to the bullying that students face.

Despite the higher prevalence of SOGIE-related bullying within the school gates, one cannot ignore the considerable difficulties experienced by LGBT people outside the school environment. Indeed, this Report has already alluded to societal pressures faced by Cambodian LGBT youth in Section 3.3, above. Both surveys sought to elicit information from participants about how accepting of LGBT people their communities were whilst they were at school.

A significant number of participants (41.39%) responded that their community was “somewhat accepting” of LGBT people. Furthermore, 4.92% of survey-takers responded by stating that their community was “very accepting” of LGBT people. Whilst to some extent these results appear somewhat positive, the data also revealed that over a quarter of respondents (27.05%) considered their school community “very unaccepting”, and 24.18% viewed their community as “somewhat unaccepting”,<sup>46</sup> indicating that LGBT people face considerable challenges in becoming integrated into their communities.

In addition to physical and social forms of bullying, LGBT youths often face bullying via online platforms or cellphones during their school years, although this form of bullying may be less prevalent among Cambodian students due to the lack of access to technology for less socio-economically advantaged and rural sections of the population. When asked if participants had experienced bullying online during their school years, 57.14% of those who had reported being bullied said they did not have online access at that time. Out of 31 participants who did have access, 27 (35.06%) said they did not experience bullying online and six (7.8%) said they had experienced online bullying.

Similar to online bullying, 32.05% of the participants who had been bullied said they did not own a cellphone during their school years. Of those who did own a cellphone, 55.13% said they did not experience bullying via a cellphone during their school years and 12.82% said they had experienced bullying via a cellphone.

SOGIE-related bullying is clearly a common occurrence in Cambodia’s schools, and one explanation for its prevalence could be that LGBT people are portrayed in a particularly negative way. Both the first and second surveys sought to produce data relating to this consideration. The first and second surveys, however, did differ slightly in how the relevant question was posed. In the first survey, participants were asked generally whether they had heard positive and negative messages about LGBT people and the available options were “Yes”, “No” or “Don’t Know”. In the second survey, participants were asked specifically whether they had heard positive or negative messages at school, with the options being “mostly positive”, “mostly negative” and “about the same of each”. From the first mission, 92.44% of the participants reported hearing negative messages about being LGBT, but 78.15% of those survey takers also reported hearing positive messages about being LGBT. This shows that while nearly all the participants from the first mission have experienced receiving negative messages about being LGBT, the majority has also encountered positive messages as well, which is encouraging.

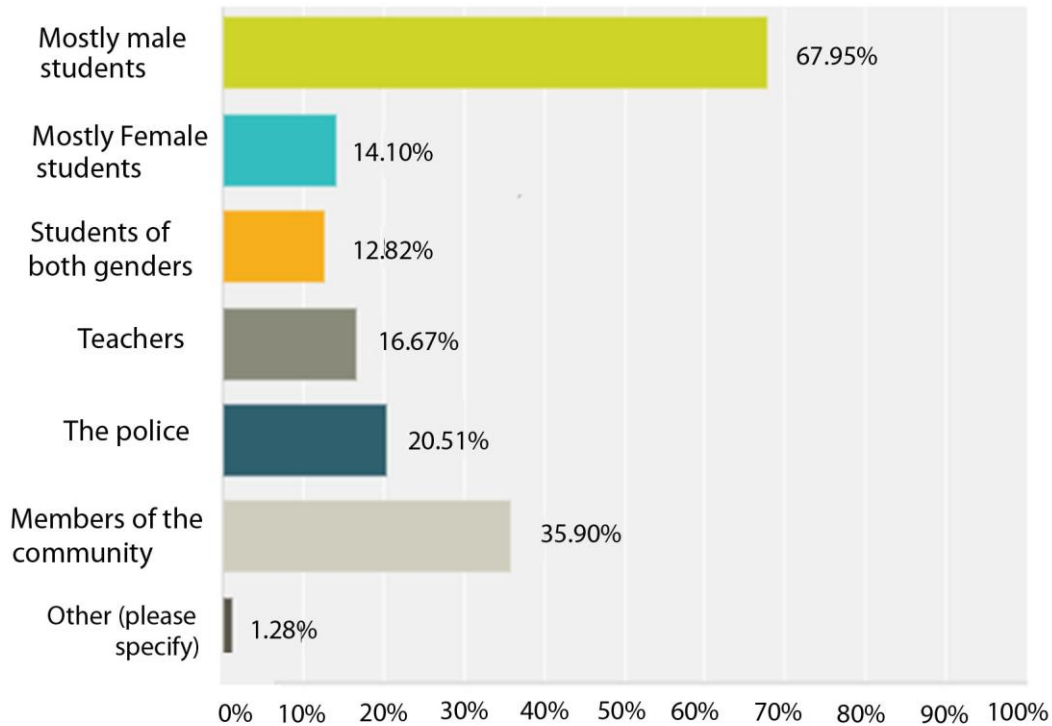
In the second survey, the most common response was “about the same of each” with 45.24%. A significant 42.06% of participants reported hearing “mostly negative” messages, with only 12.70% hearing “mostly positive” messages. The data from the second survey suggests that Cambodian schools may provide a setting that enables SOGIE-related bullying by facilitating the transmission of negative messages about LGBT people.

