



Intersex Justice in Cambodia

Inspiring Action through Research



*Country report on the situation of
Intersex Rights in Cambodia*

2024

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Table of Contents

■ Preface	4
■ Acknowledgment	5
■ Key Terms	6
■ List of Abbreviations	7
■ Executive Summary	8
■ 1. Introduction	12
1.1. Background	13
1.2. Research problem, scope and significance	15
1.3. Research goals and objectives	15
■ 2. Methodology	18
2.1. Literature review	19
2.2. Interviews and data analysis	20
■ 3. Current laws, policies and programs	22
3.1. Previous and current programs in Cambodia	23
3.2. Laws and policies	23
■ 4. Results and discussions	26
4.1. Information and research gap	27
4.2. Education	28
4.3. Gender marker registration at birth	30
4.4. Legal gender recognition	31
4.5. Inclusion in emergency policy response	32
4.6. Health and other public services	33
4.7. Hate speech and crime	36
4.8. Access to justice and redress	38
4.9. Protecting intersex people's bodily integrity	40
4.10. Protecting intersex people from discrimination in all areas	42
4.11. Conclusion	45
4.12. Analysis of the intersex situation in Cambodia	46
4.13. Gap analysis	47
■ 5. Recommendation and strategy for implementation	48
■ 6. Upcoming activities, programs	52
■ 7. Conclusion	54
■ 8. References & Appendix	56

Preface

Intersex issues in Cambodia are rarely discussed amongst the public and stakeholders because the intersex community is almost invisible in many aspects of society. Therefore, there is a need to build evidence and document intersex experiences, issues and improve the well-being of the community. Therefore, Intersex Asia initiated the research project across the Asian region by working with consultants to conduct the first research project at the national level on intersex issues and ways forward.

This research project aims to build the evidence as a building block for the community and its stakeholders to enhance the understanding of intersex people and the current situation. The findings of this research are attributed to the literature review and interviews with key informants. Even though limited information is available, the findings present the challenges and best practices as well as contextual approaches. The key findings are grouped into ten different themes, ranging from health, and discrimination to regulation and legislation. The interviews with key informants will provide contextualized approaches, and issues related to the local intersex people, while the literature review will suggest conceptual frameworks and global challenges of intersex people. As a result, this research presents consolidated information on the issues, demands and lessons learned not only in Cambodia but also from other countries to enrich the knowledge about intersex people.

Therefore, we hope that this research will provide insightful inputs for the stakeholders and the community for the purpose of learning, researching and formulating programs or policies, and others. This research is aimed at providing information not only to organizations or groups but also to individuals who are interested in expanding their knowledge or raising awareness about the intersex community.

Acknowledgement

This study is conceptualized by Intersex Asia (IA) so I would like to thank the IA team for coordinating the process. I would like to thank Hiker Chiu, the Executive Director of IA, who supported the translation of Chinese words mentioned by a Chinese documenter about Cambodian history. I would like to extend my gratitude to Prashant Singh, the Research and UN Advocacy Officer at IA, who has been closely supporting the process of this research. Furthermore, I would like to thank Cambodian colleagues and friends who provided relevant information for this research. Last but not least, I wholeheartedly thank the enthusiastic key informants who spent their time participating in and providing insightful information to this first research project in Cambodia.

In short, this research would not be possible without the contribution of many key players. I am highly appreciative of all the support to make this research a meaningful contribution to the community. We hope the findings of the research will add value to enhancing the understanding of intersex issues and advancing intersex rights in Cambodia.

Key Terms

Ambiguous genitalia refers to the untypically outer genital appearance neither of which is female nor male.¹

Hermaphrodite refers to the mixed-sex characteristics of both male and female of a person.²

Intersex refers to “an umbrella term used to describe various congenital conditions in which the development of sex differs from what medical professionals generally understand to be ‘male’ or ‘female’. The differences may be chromosomal, gonadal or anatomical.”³

Nakpumsakakleong or Khteuy are the Khmer terms which refer to unidentical sex characteristics.⁴

1 Medline Plus, Ambiguous genitalia, n.d. Available online: <https://medlineplus.gov/ency/article/003269.htm#:~:text=Ambiguous%20genitalia%20is%20a%20birth,a%20boy%20or%20a%20girl>.

2-3 v. J. Lisdonk, *Living with intersex/DSD: An exploratory study of the social situation of persons with intersex/DSD* Netherlands Institute for Social Research, 2014).

4 Chhoun Nat Dictionary, លិង្គគិ. (n.d.).

List of Abbreviations

ASEAN:	Association of Southeast Asian Nations
CCWC:	Commune Committee for Women and Children
CHRC:	Cambodian Human Right Committee
CSOs:	Civil Society Organizations
ICCPR:	International Covenant on Civil and Political Rights
ILGA:	International Lesbian, Gay, Bisexual, Trans and Intersex Association
INGO:	International non-governmental organization
LGBTQIA+:	Lesbian, Gay, Bisexual and Transgender, Intersex, Asexual people, non-binary people, and those who do not identify as majorities, binary norms
NGOs:	Non-governmental organizations
RoCK:	Rainbow Community Kampuchea
SOGIESC:	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
UDHR:	Universal Declaration of Human Rights
UPR:	Universal Periodic Review

Executive Summary

This research aims to narrow down the information gap regarding intersex issues and rights as well as propose frameworks to address the challenges. This project is a result of an extensive literature review process and is based on insights from interviews with key informants in order to extend the knowledge and information on the issues of lack of evidence, education, legal gender recognition, legislation and regulation, health and other public services.

The extensive literature review found that the population of intersex people around the globe is significantly large; yet they remain invisible in many sectors including health, legal, and public services. Furthermore, binary notions and limited information and evidence related to the intersex community also lead to a lack of understanding and discussions about their identities and rights. Likewise, in Cambodia, intersex is not well known by the public and is often conflated with the LGBT+ community. Therefore, the intersex term is not included in legal documents in Cambodia. Besides the lack of legal protection, intersex people may encounter a lack of family acceptance, unnecessary medical interventions, bullying, difficulties in accessing health services as well as discrimination and other issues. By interviewing with key information, the research found one documented instance of early medical intervention which was proposed by a private clinic via the social media platform in 2016. This was supposedly carried out with the purpose of cancer prevention. Such practices have created an environment of mistrust and have prevented intersex people from accessing healthcare resulting in negative consequences including stigmatization and exclusion.

