

**JOINT PRESS RELEASE — Phnom Penh, 31 May 2017**

**CSOs congratulate Taiwan on marriage equality ruling, and call for same-sex marriage law in Cambodia**

We, the undersigned civil society organizations (“CSOs”), congratulate the people of Taiwan – and especially its lesbian, gay, bisexual, transgender, intersex and queer (“LGBTIQ”) community – regarding the 24 May ruling of Taiwan’s Constitutional Court, setting Taiwan on the path to become the first jurisdiction in Asia to legalize marriage for same-sex couples.

In its ruling, the Constitutional Court ruled that existing laws excluding LGBTIQ people from marriage were unconstitutional and violated their basic human rights. It stated that a ban on same-sex marriage was ‘a gross legislative flaw’ and ‘incompatible with the spirit and meaning of the freedom of marriage’ and ‘right to equality’.<sup>1</sup>

In this landmark judgment, Taiwan becomes a trailblazer in respect of LGBTIQ rights in Asia, building momentum for marriage equality across the continent. We, the undersigned CSOs, take this historic opportunity to call upon the Royal Government of Cambodia (“RGC”) to show its commitment to LGBTIQ rights by legislating for same-sex marriage in Cambodia.

Article 24 of the Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity (the “Yogyakarta Principles”) recalls the right of every human being to found a family regardless of their sexual orientation or gender identity / expression (“SOGIE”), and calls on all states to take legislative measures to ensure that same-sex marriages are fully recognized.<sup>2</sup> While not legally binding in themselves, the Yogyakarta Principles specify how binding international human rights law applies in respect of SOGIE issues. Currently, the Cambodian legal framework fails to meet the standard outlined in the Yogyakarta Principles. Article 45 of the Constitution of Kingdom of Cambodia defines marriage as a union between ‘one husband and one wife’, theoretically excluding LGBTIQ people from marriage. Encouragingly, however, the 2007 Civil Code replaced and repealed an earlier law which explicitly prohibited same-sex marriage. This marked a step in the right direction towards marriage equality; however, concrete legislative steps are still required for the right to be realized in Cambodia.

Several senior RGC figures have expressed their support for LGBTIQ rights, with one even claiming that marriage equality is already reality under the law: on 23 September 2015, Council of Ministers spokesman Phay Siphon stated, “*no Cambodian laws discriminate against [LGBTIQ people], and nothing is banning them from loving each other or getting married*”.<sup>3</sup> Although the legal situation remains murky, the time has come for Cambodia to join Taiwan and the twenty-two countries across the globe which have already explicitly granted all of their citizens the right to marry.

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<sup>1</sup> The Constitutional Court of the Republic of China (Taiwan), ‘Press Release on the Same-Sex Marriage Case’ (24 May 2017). <<http://bit.ly/2rFTleL>>

<sup>2</sup> International Commission of Jurists (“ICJ”), ‘Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity’ (26 March 2007). <<http://bit.ly/2p9080V>>

<sup>3</sup> Chea Takiro, ‘Cambodia Welcomes Same-Sex Marriage, Gov’t Spokesman Says’, *Khmer Times* (24 September 2015). <<http://bit.ly/1KVogxH>>

The Cambodian LGBTIQ community faces enormous challenges as a result of marriage inequality. In Cambodia, the family holds special cultural significance and acts as the primary foundation of society. The denial of marriage rights to LGBTIQ couples acts as a form of cultural and social isolation and alienates many from their own communities. The LGBTIQ community is not only excluded from forming recognized families, but is also denied many of the privileges gained through marriage. This includes property security, domestic abuse protections, parental rights, and tax breaks. This situation also leaves LGBTIQ Cambodians at risk of forced heterosexual marriage by their families. A 2016 report by the Cambodian Center for Human Rights (“CCHR”) revealed that 53% of transgender women had been subject to attempts of forced marriage by their parents.<sup>4</sup> A report by Rainbow Community of Kampuchea (“RoCK”) found that 82% of LGBTIQ Cambodians felt that marriage equality was a priority in improving their lives.<sup>5</sup>