The participants were also asked who was responsible for carrying out the SOGIE-related bullying they had experienced; the responses are displayed in the graph below:

---

<sup>46</sup> 4 participants (3.2%) responded “Don’t know/Can’t remember” to the question

### If you were bullied , who bullied you? (select all that apply)



As can be seen, overwhelmingly, 67.95% stated that they had been bullied by mostly male students, making this the most commonly cited source of SOGIE-related bullying. It is also of interest to note that a sixth of participants reported being bullied by teachers, which provides evidence which directly implicates the school itself in some cases of SOGIE-related bullying. Also noteworthy, over a fifth of participants had been bullied by members of the police. This is a deeply worrisome statistic and provides evidence that an entity of the State is directly responsible for SOGIE-related bullying.

During the anonymous, one-on-one interviews with participants conducted by the SOGI Project team, multiple interviewees described in more detail the bullying they experienced from their teachers. A 19-year-old transgender man in Kampong Chhnang, whose nickname is Srors, said in an interview:

*“I am really upset with my school teacher. In general, male and female students don’t receive punishment from the teacher, but I get punished, even though I am doing well or I am smart in class. My teacher often scolds or blames me. I am not comfortable in my school as a transgender man. I am not discriminated much from my friends, but my teacher bullies me.”*

In a rare interview with a gay, Muslim man nicknamed Tom, he recounts the impact of the Muslim community on LGBT students and teachers while at school:

*“In my family, the religious Muslim community does not recognize LGBT people. If you were known as the LGBT people in public, you will live outside the Muslim community. Muslim teachers are also my concern during my study in school, because LGBT students were not*

*acceptable to them. They advise or instructed us to make ‘such real man or woman,’ and if LGBT came out in class, they would be dismissed from class..”*

We also heard from a transgender man in Phnom Penh, nicknamed Jacky, who is currently studying for a bachelors’ degree in Phnom Penh. He said:

*“I raised the issue with my own teacher regarding his inappropriate speech. My teacher said ‘you are totally different than other in the class, you are not a man, please act and prepare yourself as a real girl.’*

Because this happens so often, Jacky requested the school to help deal with this issue but he has not seen any resolution.

In addition to the other forms of bullying, the surveys asked participants if teachers enforced uniform or appearance standards that they were uncomfortable with. School dress codes are mandatory for all students. Boys have to wear blue pants and girls have to wear blue skirts.<sup>47</sup> The SOGI Project team recognized that mandatory appearance standards made it likely that LGBT students – especially those with a gender identity that differs from their sex at birth - may feel uncomfortable.

A combination of both surveys found that over a quarter of participants (26.89%) said that their teacher did enforce uniform standards with which they felt uncomfortable. Interestingly, out of the survey takers who identified as transgender, the proportion who felt that the imposed uniform standards were uncomfortable rose to 40.48%. This shows that transgender students are disproportionately affected by uniform standards compared with other LGBT sub-groups.

A transgender woman from Siem Reap, nicknamed Nimol, told the SOGI Project team that when she was nine (grade 3) she dropped out of school because the teacher ordered her to get a haircut and she refused. In June 2015, Bangkok University officially announced an alternative dress code that allows for students to dress according to their gender identity.<sup>48</sup> Progress such as this would benefit students such as Nimol, and the many others who are uncomfortable with Cambodian-student dress and appearance standards.

## **5.2 Responses to bullying**

According to data received from the second survey, the predominant response by survey takers to the bullying was to “do nothing”, which applied to nearly half of the respondents (44.87%). Nearly a fifth (17.95%) reported the bullying to teachers, with 14.10% reporting the matter to parents. A very small proportion (1.28%) reported the matter to the police. Of concern, 1.28% of participants responded to the bullying by avoiding going to school. However, the figure for those engaged in truancy is significantly less than the figure (23%) obtained from a similar study conducted in Japan, which is reviewed in the ‘Global Context’ section of this Report. Perhaps most damningly, the research provides evidence of victims’ reluctance to report the bullying in Cambodia. Particularly troublesome is the reluctance in reporting bullying to teachers; this may indicate a lack of faith in the school system to address the issue, but could also be symptomatic of the school itself, as evidenced in this study, being a source of the bullying.