Over the years, progress has been noted in terms of the rights of people with diverse sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) in Cambodia. This is a consequence of the confluence of various factors including religious perspectives, government's commitment, and collaborative work between key players. Since most Cambodian people are Buddhist, the level of tolerance towards diversity is high. Additionally, the Cambodian government is committed to promoting the human rights of citizens by including human rights in the Cambodian Constitution, ratifying almost all human rights treaties and creating governmental bodies to address social justice issues. Moreover, the government has also taken progressive steps in advancing SOGIESC rights by

including SOGIESC concepts in educational curricula, and national strategic plans, and contributing to public awareness. This also creates the space for the whole community of people with diverse SOGIESC to engage with the government.

Furthermore, some CSOs (civil society organizations), NGOs (non-governmental organizations), and the government are working to raise awareness, advocate, and community organizing to address the challenges. Currently, the CSOs and NGOs have raised awareness, such as intersex identities, rights and needs, as well as implemented community organizing activities. Meanwhile, they also invite the government for dialogues and other activities to jointly address the demands of people with diverse SOGIESC in Cambodia. Lastly, one of the key informants is engaged in the regional spaces to expand their knowledge in order to take careful steps to ensure respect for the intersex community's ownership and leadership.

At the regional and global levels, just like in Cambodia, early medical interventions have been critical issues for intersex communities. Intersex people around the globe face the challenge of lack of healthcare services and discrimination which leads to negative physical and mental impacts. Moreover, the lack of awareness among medical professionals also causes the pathologization of intersex people.

Intersex people are discriminated against in different fields including health, education, and public services. Intersex people, for instance, are denied access to healthcare records and face privacy violations in the process of civil registration. Besides the challenges, the existing data also suggests best practices. Firstly, the human rights standards are available to codify the restriction or standards for involuntary sterilization, including the Universal Declaration of Human Rights (UDHR) and the Yogyakarta principles. Secondly, civil registration and legal recognition for intersex people shall be equally treated as the other, such as legal gender recognition, marriage and adoption. An additional best practice is peer-led intervention, support groups, and awareness to the public, professionals, and families in order to challenge binary notions regarding gender and sexuality. Engagement with psychologists, social workers, ethics specialists, or intersex people with parents also eases the information gap. Lastly, proper training, documentation, and resource mobilization are also vital to addressing intersex issues.

Finally, the main recommendations from the key informants as ways forward to address intersex issues in Cambodia are:

1. Adopting sensitive approaches to ensure the intersex community's ownership and leadership with the "do no harm" principle when addressing the needs of the community,
2. Closely collaborating with local CSOs and NGOs to strengthen existing programs in order to create alternatives as well as build more stories and data of intersex people in Cambodia,
3. Sharing the lessons learnt from other countries to the region, including Cambodia, on the best practice of comprehensive support for intersex people. Hence, those pieces of information should be made widely accessible and available,
4. Making information and educational material related to intersex, SOGIESC concepts and human rights more accessible and available to the public, CSOs, NGOs, the government, and professionals including teachers, health practitioners, lawyers, psychologists, social workers, and ethics specialists,
5. Fostering or offering peer support groups can be helpful to organise families, and friends of intersex people to support each other, and
6. Respecting and protecting the rights of the intersex community in alignment with international and human rights standards.

Intersex Asia

WE DEFEND **Intersex**
HUMAN RIGHTS IN ASIA



Intersex Asia Timeline

Intersex movement in Asia started in the 1990s from Japan, develops internationally since 2008 from Taiwan.

1. Introduction

- 1.1 Background
- 1.2 Research problem, scope and significance
- 1.3 Research goal and objectives

1.1 Background

The estimated intersex population is 1.7% of the global population; thus, the number of the population of intersex people is in millions.^{5;6;7} On the other hand, less than 0.5% of the intersex population is clinically identified.⁸ Before discussing intersex in Cambodia, the definition of intersex is provided to gain a better understanding of contexts. The definitions of intersex cannot be mutually endorsed by all groups and organizations including medical professionals, human rights organizations, and advocacy groups.⁹ The definition of intersex, which is from the United Nations and Intersex communities in Asia, is used as an umbrella term to describe the condition of the chromosomal, gonadal and anatomical developments which differ from the socially defined norms. In other words, it simply refers to a form of the diversity of sex characteristics which does not fall into the binary definitions.^{10;11;12;13} Therefore, throughout this research, the term intersex is used as it covers the diversity of sex characteristics.

In Cambodia, the word “intersex” is found in the Khmer language. Khmer is a Cambodian official and spoken language which is influenced by the Indian culture with the religious influences of Hinduism and Buddhism.^{14;15} This influence brought different languages, including Sanskrit and Pali, into the Khmer language. In the Khmer language, the word លិង្គ or penis is referred to the different sex characteristics as male, female, and unidentical female or male.¹⁶ The word is នំប៉ុស្តកំលិង្គ (Nakpumsakakleong) means intersex which its explanation is unidentical sexes. Nakpumsakakleong also has its synonym which is ខ្ចីយ (Khteuy). Khteuy has been currently used for different meanings to refer to the third gender, and lesbian, gay, bisexual, transgender, intersex, queer and other sexual minorities (LGBTIQ+) people. However, the term Khteuy is perceived as derogatory by the LGBTIQ community.¹⁷

5 United Nations, *World population to reach 8 billion on 15 November 2022*, n.d. Available online: <https://www.un.org/en/desa/world-population-reach-8-billion-15-november-2022#:~:text=The%20global%20population%20is%20projected,today%20on%20World%20Population%20Day>.

