

CCHR Press Release – Phnom Penh, 29 April 2012

CCHR calls for equality and non-discrimination for lesbians, gays, bisexuals and transgender people (“LGBT”) in employment

[The Cambodian Center for Human Rights](#) (“CCHR”) today calls on all government agencies, institutions, civil society organizations, workers’ unions and especially private sector and employers to combat homophobia in the workplace. 1 May is International Labour Day, when countries across the world recognize workers’ rights – we now encourage Cambodian stakeholders to join this international celebration of the economic and social participation and achievement of workers and call for equality for LGBT people in employment.

The Constitution of the Kingdom of Cambodia guarantees rights to equality and non-discrimination, and recognizes the applicability of international human rights law in Cambodia (Article 31). The Universal Declaration of Human Rights (“UDHR”), the International Covenant on Civil and Political Rights (“ICCPR”) and International Covenant on Economic, Social and Cultural Rights (“ICESR”) guarantee civil, political, and social, cultural and economic rights to all individuals without discrimination. Under these international human rights instruments, States are obliged to protect individuals from any discrimination in access to/and maintenance of employment. The Committee on Economic, Social and Cultural Rights has confirmed that the ICESR “prohibits discrimination in access to/and maintenance of employment on ground of ...**sexual orientation**”. Also, the discrimination in employment is prohibited by the International Labour Organization Convention [C111](#) “Convention concerning Elimination of Discrimination in respect of Employment and Occupation”, ratified by Cambodia in 1999.

Despite these provisions discrimination against LGBT people in the workplace continues due to a lack of understanding and respect by society and employers. The Cambodian Labour Law 1997 failed to protect LGBT employees from homophobic discrimination both in workplace and when applying for jobs. LGBT people frequently face exclusion, harassment, name calling (for example “Kteuy”) and bullying in the workplace leading to depression and economic hardships. A gay man reported to CCHR that when he was open about his sexual orientation at work, the bullying was so severe that he was forced to leave his job. Cambodian transgender women and men have reported that they are often turned down for jobs, including in restaurants and garment factories, even when they are graduates, because of their appearance, sometimes they are forced out of desperation into the sex industry. LGBT people need to usually hide their identity when they work; a Cambodian lesbian told us “*though my lesbian friends dress like boys, I dress like a girl because, I need to find job and make money.*”

Mr HEM Sokly, CCHR SOGI Project Coordinator, says:

“Every individual is equal before the law and is entitled without any discrimination to the equal protection of the law. While lesbian, gay, bisexual and transgendered persons do not claim any ‘special’ or ‘additional’ rights, their fundamental rights and freedom including labour rights should not be denied. The Government and stakeholders should guarantee the equal condition and access to employment of every citizen regardless of their actual or perceived sexual orientation and gender identity. The Royal Government of Cambodia should (1) propose amendment to the Constitution and the labour law to include the term “sexual orientation” and “Gender Identity”; (2) adopt anti-discrimination law and (3) set out a clear policy on LGBT issues, for example the incorporation of sexual orientation and gender identity in its Rectangular Strategy on Growth, Employment, Equality and Efficiency.”

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