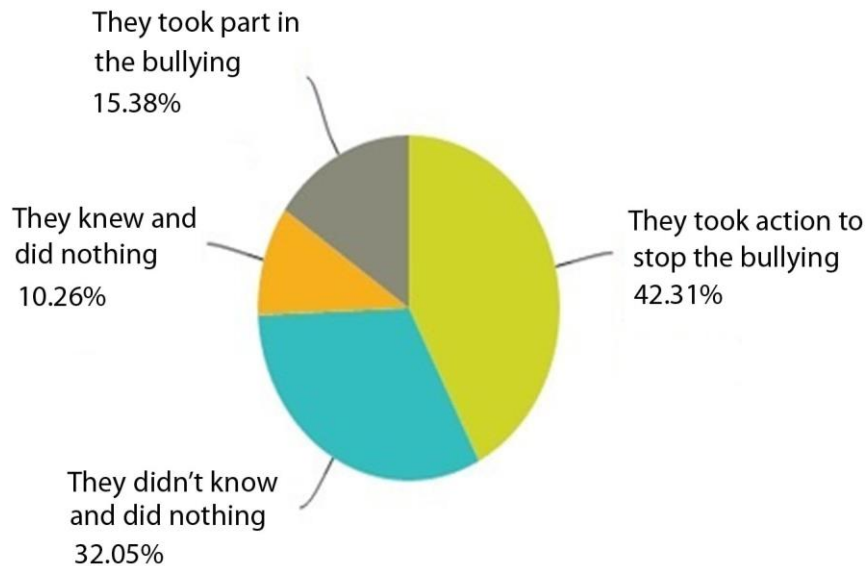
---

<sup>47</sup> UNDP Report ‘Being LGBT in Asia: Cambodia Country Report’ at page 41

<sup>48</sup> ‘Bangkok University Officially Endorses Uniform Gender Choice’, Coconuts Bangkok (08 June 2015) Available at: <http://bangkok.coconuts.co/2015/06/08/bangkok-university-officially-endorses-uniform-gender-choice>

In the second survey, the survey takers were asked specifically how teachers responded to the bullying. The responses are presented graphically below:

### **If you were bullied , how did your teachers respond?**

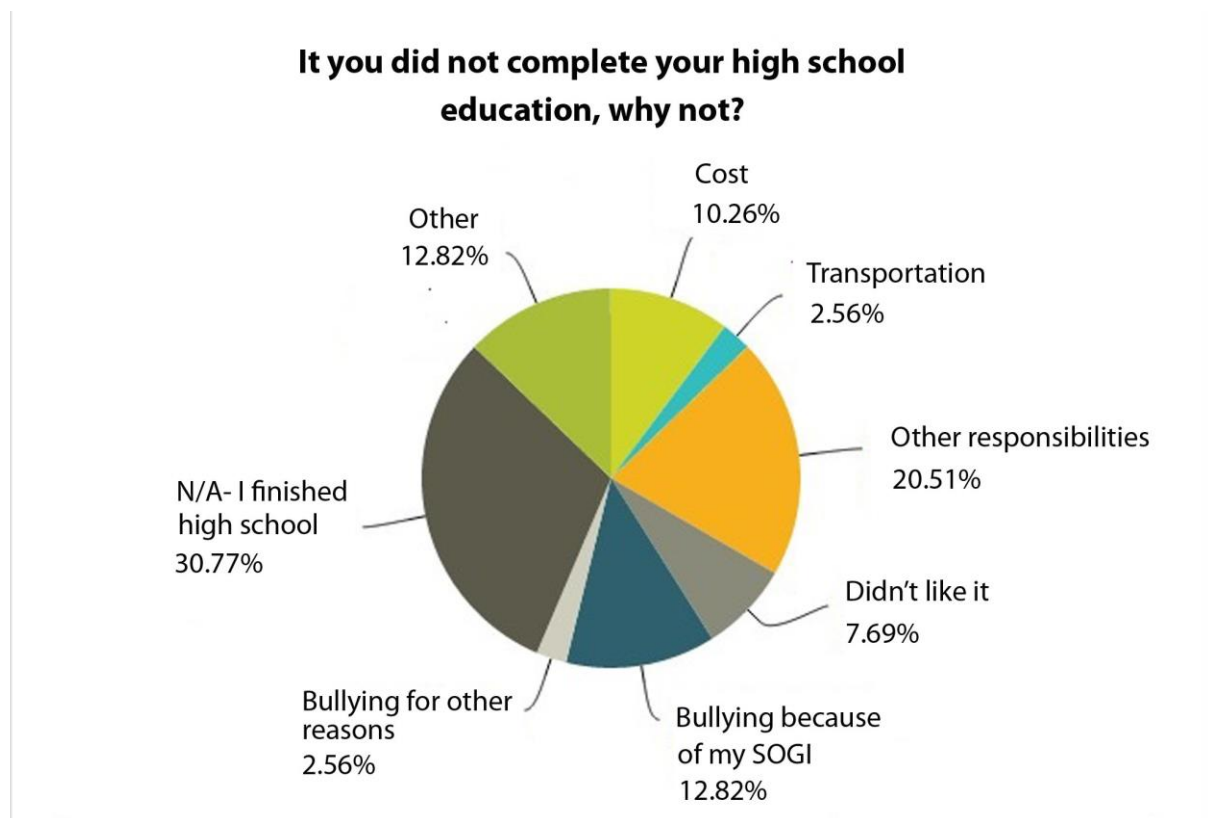


As can be seen, 42.31% did take some action to stop the bullying. Nevertheless, a considerable number were apparently unaware the bullying was taking place and did nothing. This may simply be due to the lack of willingness, as evidenced above, on the part of victims to ask the school for help, or possibly because teachers lack basic awareness of daily school life from the perspective of LGBT students. More worrying is the data regarding teachers that are aware of the bullying. The 25.64% of teachers who took part in the bullying, or knew about the bullying and did nothing, represents a significant proportion of students who were negatively affected by the actions or inaction of a teacher. The Constitution provides that *“The State shall protect children from acts that are injurious to their educational opportunities, health and welfare...”* Unfortunately, the results of this research indicate that Cambodia’s schools and many of its teachers are not protecting LGBT children from acts, such as bullying, that are injurious to their educational activities, health, and welfare.