6 C. Medina & L. Mahowald, *Key issues facing people with intersex traits*, 2021. Available online: <https://www.americanprogress.org/article/key-issues-facing-people-intersex-traits/#:~:text=It%20is%20estimated%20that%20up,identifiable%20sexual%20or%20reproductive%20variations>

7 United Nations Human Rights Office of the High Commissioner, *Fact sheet: Intersex* (n.d.). Available online: <https://www.unfhe.org/wp-content/uploads/2017/05/UNFHE-Intersex.pdf>

8 Medina & Mahowald, *Key issues facing people with intersex traits*.

9 Lisdonk, *Living with intersex/DSD: An exploratory study of the social situation of persons with intersex/DSD*

10 United Nations Human Rights Office of the High Commissioner, *Treaty-based bodies*, 2017) <<https://cambodia.ohchr.org/en/treaty-based-bodies>> accessed 17 December 2022

11 NNID, *Standpunten & Beleid 2013/2014* (Consulted on 8 May 2014, 2013). Available online: www.nnid.nl/beleid.

12 coc, *lhbti-kinderen in Nederland: Rapportage over de leefwereld en rechten van een vergeten groep kwetsbare kinderen* (Amsterdam: coc, 2013).

13 Asian Intersex Movement, *Asian intersex movement: Public statement* (2018). Available online: <https://intersexasia.org/download/2798/>.

14 Ohio University, *Khmer*, n.d. Available online: <https://www.ohio.edu/cis/asian/languages/khmer>.

15 Upender Rao, ‘Sanskrit’s Influence on Khmer’ 2020) <<https://www.csp.indica.in/sanskrits-influence-on-khmer/#:~:text=Khmer%20language%20was%20influenced%20by,Khmer%20scholars%20in%20the%20past>> accessed 10 November 2022

16 Chhoun Nat Dictionary, លិង្គ. (n.d.).

17 Rainbow Community Kampuchea & TNS, *Opinions, attitudes and behavior toward the LGBT Population in Cambodia* (2015). Available online: <https://www.rockcambodia.org/wp-content/>

Regarding religious practices, Cambodia is a Buddhist country with diverse religious groups, accounting for 97% of Buddhism, 2% of Muslim and 0.8% of other religions.¹⁸ In Cambodia, Buddhist leaders contribute to the positive education of the general public and encourage everyone to respect and treat everyone equally regardless of sexual orientation, gender identity and expression, and sex characteristics (SOGIESC).¹⁹ A monk from a pagoda, for instance, mentions that Buddha wants mercy and respect which come from the words- meta (loving-kindness) and karuna (compassion).²⁰

Regarding the movements, Rainbow Community Kampuchea (RoCK), which is the first LGBT-led organization advocating for equal protection of the rights of LGBT+ communities, was established in 2009 as an active, committed voluntary group. and RoCK has now been a registered NGO since February 2014. 2009 also marked the moment that the collective identity as “LGBT+ community” started to be established in Cambodia, and that the LGBT+ community started having visibility in Cambodia.²¹ However, the term intersex was not well known until the SOGIESC workshops were conducted in Cambodia. For instance, LGBT activists were invited to share their knowledge in gender classes at a university in 2011 about the SOGIESC and human rights with the experiences of discrimination faced by sexual minorities.²² Later on, SOGIESC and human rights sharing workshops, hosted by RoCK, have been continuously organised with local authorities and LGBTIQ+ persons since 2016.²³ By 2019, this awareness program on SOGIESC, including intersex people, has reached 17 cities-provinces.²⁴ Not only the workshops but also public education via social media, including Facebook, YouTube and others, are carried out to raise awareness about the diverse identities of SOGIESC. For instance, RoCK’s and Dossarb’s contents aim to provide a brief concept of SOGIESC which always includes the intersex as one of the biological identities.^{25;26}

On the other hand, if compared to the international movement, Cambodia’s

[uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf](https://www.rockcambodia.org/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf).

18 National Institution of Statistics of Ministry of Planning, *General population census of the Kingdom of Cambodia 2019* (2020). Available online: <https://www.nis.gov.kh/nis/Census2019/Final%20General%20Population%20Census%202019-English.pdf>.

19 Pisey Ly, Chey Leaphy Heng and Sally Low (n 22).

20 Venerable Sorn Hy Buddhist monk from Wat Samrong Andeth, *RoCK’s Community Day of Pride/ IDAHOT celebration*, (2017).

21 Rainbow Community Kampuchea, *About us*, 2021. Available online: <https://rockcambodia.org/about-us/#our-history>.

22 N. Kasumi, Gender-based violence against sexual minorities during the Khmer rough regime (2015). Available online: <https://giz-cambodia.com/wordpress/wp-content/uploads/LGBT-KR-GBV-kasumi-pdf>.

23 Rainbow Community Kampuchea, សិក្ខាសាលាពង្សីនិងទំនាក់ទំនងជាមួយអាជ្ញាធរមូលដ្ឋាន ២៩-៣០មិថុនា, 2016. Available online: <https://facebook.com/media/set/?set=a.1164363200271761&type=3>

24 P. Ly et al., ‘Advocating for the Rainbow Family in Cambodia’, *Australian Journal of Asian Law*, 20, 1 (2019).

25 Rainbow Community Kampuchea, កំប៉ុងសូដី SOGIE cup, 2017. [Video] Available online: <https://facebook.com/watch/?v=1677762915598451>.

26 Rainbow Community Kampuchea, សូរិយែយល់ពីអត្តសញ្ញាណយេនឌ័រ, 2021. Available online: <https://facebook.com/watch/?v=833222880677044>.

intersex movement is still in the nascent stage while the international intersex movement started in the early 1990s and its scope has expanded to various continents including Africa, Asia, Oceania, Europe and South and North America by 2014.²⁷ Cambodia's intersex movement is still included within the LGBT+ community which lead to an inclusive term for the community and movement as SOGIESC in recent years. Therefore, intersex topics have been included in non-governmental organizations (NGOs) programs and initiatives, with the engagement of stakeholders.

1.2 Research problem, scope, and significance

Data generated from research can be used for different purposes including advocacy, program designs, decision-making, and even problem-solving. Currently, there is no data about intersex issues in Cambodia even at the international and regional level. Research and documentation related to intersex issues remains relatively limited. Intersex people in Cambodia are facing issues as serious as intersex people around the globe, who are encountering great challenges including unfriendly healthcare services, human rights violations, and social exclusion. Likewise, intersex people in Asia are dealing with exclusion from public spaces and human rights violations.²⁸ Along with the challenges, there are a few opportunities as well such as growing queer-friendly services, increasing presence of LGBTIQ+ NGOs and groups, and LGBTIQ+-related programs.