In Cambodia, like in many countries across the world, there is growing acceptance of LGBTIQ people. The aforementioned RoCK report revealed that 86% of LGBTIQ Cambodians believe that society is much more open-minded about their community than three to five years ago.<sup>6</sup> There is now an unparalleled opportunity for Cambodia to join Taiwan in becoming a world leader in respect of LGBTIQ rights, by legislating for marriage equality and equal rights for LGBTIQ Cambodians.

We, the undersigned CSOs, reiterate our congratulations to the people of Taiwan and call upon the RGC to take immediate steps towards equal marriage for LGBTIQ Cambodians.

**This joint statement is endorsed by:**

**CSOs and Trade Unions:**

1. Alliance for Conflict Transformation (ACT)
2. ASEAN SOGIE Caucus (ASC)
3. Cambodia Development People Life Association (CDPLA)
4. Cambodian Alliance of Trade Unions (CATU)
5. Cambodian Center for Human Rights (CCHR)
6. Cambodian Food And Service Workers Federation (CFSWF)
7. Cambodian Human Rights and Development Association (ADHOC)
8. Cambodian Independent Civil Servants Association (CICA)
9. Cambodian Indigenous People Organization (CIPO)

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<sup>4</sup> The Cambodian Center for Human Rights (“CCHR”), ‘Discrimination Against Transgender Women in Cambodia’s Urban Centers’ (September 2016) <<http://bit.ly/2mu3kDV>>

<sup>5</sup> RoCK and Taylor Nelson Sofres Cambodia (“TNS Cambodia”), ‘Opinions, Attitudes and Behaviour Toward the LGBT Population in Cambodia’ (December 2015). <<http://bit.ly/2qCMipl>>

<sup>6</sup> RoCK, ‘Opinions, Attitudes and Behaviour’.

10. Cambodian League for the Promotion & Defense of Human Rights (LICADHO)
11. Cambodian Volunteer for Society (CVS)
12. Coalition of Cambodian Apparel Workers Democratic Unions (CCAWDU)
13. Collective Union of Movement of Workers (CUMW)
14. Gender and Development for Cambodia (GADC)
15. Independent Democratic of Informal Economic Association (IDEA)
16. Indradevi Association (IDA)
17. KHANA
18. KHEMARA
19. Legal Aid of Cambodia (LAC)
20. MEDIA One
21. Men's Health Cambodia (MHC)
22. Men's Health Social Services (MHSS)
23. Mother Nature (MN)
24. Rainbow Community of Kampuchea (RoCK)
25. The Building and Wood Workers Trade Union of Cambodia (BWTUC)
26. The Cambodian Tourism and Service Workers Federation (CTSWF)

#### **Communities**

27. Boeung Bram Community, Battambang Province
28. Boeung Chhouk Community, Phnom Penh
29. Former Boeung Kak Women Network, Phnom Penh
30. Indigenous Youth Community, Brome Commune, Preah Vihear Province
31. Kampong Speu Community Peace School, Kampong Speu Province
32. Koh Srolav Community, Koh Kong Province
33. Land Community, Prek Chik Village, Chikhor Kraom Commune, Koh Kong Province
34. Land Community, Skun Village, Siem Reap Province
35. Land Community, Krous Village, Battambang Province
36. Lor Peang Community, Kampong Chhnang Province
37. Railway Station Community, Tuol Sangkae A Community, Phnom Penh

38. Railway Station Community, Tuol Sangkae B Community, Phnom Penh
39. Reach Sey Samaky Land Community, Romchek Village, Battambang Province
40. SOS International Airport Community, Phnom Penh
41. Thmar Da Community, Koh Kong Province
42. Village I Community, Preah Sihanouk Province
43. Village 23 Community, Phnom Penh