### **5.3 Effects of bullying on victims**

The effects of SOGIE-related bullying on victims can be profound and take a variety of forms. The research aimed at assessing both the immediate effects, as well as the long-term effects of SOGIE-based bullying. Therefore, it was pertinent to consider whether bullying could impact on the victim’s decision to continue their education, as well as their general long-term wellbeing. Similar studies around the world have found a link between LGBT youth bullying and a variety of mental health issues such as depression, anxiety, low self-esteem and high suicide rates. Additionally, health-related issues, such as alcohol abuse, unprotected sex, and HIV/AIDS infection, have been linked to bullying on the basis of SOGIE.

The second survey included a question which probed whether participants had completed their high school education, and if they did not, what their reason was for leaving school. The majority of participants (30.77%) had completed high school. However, out of the remainder, the results were extremely revealing. Of those who did not complete high school, “Other responsibilities” was the most common answer with over a fifth of participants concurring (20.51%). However, 12.82% of participants stated the reason they did not finish high school was “bullying because of my SOGI”. This was more than the number of participants who did not complete high school for reasons of “Cost” (10.26%), because they “Didn’t like it” (7.69%), “Transportation” (2.56%) and “Bullying for other reasons” (2.56%), and the same proportion as those who had “Other”, non-listed reasons, for not finishing high school (12.82%). The results are presented in the following graph:



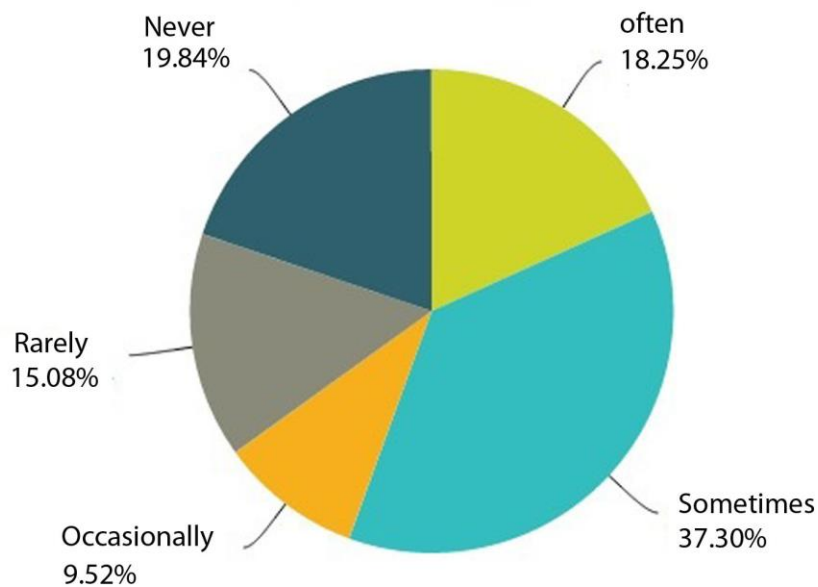
The above findings strongly indicate that SOGIE-related school bullying has an immediately damaging effect on the academic potential of many of Cambodia’s LGBT youth, leading to an unwanted and premature cessation of their education, significantly impacting their long-term prospects.

As well as the disconcerting findings in relation to the dropout rates of victims, our results also show that depression rates, self-esteem issues, suicidal thoughts and tendencies, as well as difficulties trusting others and forming intimate relationships are common amongst the survey-takers.

To begin the last section of both surveys, seeking information on the current life and feelings of LGBT people today, survey-takers were asked, “generally speaking, in your life today, how happy are you?”, 13% of participants reported being “pretty unhappy” to “very unhappy.” Additionally, 31% of participants reported being “pretty happy” to “very happy,” and over half of participants (52%) reported being “somewhere in between.”

Survey-takers who participated in the second survey were asked how often today they think about the bullying they experienced while in school. The results are displayed in the graph below. As can be seen, 37.3% said they thought about it “sometimes,” 18.25% said they thought about it “often” and 9.52% thought about it “occasionally.” These numbers make up nearly two-thirds of the participants surveyed. The remaining participants (34.92%) answered that they “never” or “rarely” thought about the bullying.

**If you were bullied at school, how often do you think about this today?**



The first survey included more specific questions related to the long-term impact of bullying on victims, asking whether participants have flashbacks or recollections of their experience of bullying. The majority of participants confirmed that they had occasional flashbacks or recollections (53.78%), with 13.45% stating that they experienced them often, while 32.77% reported that they have not had any flashbacks or recollections. Furthermore, 38.66% reported that these flashbacks or recollections impacted them negatively; with 21.85% disclosing that they had a positive effect and the remainder (39.50%) stating they had no effect. These results confirm that SOGIE-related bullying at school can have a profound impact on victims later in life.