As a result, there is a need to expand the understanding of intersex issues and communities in Cambodia since the research and data on intersex people in Cambodia is currently extremely limited. Therefore, this challenge will be initially addressed by this research, which is conducted by Asia Intersex (AI) to narrow the knowledge gap about intersex issues in Cambodia and building blocks for future studies. Since Cambodia's intersex issues are still less documented compared to the international or regional networks, the findings can be useful references for intersex individuals and groups, the government, NGOs and other stakeholders in Cambodia, particularly for the development of a strong framework or standard for the movement.

1.3 Research goal and objectives

This research aims to enhance the understanding of intersex issues and rights to fill the gaps of information, which focuses on intersex-related information in the local, regional and international contexts. This research also aims to propose frameworks as input for the stakeholders for their policy and program

²⁷ Astraea Lesbian Foundation for Justice, *We are Real: The growing movement advancing the human rights of intersex people* (New York, 2016).

²⁸ Intersex Asia (n 12).

developments. Therefore, the research will examine the history, terms, and current situation of intersex people in Cambodia as well as in other countries.

Thus, the objectives of this research are as follows:

1. To review and analyze the existing documents on issues, opportunities, and best practices at the local, regional and international levels,
2. To identify intersex-related issues, programs, and policies in Cambodia, and way forward, and
3. To review the legal and international standards and draw lessons from other countries to develop a conceptual framework.

Therefore, the research questions are:

1. What are the local, regional, and international intersex issues and practices including human rights, laws and policies, social and cultural contexts, medical and legal procedures and requirements? Are there any programs or initiatives, intersex-led organizations, groups or institutions working with intersex people in Cambodia to promote human rights and the welfare of the community?
2. What are the demands of the intersex community?
3. What are the lessons learned from other countries and standards which can be applied to the intersex community in Cambodia?
4. What are recommendations for advocacy institutions, service providers and the government in protecting and advancing intersex people's rights and dignity in Cambodia?



2. Methodology

2.1 Literature review

2.2 Interview and data analysis

This research report is aimed at analyzing local and international intersex issues and contexts as well as practical and standardized recommendations for the government, decision-makers and stakeholders. However, there are extremely limited documents related to the intersex community in Cambodia and the wider Asian region. Consequently, concerning this research, we will combine the literature review with a semi-structured interview with key informants in order to extend the knowledge and information from the literature review on the intersex community in Cambodia.

2.1 Literature review

Due to limited data about the intersex community in Cambodia, data collection is based upon existing documents including local and international reports and others. Those documents were scanned for the key terms of intersex, human rights for the intersex community, human rights for LGBTIQ in Cambodia, LGBTIQ community and movements, and people with diverse SOGIESC in Cambodia. The literature review also focused on local research studies such as the reports from the Cambodian Center for Human Rights (CCHR), and RoCK. Other reports which include LGBTIQ+ community issues in Cambodia were also reviewed. Furthermore, some documents provided by the research team, which mainly focus on intersex issues and rights, were closely examined. Moreover, key terms and other terms such Nakpumsakakleong, Khteuy and intersex were also searched on the research databases and in historical documents.

This research also focuses on international standards, best practices and various problems affecting intersex people in other countries including people's livelihood, dignity, and rights. The issues were grouped into three main areas including health, legal, and public services. Those three main areas covered a list of issues below:

- a. Information and research gaps
- b. Education
- c. Gender marker registration at birth
- d. Legal gender recognition
- e. Inclusion in emergency policy response
- f. Health and other public services
- g. Hate crime and hate speech
- h. Access to justice and redress
- i. Protecting intersex people's bodily integrity
- j. Protecting intersex people from discrimination in all areas

2.2 Interview and data analysis

In addition to the literature review, interviews with key informants were conducted to gather data related to intersex issues, demands and ways forward in Cambodia. The identified key informants are CSOs (civil society organizations) and NGOs (non-governmental organizations) working with and/or having programs related to the LGBTI community, relevant governmental bodies, and medical professionals. However, due to a limited understanding of intersex issues and limited responses, only five key informants participated in the in-depth interviews including CSOs, NGOs and a governmental institution (see Table 1). The interviews were carried out via virtual platforms.

Regarding the process of data analysis, we filtered and analyzed the issues based on the above-mentioned categories. Then we determined whether data will fall into best practices or local and international experiences or concepts of responding to the challenges. Concerning the interviews with key informants, the notes were taken in English directly by the researcher. Those pieces of data were entered by the research questions mentioned above.

Table 1 List of participants who are interviewed related to the intersex in Cambodia.

Date	Name	Designation	Institution	Topic of Discussion
20 January 2023	Pisey Ly	Coordinator	Rainbow Community	Intersex in Cambodia
	Sopheha Pho	I accept page administrator	Kampuchea (RoCK)	Intersex in Cambodia
24 January 2023	His Excellency Katta Orn	Spokesman and member	The Cambodian Human Rights Committee (CHRC)	Intersex issues and the government efforts
24 January 2023	Sadat Oeur	Technical Officer HIV Online and Social Media Coordination	GFATM PROJECT of KHANA	Intersex in Cambodia
09 February 2023	Borin Lim	Program Coordinator of the SOGIESC project	Cambodian Center for Human Rights	Intersex in Cambodia

3. Current laws, policies and programs

3.1 Previous and current programs in Cambodia

3.2 Law and Policies

3.1 Previous and current programs in Cambodia

In recent years, an emerging trend has been noticed regarding the increase in the current programs for the LGBTIQ+ community. This trend has also had an impact on the intersex community in Cambodia. For instance, a notable change was made in a program of the Cambodian Center of Human Rights (CCHR) from the SOGI project in 2010 to the SOGIESC project in 2022.^{29;30} The increase in the programs can have both positive and negative implications for the intersex community in Cambodia, especially when there is no intersex-led organization or activities yet. According to RoCK, there are no specific programs or intersex-led groups in Cambodia resulting from limited understanding and information on this issue as well as non-representatives for the community.³¹ Neither NGOs, CSOs nor the government has started any specific programs working with the intersex community.