Over half of all survey-takers reported having “low” to “medium” self-esteem levels and 80% of participants have experienced depression “sometimes” (50%), “often” (20%) or “always” (10%). The other 20% answered “rarely,” “never” or “don’t want to say.” These statistics show that there are very high rates of low self-esteem and depression among the LGBT population of Cambodia.

Research gathered from the first survey provides that 24.37% of survey-takers have had suicidal thoughts “occasionally” or “often”. Additionally, 15.97% have attempted suicide once, with 1.68% reporting having attempted suicide more than once.

In addition to the deeply troubling findings related to self-esteem, depression and suicide, the LGBT participants who took part in the study confirm that they find it difficult to trust others as well as

form intimate relationships. Nearly three-quarters of participants in both surveys said they find it “very difficult” (51%) or “quite difficult” (21%) to trust others. A large number of participants who have had intimate relationships (26%) reported finding it “difficult” to form these relationships. Nearly the same number of participants (25%) reported never having an intimate relationship and they find it “very difficult” to form these relationships.

As well as obtaining the above data, we also heard from a 55-year-old gay man, also nicknamed Jacky, who shared his struggle with being LGBT in Cambodia:

*“From then until now, I am really, really depressed. I always stare at my friends at school or colleagues at work and dream of finding my handsome man. I don’t dare come out with my SOGIE because my family and workplace really hates gays. Until recently, my parents often asked me ‘when will you get married?’ They stopped asking because I never answered them. I have been really sad with my life since I was a school boy and now that I’m old. I wish to express and have a serious relationship but I need to keep my own SOGIE a secret.”*

On a more positive note, in the second survey participants were asked a question designed to assess their general contentment with their SOGIE. Encouragingly, the majority (70.63%) chose “I am proud of my sexual identity and gender orientation”, with only 12.70% identifying with the statement “I am ashamed and wish I could change my sexual orientation and gender identity”. The remaining respondents (16.67%) identified with the statement, “I don’t think about my sexual orientation and gender identity”.

Data collected relating to alcohol and drug use within the LGBT community is largely encouraging. When participants were asked if they ever take drugs for recreational use, 86% said they do not, with only 7% answering that they do. Additionally, 45% of survey-takers said they consume alcohol a “few times a month,” and less than 10% said they consume alcohol “most days.” The rest of the participants answered variously between “never” consuming alcohol (16%), a “few times a week” (17%) or a “few times a year” (12%).

When participants do drink alcohol, the majority consume “small” (42%) to “moderate” amounts (32%). 1% of survey-takers said they did not want to say how much they drank, but 11% said they drink “none” and 12% said they consume a “large” quantity of alcohol. Despite the absence of a control group with which to compare this data, these findings do not appear excessive on the face of it.



## 6. Conclusion & Recommendations

---

A variety of legal instruments, both international and domestic, provide some measures designed to create an educational environment that is free from discrimination and conducive to the fulfillment of the potential of Cambodia's youth, whatever their status. However, the research presented in this Report reveals that there is an urgent need to provide better protection for LGBT students in Cambodia, if they are to have their human rights realized and protected. SOGIE-based discrimination in schools is an issue that has an impact far beyond the classroom; every LGBT person in Cambodia will go through the school system during the most vulnerable and formative period of their lives. This research has shown that the experiences they face in the education system will follow them throughout their lives – for better or for worse. If LGBT individuals are ever going to become truly equal members of Cambodian society, SOGIE-based discrimination in the education system must be tackled as a matter of urgent priority. This will require a determined and focused effort by the RGC, civil society, teachers, schools, and other actors. Detailed recommendations, which aim to achieve this goal, are outlined below.

The data presented in this Report provides significant quantitative and qualitative evidence that LGBT people face serious problems with bullying in educational establishments based on their SOGIE. It also highlights that bullying based on SOGIE is more of a challenge inside school than outside, suggesting that although LGBT people are discriminated against by Cambodian society in general, schools in particular are failing in their duty to provide an environment free from SOGIE-based discrimination.

SOGIE-related discrimination in schools manifests itself in a variety of forms, including physical, verbal and sexual abuse. Particularly disconcerting are the findings which reveal the regularity with which SOGIE-related bullying takes place and the finding that the school itself is often complicit, or at the very least, fails to intervene, in SOGIE-related bullying. As a result, victims have little faith in the capacity of schools to alleviate this bullying. As is also clearly indicated by this research, the prevalence of this bullying is causing very significant numbers of LGBT youth to drop out of the education system, thereby significantly limiting their chances in life. The research has also demonstrated that LGBT people in Cambodia harbor a particular propensity to developing long-term mental health problems as a result of their SOGIE. Perhaps most worrying in this regard are the findings regarding the shockingly high levels of depression suffered by the survey's participants. Taken together with the findings from the other studies referenced in this Report, this data further supports the proposition that depression is a significant issue throughout life for LGBT people.