CSOs, such as RoCK and CCHR, strived to raise awareness via training, workshops, and publications in order to promote the understanding of intersex identities and issues including their staff, local government, journalists, students and the public. Those activities include the mainstreaming of the intersex identity and issues during SOGIESC workshops, a poster and video published and the celebration of Intersex Awareness Day via social media platforms. Therefore, these activities aim to spread the knowledge about all diverse SOGIESC identities which are beyond same-sex relationships and transgender issues.

Furthermore, RoCK indicates their keenness to expand their knowledge about intersex demands by joining the thematic discussions of the regional conference, particularly, the ILGA Asia conferences. This can assist RoCK to expand their knowledge in order to take careful steps in addressing intersex issues, and at the same time to ensure respecting the ownership of intersex people.³² Moreover, although RoCK and other CSOs show their interest in organizing intersex people, the staff has limited capacity and knowledge to bring the topic into discussions when meeting with potential individuals.

3.2 Law and Policies

Regarding Cambodian laws, the current civil law is more progressive compared to Cambodia's previous law in 1989. The previous Law on Marriage and Family in 1989 was discriminatory against LGBTIQ+ people in Cambodia. Chapter III – Article 6 of this law explicitly excluded same-sex persons from exercising marriage rights as it states: “a marriage shall be prohibited as to a person whose

29 CCHR Cambodia, Intersex Awareness Day, 2020, Available online: <https://twitter.com/cchrcambodia/status/1320515487210590209>

30 Cambodian Center for Human Rights, *Sexual orientation & gender identity*, n.d. Available online: https://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=project_profile.php&id=3&pro=SOGI&show=show

31 P. Ly & S. Pho, *Intersex in Cambodia*, 2023 [Interview].

32 *Ibid*

sex is the same sex as the other, a person whose penis is impotent”.³³ On the other hand, the current Civil Code of Cambodia abolishes the previous Law on Marriage and Family (1989), which removes those prohibitions when the Civil Code of Cambodia is effective.³⁴ According to the Law on Implementation of the Civil Code (2011), only Articles 76, 77 and provisions from Articles 79 to 81 of the Law on Marriage and Family in 1989 are not abrogated whereas other articles of this law are ineffective after the date of application.³⁵

The Civil Code and the Code of Civil Procedure were technically supported by the Japanese working group in collaboration with local technical persons. These laws were originally drafted in English by the Japanese working group with the provision of basic concepts of the drafts; then, these legislations were translated into Khmer as per the Cambodian context.³⁶ The English version of the Civil Code, discussed in a regional report - Being LGBT in Asia – Cambodia, mentions the word choice “spouse” which is used in the marriage and adoption sections, but in the Khmer version, spouse only refers to the marriage relationships between male and female who obtained their marriage certificate.³⁷ Still, the English term “spouse” is believed to be a progressive step in terms of current Cambodian laws.³⁸

Likewise, intersex people are still not legally recognized in the laws and other regulations.³⁹ On the contrary, the government states that LGBTIQ+ people in Cambodia, including intersex people, have full rights in terms of gender expression, forming a family, joint properties, and other rights.⁴⁰ Recently, the leader of the Cambodian Human Rights Committee gave a speech during the Pride event 2023 in which they emphasized that LGBTIQ+ rights are human rights and they are recognized in Article 31 of the Cambodian Constitution.⁴¹

The government has been working to include LGBTIQ+ people for awareness raising to eliminate discrimination.⁴² He continues that the Prime Minister of Cambodia also called for ending discriminatory practices by local and national

33 Law on Marriage and Family 1989.

34 Civil Code of Cambodia 2007.

35 Law on Implementation of the Civil Code 2011.

36 N.A, ‘A look at the history of implementing the Civil Code on its 10th anniversary’, *Phnom Penh Post*. 23 February 2022 [Online]. Available online: <https://www.phnompenhpost.com/supplements/look-history-implementing-civil-code-its-10th-anniversary>.

37 O. Im, ភាពខុសគ្នារវាង “សហព័ន្ធ” និង “សហព័ន្ធ”/SPOUSE VS FEDERATION/ CONJOINT(E) VS FÉDÉRATION, 2021. [Video]. Available online: <https://km.warbletoncouncil.org/federacion-2888>.

38 UNDP & USAID, *Being LGBT in Asia: Cambodia Country Report* (Bangkok: 2014).

39 Cambodian Constitution 1993.

40 S. Chea, ‘UN expert gives high marks for LGBT rights’, *Phnom Penh Post*. 23 January 2023 [Online]. Available online: <https://www.phnompenhpost.com/national/un-expert-gives-high-marks-lgbt-rights>.

41 Cambodian Constitution 1993.

42 R. Keo, តាមការអញ្ជើញរបស់ស្ថាប័នទូតហាវ៉ៃអូអេស ទសភាពនៃបែបបទសុរុញ្ញព្វ ភេទដូចគ្នាដោយមានការចូលរួមពីភ្នាក់ងារកំតប់ស័រ, 2023. Available online: <https://web.facebook.com/remy.keo.946/posts/162401819996844/?vh=e&extid=MSG-UNK-UNK-UNK-UNK-GK0T-GK1C&rdc=1&rdi>

government officers towards LGBT+ couples.⁴³

The constitutional provisions include human rights since 1993.⁴⁴ It includes the right to equal access and legal recognition in the fields of education, employment, social security, protection from discrimination and abuse, access to justice, freedom of movement, privacy and expression, and participation in cultural, religious, social, economic and political activities. There are specific laws formulated to protect vulnerable groups from unequal treatment, including laws on preventing domestic violence which is concerned with violence against women as well as men in families.⁴⁵ According to the National Institution of Statistics (2015), women report cases of domestic violence at least once in a lifetime. While RoCK's report from 2019 shows that a large majority of lesbian, bisexual and queer women experience domestic violence, accounting for more than four-fifths of the total number of cases.^{46;47} Furthermore, CSOs have raised concerns with the government to take further steps to amend and strengthen the implementation of this law to provide more effective remedies and protect the rights of survivors.⁴⁸ In addition to this law, there are other laws to protect minority groups including the Law on the Prevention and Control of HIV/AIDs which prohibits all kinds of discrimination against people living with HIV, and the Law on the Protection and the Promotion of the Rights of Persons with Disabilities which aim to protect rights and interests of people living with disability, and protect them from discrimination in education, employment, and elections.^{49;50}

43 Ibid

44 Cambodian Constitution 1993.

45 Law on the Prevention of Domestic Violence and the Protection of Victims 2005.

46 National Institution of Statistics, *Cambodia demographic and health survey 2014* (Phnom Penh and Rockville, Maryland USA, 2015).

47 Rainbow Community Kampuchea, *Family Violence towards Lesbian, Bisexual and Transgender (LBT) People in Cambodia* (Cambodia, 2019). Available online: https://www.rockcambodia.org/download.php?file=IZE=&field_name=I5iUk5KblJaYIZOVIZOYI8CWk5qWqcLPzM3bwr-FL0s3H0cTHwq2kt8CnsajBljrBk5fBlZGTnI/Sx8c=&place=zNXH0NSR.

48 NGO -CEDAW & Klahaan, *Joint statement CSOs call on the Royal Government of Cambodia to take concrete measures to further implement the CEDAW Committee's recommendations*. Available online: https://www.licadho-cambodia.org/press/files/507Annual_CEDAW_Report_2021.pdf

49 Law on the Prevention and Control of HIV/AIDs 2002.

50 Law on the Protection and the Promotion of the Rights of Persons with Disabilities 2009.

4. Results and Discussions

- 4.1 Information and research gaps**
- 4.2 Education**
- 4.3 Gender marker registration at birth**
- 4.4 Legal gender recognition**
- 4.5 Inclusion in emergency response**
- 4.6 Health and other public services**
- 4.7 Hate speech and crime**
- 4.8 Access to justice and redress**
- 4.9 Protect intersex people's bodily integrity**
- 4.10 Protecting intersex people from discrimination in all areas**
- 4.11 Conclusion**
- 4.12 Analysis of the intersex situation in Cambodia**
- 4.13 Gap analysis**

Intersex people in Cambodia as well as other countries encounter the varied challenges of acceptance, understanding, and the protection of their rights. However, the recommendations to address those challenges can be similar in the field of information and research gaps, education, gender marker registration at birth, legal gender recognition, inclusion in emergency policy response, health, and other public services, hate crime and hate speech, access to justice and redress, protecting intersex people's bodily integrity, and protecting intersex people from discrimination in all areas. Those issues are also associated with limited data, funding as well as the ownership of advocacy space.

4.1 Information and research gaps

Just like in other countries, the terminology used for intersex people in Cambodia is quite intricate in terms of being able to differentiate from transgender because both terms refer to the third gender.⁵¹ As discussed earlier in the section on the intersex terminology in the Khmer language, the term 'Khteuy' is a discriminatory word used for the LGBTIQ+ community in Cambodia. It causes misleading and stigmatizing attitudes against the community. As the research report from RoCK and TNS in 2015 reveals, the LGBTIQ+ community in Cambodia prefers to be called by their names or the seniority which the society values, such as sister, brother, aunt or uncle and so on.⁵² This also implies that the LGBTIQ+ community does not want to be labelled and wants to be treated as equal to everyone in society. Since Cambodia's culture has an age hierarchy, calling sister, brother, aunt, or uncle is also a sign of showing respect to senior people regarding their ages and experiences.

On the other hand, the terminology of intersex people is confusingly used with the LGBT community or persons instead, which leads to the deeper hidden identity or even the complete disappearance of the original meaning of intersex in Cambodia. Studying the terms also reflects the timeframe of the existence of intersex identity. In the 1200s, an important ancient Khmer documenter who was also a Chinese diplomat - Zhou Daguan mentioned the words “二形人” which is translated into Khmer as people with two sexes or Khteuy.⁵³ However, there are other translated versions in which this word can be inferred as transgender or cross-dressing rather than intersex people. It is still doubtful whether the meaning of intersex was publicly known or preferred over gender expression at that time. Intersex people are thus repeatedly invisible due to the confusion with the diversity of SOGIESC, and they are facing a wide range of violations.

Therefore, terminology, social norms and culture, which are a consequence of colonization and genocide, exacerbate strong patriarchal and binary notions

51 Pat Newcombe (n 14).

52 Rainbow Community Kampuchea and TNS (n 18).

53 S. SokCheng, តើមានមនុស្សសក់កែទេ នៅខ្មែរតាំងពីជំនាន់ស.វ.ទី ១៣ ឬ?, 2021.

Available online: <https://www.facebook.com/UniqueJ.S/posts/pfbid05tbD7XZbtmZgRk-TEnu51dTdnYh5eGVLn9ypRNgnelT9cJmxmSXYppbDYULekbWVJl>

which makes it difficult for the public to be aware of the existence of intersex in society. Colonization, which was led by men, gave political power to men to control resources and strategies of oppression of women as well as brought binary notions and cisgenderism.^{54;55} Therefore, the discourse around gender-related issues in Cambodia is deeply influenced by Western colonization. Moreover, the limited resources in Cambodia on intersex issues led to a lack of knowledge about the needs of intersex people as well as the existence of intersex in society. The colonial influence has also led to creating a stigma around intersex people.

To address this issue, according to the Asian Intersex Movement, public awareness about intersex issues and rights shall be widened and integrated into education systems.⁵⁶ Intersex issues and rights shall be a part of sexual education at all levels of the educational system as well.⁵⁷ Furthermore, the Yogyakarta Principle plus 10, which is developed as a legal tool to promote SOGIESC-related rights, encourage states to make information free and accessible which assists intersex people to exercise their rights.⁵⁸ This document also mentions that raising awareness contributes to combating the root causes of discrimination and promoting non-discrimination values in societies.⁵⁹ By doing so, the general public as well as professionals will get aware of the rights and needs of intersex people.

4.2 Education

Besides the issues relating to terminology, the binary notions of sex and gender still strongly affects the LGBTIQ+ community in Cambodia including behaviours and perceptions, career choices and others factors.⁶⁰ Furthermore, in almost every historical document in Cambodia, only females and males are stated. For instance, the social norms in Cambodia are strictly driven by binary notions and they add great pressure on women while empowering men by the Chbab Pros Chbab Srey.⁶¹ “Chbab” means law when “Pros” means males and “Srey” means females, so these traditional rules refer to the rules for women and men. Gender

54 Asia Pacific Institution on Gender-Based Violence, *Colonization and violence against women*, 2002. Available online: <https://www.api-gbv.org/resources/colonization-violence-against-women/>.