Generally, the findings of this research bear a strong resemblance to data from other countries, indicating that LGBT bullying in schools and its resultant effects are global issues that need to be addressed by governmental and intergovernmental organizations within the ambit of human rights protection. There are some notable differences in some aspects between this study and some of the global studies referenced, however. A case in point is the situation in Australia, where SOGIE-related bullying victims were far more likely to seek help from their school than in Cambodia, suggesting that Australian students have greater confidence in their schools' capacity to deal with SOGIE-related bullying.

In recent times, Cambodian decision-makers have appeared eager to present themselves as LGBT-friendly, propagating the image of Cambodia as a country that is at the forefront of LGBT equality in Southeast Asia. Sadly, this image remains at odds with the experiences of many LGBT youth who face significant discrimination and bullying in Cambodia's education system, as detailed in this Report. While it is greatly encouraging that the Cambodian government has increased its engagement with civil society on LGBT issues, especially in the education system, it is nonetheless apparent that much more needs to be done.

With this in mind, CCHR wishes to make the following recommendations to stakeholders, based on the research presented in this Report:

**1. Recommendations for the Royal Government of Cambodia:**

*1.1 Ensure that Cambodian educational institutions are made LGBT-friendly by:*

*1.1.1 Continuing and expanding current cooperation with civil society to provide LGBT sensitivity training to teachers across Cambodia;*

*1.1.2 Continuing and expanding cooperation with civil society to make the primary and secondary school curriculum LGBT- inclusive;*

*1.1.3 Ensuring that school uniform policies are made flexible in order to accommodate students whose gender identity does not match their sex at birth;*

*1.1.4 Issuing a draft bullying policy which can be adopted by all schools and which is sensitive to SOGIE-based bullying.*

*1.2 Introduce LGBT anti-discrimination legislation as soon as possible, including provisions which would:*

*1.2.1 Guarantee equal treatment for LGBT students and staff in all primary, secondary, and higher educational institutions;*

*1.2.2 Guarantee equal opportunity for LGBT people in the workplace and recruitment processes;*

*1.2.3 Guarantee equal access to healthcare services for LGBT people.*

*1.3 Amend Article 45 (marriage) of the Constitution to remove the reference to "one husband" and "one wife", or, alternatively, issue a sub-decree confirming the existing legality of marriages between same-sex couples and obliging all local authorities to recognize and respect same-sex unions;*

*1.4 Ensure that general and mental health services are made available to at-risk LGBT people, and that healthcare staff are trained to deal with LGBT-specific issues.*

**2. Recommendations for All Political Parties:**

*2.1. Commit to promoting LGBT rights in Cambodia by:*

*2.1.1. Making an unambiguous public pledge to adopt the Recommendations 1.1 – 1.4 if elected into power;*

*2.1.2. Spreading positive messages about the LGBT community when campaigning or engaging in any other public discourse.*

### **3. Recommendations for Schools and Teachers:**

#### *3.1 Promote the equal treatment of LGBT students in schools by:*

- 3.1.1 Formulating anti-bullying policies that include SOGIE-based bullying, and which include a mechanism for the victims of bullying to safely report any instances of bullying which can be appropriately addressed;*
- 3.1.2 Addressing every instance of bullying on the basis of SOGIE appropriately;*
- 3.1.3 Educating students on the importance of tolerance, equality, and non-discrimination in the classroom;*
- 3.1.4 Educating students of their rights under the Cambodian Constitution, the Education Law, and the international human rights treaties to which Cambodia is a party.*

### **4. Recommendations for Cambodian Civil Society Organizations:**

#### *4.1 Ensure that LGBT rights, particularly in the education system, become a priority of the Royal Government of Cambodia by:*

- 4.1.1 Cooperating closely with other CSOs and the LGBT community to ensure that the LGBT community has a strong and united voice when engaging in advocacy;*
- 4.1.2 Developing projects and activities that empower Cambodia's LGBT community to advocate for their own rights and to combat bullying based on SOGIE.*
- 4.1.3 Expanding upon current cooperation with the Royal Government of Cambodia to ensure that all teachers in Cambodia receive LGBT-sensitivity training;*
- 4.1.4 Expanding upon current cooperation with the Royal Government of Cambodia to ensure that the school curricula are made LGBT-inclusive;*
- 4.1.5 Mainstreaming SOGIE inclusivity and non-discrimination into all internal policies, recruitment processes, activities, and project work;*
- 4.1.6 Conducting further primary research into LGBT Bullying in Cambodia and engaging teachers, school administrators, and government officials in this research.*

### **5. Recommendations for International Organizations, NGOs, and Donors:**

#### *5.1 Ensure that LGBT rights, particularly in the education system, become a priority of the Royal Government of Cambodia by:*

- 5.1.1 Streamlining support to the Cambodian government and relevant ministries in order to ensure that Cambodia has the capacity to develop a fully LGBT-inclusive education system that is free from discrimination;*
- 5.1.2 Prioritizing LGBT inclusivity, non-discrimination, and the recommendations contained in this Report when engaging with the Royal Government of Cambodia on policy issues.*

## 7. Bibliography

---

### **Cambodian law**

#### *Legislation*

Civil Code of the Kingdom of Cambodia (2007)