55 K. K. Tan et al., ‘Mental health of trans and gender diverse people in aotearoa/new zealand: A review of the social determinants of inequities’, *New Zealand Journal of Psychology*, 48, 2 (2019).48, 2 (2019)

56 Asian Intersex Movement, *Asian intersex movement: Public statement*.

57 International Commission of Jurists, *The Yogyakarta Principles Plus 10* (2017). Available online: http://yogyakartapinciples.org/principles-en/yp10/17_June_2023.

58 *Ibid*

59 *Ibid*

60 S. Seaklay, *Rainbow in the rain: The LGBTI community in Cambodia in the pursuit of freedom and equality* (2021). Available online: <https://www.ilgaasia.org/publications/cambodia-lgbtqi-rights-report-2021>. Say</author></authors></contributors><titles><title>Rainbow in the rain: The LGBTI community in Cambodia in the pursuit of freedom and equality</title></titles><dates><year>2021</year></dates><publisher>ILGA Asia</publisher><urls><related-urls><url><https://www.ilgaasia.org/publications/cambodia-lgbtqi-rights-report-2021></url></related-urls></urls></record></Cite></EndNote>

61 VVOB Education for development, *Gender and development for Cambodia: Committed to constructive dialogue*, 2019. Available online: <https://www.vvob.org/en/news/gender-and-development-cambodia-committed-constructive-dialogue>.

equality and diversity are thus hindered by traditional rules since it has been taught in families and schools, which are a result of colonization and genocide.⁶² Furthermore, a study in 2015 revealed that the bullying at school based on SOGIESC is also faced by the vast majority of LGBT+ youth, accounting for approximately 94%, with different forms of violence including verbal, physical, bullying and social exclusion.⁶³ Verbal bullying and social exclusion are the main issues, accounting for 84.46% and 46.15% respectively. Teachers and peers as well as school rules and regulations on gender dress codes contribute to the discriminatory environment including haircuts and uniforms.⁶⁴ Some of them report that they dropped out of school because of this negative environment.⁶⁵ However, the government took an intervention to provide a flexible guideline for students to freely choose the lengths of their hair.⁶⁶

Under Articles 65, 66 and 68, the Cambodian Constitution recognizes the right to access education for free until secondary grade in public schools and quality education with the principles of freedom and standardized systems for all citizens. The law also states that all children in Cambodia must be guaranteed to have free educational access till at least Grade 9 by the government regardless of their gender identity and sex characteristics. Moreover, by 2022, the Ministry of Education Youth and Sport, the Ministry of Health and with collaboration with CSOs took a progressive step to include the SOGIESC concepts and rights into the formal curriculum of new health education.^{67;68} The SOGIESC concepts are included in the curriculum in order to be taught to those aged around 13 or grade 7 to understand diversity, and promote non-judgmental and non-discriminatory principles in the educational atmosphere as well as eliminate discrimination in the society.^{69;70} This can allow students as well as teachers and other stakeholders in the educational field to discuss intersex identity and rights, not to mention

62 S. Poole, 'Chbab Pros, Chbab Srey', *Sreyneath Poole*. Available online: <https://www.sreyneathpoole.com/post/chbab-pros-chbab-srey>.

63 Cambodian Center for Human Rights, *LGBT bullying in Cambodia's schools* (2015). Available online: https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=110&id=5&lang=eng.

64 *Ibid*

65 V. Madrigal-Borloz, *End of mission statement visit of the IE SOGI to the Kingdom of Cambodia* (10-20 January 2023) (2023). Available online: https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/cfi-visitcambodia/2023-01-19/Cambodia-End-of-mission-statement_IE-SOGI-20Jan2023-EN.docx.

66 *Ibid*

67 Rainbow Community Kampuchea, *Joint statement by civil society organizations: Step up efforts to protect the rights of lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ) people in Cambodia, in line with the universal periodic review recommendations accepted by Cambodia*.

68 Reuters, 'Cambodia to teach LGBT+ Issues in schools to tackle discrimination', *Voice of America*. 11 December 2019 [Online]. Available online: <https://www.voacambodia.com/a/Cambodia-to-teach-LGBT-issues-in-schools-to-tackle-discrimination/5201598.html>.

69 Madrigal-Borloz, *End of mission statement visit of the IE SOGI to the Kingdom of Cambodia* (10-20 January 2023).

70 Reuters, 'Cambodia to teach LGBT+ Issues in schools to tackle discrimination'.

71 Rainbow Community Kampuchea et al. *Civil society joint-report on SOGIESC Rights and SRHR for the voluntary mid-term reporting period of Cambodia's third Universal Periodic Review* (March 2022), Available online: <https://rockcambodia.org/universal-periodic-review-upr-mid-term-report-on-the-rights-of-lesbian-gay-bisexual-transgender-lgbt-people-in-cambodia/>.

the capacity and knowledge to bring the topics to the discussions. According to the report of the UN Independent Expert on SOGI, the implementation of this new education policy may need to be strengthened to ensure it meets the desired objectives.⁷² It means that sufficient resources and support, including materials and capacity building for teachers, need to be well-planned and prepared in order to achieve progress towards this commitment.

Lastly, education is of greater significance because there is a correlation between education and medical interventions. In other countries, the exclusion of intersex-related topics and rights from educational systems has been found to have a huge impact on the perception of medical professionals and parents regarding surgeries. According to Cuadra, et al (2022, p. 3-4), normalization surgeries, also known as medical normalization, refer to “surgical techniques and /or medication to change the internal and/or external genital or gonads of infants such that they are categorized as either male or female according to social heteronormative standards”.⁷³ However, inclusive provisions can be codified by leveraging the knowledge of medicalized bodies along with the collaboration with intersex representatives, ethics and other professionals.