Constitution of the Kingdom of Cambodia (1993, as amended)

Criminal Code of the Kingdom of Cambodia (2009)

Education Law of the Kingdom of Cambodia (2007)

Labor Law of the Kingdom of Cambodia (1997)

Law on the Implementation of the Civil Code (2011)

Law on Marriage and the Family (1989)

#### *Decisions*

Constitutional Council of the Kingdom of Cambodia. Decision No. 092/003/2007. 10 July 2007

### **International laws and instruments**

#### *International treaties and agreements*

Charter of the United Nations (26 June 1945, entered into force 24 October 1945)

Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979)

Convention on the Rights of the Child (20 November 1989, entered into force 02 September 1990)

International Covenant on Civil and Political Rights (16 December 1966, entered into force 23 March 1976)

International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966)

Universal Declaration of Human Rights (adopted 10 December 1948)

#### *Regional treaties and agreement*

Charter of the Association of Southeast Asian Nations (20 November 2007, entered into force 15 December 2008)

#### *Case law and decisions*

Committee on Economic, Social and Cultural Rights. *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: Concluding observations of the Committee on Economic, Social and Cultural Rights – China: Hong Kong Special Administrative Region* (E/C.12/1/Add.58). 21 May 2001

Committee on Economic, Social and Cultural Rights. *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights: Concluding observations of the Committee on Economic, Social and Cultural Rights – Ireland* (E/C.12/1/Add.35). 14 May 1999

Convention on the Rights of the Child. *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention of the Rights of the Child: Concluding observations: United Kingdom of Great Britain and Northern Ireland* (CRC/C/GBR/CO/4). 20 October 2008

United Nations Human Rights Committee. *Consideration of Reports Submitted by States Parties Under Article 40 of the International Covenant on Civil and Political Rights: Concluding Observations of the Human Rights Committee – Poland* (CCPR/C/79/Add.110). 29 July 1999

United Nations Human Rights Committee. *Views of the Human Rights Committee under Article 5, Paragraph 4, of the Optional Protocol of the International Covenant on Civil and Political Rights, Communication No. 488/1992: Toonen v. Australia* (CCPR/C/50/D/488/1992). 04 April 1994

United Nations Human Rights Committee. *Views of the Human Rights Committee under Article 5, Paragraph 4, of the Optional Protocol of the International Covenant on Civil and Political Rights, Communication No. 941/2000: Young v Australia* (CCPR/C/78/D/941/2000). 06 August 2003

United Nations Human Rights Committee. *Views of the Human Rights Committee under Article 5, Paragraph 4, of the Optional Protocol of the International Covenant on Civil and Political Rights, Communication No. 1932/2010: Fedotova v Russian Federation* (CCPR/C/106/D/1932/2010). 31 October 2012

#### *Other international instruments*

Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (26 March 2007)

#### **Reports and publications**

CCHR 'Coming Out in the Kingdom: Gay, Lesbian, Bisexual and Transgender People in Cambodia' (Report) (December 2010) <[http://cchrcambodia.org/index\\_old.php?url=project\\_page/project\\_page.php&p=report\\_detail.php&reid=8&id=3](http://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=8&id=3)>

CCHR 'Rainbow Khmer: From Prejudice to Pride' (Report) (December 2012) <[http://cchrcambodia.org/index\\_old.php?url=project\\_page/project\\_page.php&p=report\\_detail.php&reid=85&id=3](http://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=85&id=3)>

Domrei Research and Consulting 'Baseline Survey on a Joint Communications Campaign on Violence against Women' (Report) (2012)

European Union Agency for Fundamental Rights, 'European Union lesbian, gay, bisexual and transgender survey: Results at a glance' (Report) (2013) <[http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance\\_en.pdf](http://fra.europa.eu/sites/default/files/eu-lgbt-survey-results-at-a-glance_en.pdf)>

GLSEN 'The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools' (Report) (2009)

Helen McNamee 'Out On Your Own: An Examination of the Mental Health of Young Same-Sex Attracted Men' (Report) (2006) <[http://www.rainbow-project.org/assets/publications/out\\_on\\_your\\_own.pdf](http://www.rainbow-project.org/assets/publications/out_on_your_own.pdf)>

Joanna Almeida, Renee M. Johnson, Heather L. Corliss, Beth E. Molnar and Deborah Azrael  
'Emotional Distress Amongst LGBT Youth: The Influence of Perceived Discrimination Based on Sexual Orientation' (Report) *Journal of Youth and Adolescence* (August 2009) Volume 38 Issue 7: 1001-1014

Lynne Hillier, Tiffany Jones, Marisa Monagle, Naomi Overton, Luke Gahan, Jennifer Blackman, Anne Mitchell 'Writing Themselves In 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people' (Report) (2010)  
<<https://www.latrobe.edu.au/arcshs/downloads/arcshs-research-publications/WTi3.pdf>>

National AIDS Trust 'Boys Who Like Boys: A study of where young MSM lean about sex, relationships and HIV' (Report) (2015)  
<[http://www.nat.org.uk/media/Files/Publications/Boys\\_Who\\_Like\\_Boys.pdf](http://www.nat.org.uk/media/Files/Publications/Boys_Who_Like_Boys.pdf)>

Sheffield Institute of Education 'Barriers and bullying: the experiences of LGBT young people in Europe' (Report) (2003) <<https://www.shu.ac.uk/sioe/case-studies/ceir.html>>

United Nations 'World Report on Violence Against Children' (Report) (2006)  
<<http://www.unicef.org/violencestudy/reports.html>>

United Nations Development Programme 'Being LGBT in Asia: Cambodia Country Report – A Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society' (Report) (2014) <[http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv\\_aids/rbap-hhd-2014-blia-cambodia-country-report.pdf](http://www.asia-pacific.undp.org/content/dam/rbap/docs/Research%20&%20Publications/hiv_aids/rbap-hhd-2014-blia-cambodia-country-report.pdf)>

United Nations Educational, Scientific and Cultural Organization 'Education Sector Responses to Homophobic Bullying' (Booklet) (2012)  
<<http://unesdoc.unesco.org/images/0021/002164/216493e.pdf>>

United Nations Educational, Scientific and Cultural Organization 'LGBT-friendly Thailand: A brief on school bullying on the basis of sexual orientation and gender identity' (Briefing Note) (2014)  
<<http://unesdoc.unesco.org/images/0022/002277/227706E.pdf>>

Vicente S.Salas and Srun Sorn 'An Exploration of Social Exclusion of Lesbian, Gay and Transgender Persons in Families and Communities In Some Areas Of Cambodia and Their Ways of Coping' (Report) (2012)  
<[http://www.aidsdatahub.org/sites/default/files/publication/Cambodia\\_Journal\\_GLBT\\_for\\_publication.pdf](http://www.aidsdatahub.org/sites/default/files/publication/Cambodia_Journal_GLBT_for_publication.pdf)>

William Leonard, Anthony Lyons and Emily Bariola 'A Closer Look at Private Lives 2: Addressing the mental health and well-being of lesbian, gay, bisexual and transgender (LGBT) Australians' (Report) (2015) <[http://glhv.org.au/files/Closer\\_Look\\_Private\\_Lives2.pdf](http://glhv.org.au/files/Closer_Look_Private_Lives2.pdf)>

#### **Articles and press releases**

'Bangkok University Officially Endorses Uniform Gender Choice' *Coconuts Bangkok* (08 June 2015)  
<<http://bangkok.coconuts.co/2015/06/08/bangkok-university-officially-endorses-uniform-gender-choice>>

David Gilbert 'Familial Transphobia and Kinship of Opens in Myanmar' (*Kyoto Review of Southeast Asia*, September 2015) <<http://kyotoreview.org/issue-18/familial-transphobia-kinship-opens-myanmar/>>

Douglas Sanders 'Same-sex Relationships: Moves to Recognition in Vietnam and Thailand' (*Kyoto Review of Southeast Asia*, September 2015) <<http://kyotoreview.org/issue-18/same-sex-relationships-vietnam-thailand/>>

'Cambodia Welcomes Same-Sex Marriage, Gov't Spokesman Says' *Khmer Times* (24 September 2015) <<http://www.khmertimeskh.com/news/16143/cambodia-welcomes-same-sex-marriage--gov---t-spokesman-says/>>

'Major Campaign Aims to Stamp Out Discrimination Against LGBT People' *Beyond Blue* (31 March 2015) <<https://www.beyondblue.org.au/about-us/news/news/2015/03/30/major-campaign-aims-to-stamp-out-discrimination-against-lgbti-people>>

'Nepal's New Constitution Leads Region in LGBTI Rights', *The World Post* (10 October 2015) <[http://www.huffingtonpost.com/tracy-fehr/nepal-constitution-lgbti-rights\\_b\\_8239360.html](http://www.huffingtonpost.com/tracy-fehr/nepal-constitution-lgbti-rights_b_8239360.html)>

'Pride closes with a Buddhist Blessing' *Phnom Penh Post* (22 May 2012) <<http://www.phnompenhpost.com/lifestyle/pride-closes-buddhist-blessing>>

United Nations Press Release, 'United Nations entities call on States to act urgently to end violence and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) adults, adolescents and children' (29 September 2015) <<http://www.un.org/apps/news/story.asp?NewsID=52042#.VjsZOjovIU>>

Yuki Nikaido, 'Bullying rampant for gay, bisexual teens', *The Asahi Shimbun* (01 September 2015) <[http://ajw.asahi.com/article/behind\\_news/social\\_affairs/AJ201509010026](http://ajw.asahi.com/article/behind_news/social_affairs/AJ201509010026)>

#### **Online sources**

Pew Research Center: Religion and Public Life. *Religious Composition by Country, 2010 – 2050*. <<http://www.pewforum.org/2015/04/02/religious-projection-table/>>

UNESCO: *Impact of Homophobic Bullying*. <<http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/health-education/homophobic-bullying/bullying/>>

ASEAN SOGIE Caucus. <<https://aseansogie.wordpress.com/>>