To combat the challenge of bullying and lack of comprehensive education, intersex rights and comprehensive sexuality education shall be integrated at all levels of education. Also, stakeholders in educational systems shall have a role in promoting and protecting intersex rights.⁷⁴ Capacity-building programs for stakeholders, teachers and administrative staff shall be provided including comprehensive, affirmative, and accurate information and material on SOGIESC, physical and psychological diversity as well as human rights.⁷⁵ Finally, the government can also reinforce the implementation to ensure an inclusive and non-discriminatory environment for all diverse identities of students including intersex students. The principle of equal treatment is recognized by the Cambodian Constitution as well as the Universal Declaration of Human Rights (UDHR).

4.3 Gender market registration at birth

As evidenced by Articles 34-35, the current Cambodian Constitution follows a binary norm as it uses the words female and male citizens instead of all Cambodian citizens.^{76;77} Hence, the recent Law on Civil Registration and Identification in July 2023, the Sub-Decree and guideline for civil registration also state only female and male gender markers on legal documents. This means that the option for

⁷² Madrigal-Borloz, *End of mission statement visit of the IE SOGI to the Kingdom of Cambodia* (10-20 January 2023).

⁷³ Magali Cuadra and others (n 59).

⁷⁴ Asian Intersex Movement, *Asian intersex movement: Public statement*.

⁷⁵ International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

⁷⁶ ‘The constitution of the kingdom of Cambodia’ (2008).

⁷⁷ ‘ច្បាប់ស្តីពី អត្តនុកូលដ្ឋាន សុច្ឆន្ទៈអត្តនុកូលដ្ឋាន និងអត្តសញ្ញាណកម្ម’ (2023)

“X” or “other” as gender markers is neither explicitly stated nor recognized by laws and regulations.⁷⁸ Therefore, intersex or other gender markers are not yet legally recognized. In other words, the option for intersex infants regarding gender marker is not clear in Cambodia which can cause a challenge, particularly leaving the room for governmental officials to make decisions. Gender marker registration at birth also has a strong connection with legal gender recognition as discussed below.

Regarding the process of birth registration, parents or guardians are obligated to register the certificate within 30 days after partition free of charge at their communal office.⁷⁹ The required documents are (1). letter issued by a hospital, clinic, or village chief, (2) a family book or residential book of reporters or parents, and (3) other required based on Prakas of the Ministry of Interior.⁸⁰ This contributes to the vision of the National Strategic Plan of Identification which aims to ensure that everyone is identified.⁸¹ Changing incorrect information on the birth certificate can be taken up with the General Department of Identification, and the district office by filing a complaint.⁸² Yet, options of sexes are limited and are defined in the early stage which might be difficult for parents of intersex children. As suggested by international standards and the statements adopted by the intersex community, birth certificates should be issued based on the self-defined genders with multiple options of gender marks and sex.^{83;84} For future intervention, sex and gender shall be regarded as unnecessary information, just like race and religion, for registering identification documents.⁸⁵

4.4 Legal gender recognition

In Cambodia, the birth certificate is used as a fundamental reference for legal identification including ID, passport and others.⁸⁶ According to the instructions issued by the Ministry of Interior in 2020 and the National Strategic Plan of Identification 2017 - 2026, legal principles include a lifespan identity code for

78 ‘អនុក្រឹត្យស្តីពី ការកែសម្រួលអនុក្រឹត្យស្តីពីអត្តនុក្ខណ៍ជូនដំណឹង’ (2000)

79 ‘ច្បាប់ស្តីពី អត្តនុក្ខណ៍ជូនដំណឹង ស្ថាប័នអត្តនុក្ខណ៍ជូនដំណឹង និងអត្តសញ្ញាណកម្ម’ (2023)

80 Open Development Cambodia, *Civil status*, 2016. Available online: <https://opendevelopmentcambodia.net/profiles/access-to-public-service/civil-status/>.

81 Ministry of Interior, *National strategic plan of identification 2017 - 2026* (2016). Available online: <https://unstats.un.org/unsd/demographic-social/meetings/2017/philippines-workshop-crvs/docs/s07-02-KHM.pptx>.

82 Ministry of Interior, ‘ការកែតម្រូវ និងការជ្រើសរើស យកព័ត៌មាននៃឈ្មោះអត្តនុក្ខណ៍ជូនដំណឹង’ (2017).

83 International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

84 Asian Intersex Movement, *Asian intersex movement: Public statement*.

85 *Ibid*

86 Cambodian Center for Human Rights, *Fact sheet: Legal gender recognition in Cambodia* (April 2018). Available online: https://cchrcambodia.org/admin/media/factsheet/factsheet/english/CCHR%20Fact%20Sheet_Legal%20Gender%20Recognition%20in%20Cambodia_ENG.pdf.

each individual in order to be identified and statistically recorded.^{87;88} This Khmer Identification Code is assigned at birth registration in order to integrate with the technology to manage the data.⁸⁹ Still, as mentioned in the *4.3 Gender marker registration at birth*, the birth certificate is subject to change in terms of name, sex, parents' ages, date and location of birth, and others.⁹⁰

As a result, there is a strong connection between birth certificates and legal gender recognition in Cambodia.⁹¹ According to the CCHR's publication, laws regarding gender recognition for transgender people in Cambodia lack clarity and are subject to the knowledge and understanding of relevant officials.⁹² The gender markers, therefore, might be a challenge for intersex or other gender minorities who might want to have a range of options including "other" for gender markers, under the laws or regulations. A lack of legal recognition of sex characteristics can also be a consequence of the information gap in which legal documents recognize only females and males.

In countries around the world, norms related to legal gender recognition pose a challenge for intersex people with strict requirements and coercive surgeries in order to obtain legal documents. Yet, social norms and construction are playing a crucial role in defining the sex and gender of intersex persons which is limited to only within the binary options.⁹³ This also creates a barrier for some intersex people who may define themselves as non-binary.

The issues of legal documents hence can be addressed by providing multiple options for gender marks so as to allow self-identification.^{94;95} Involuntarily surgery and medical requirements shall be prohibited from the process of obtaining legal documents since it will be contrary to the government's commitment to promoting human rights for Cambodian citizens.

4.5 Inclusion in emergency policy response

During the outbreak of the COVID-19 pandemic, the Cambodian government provided a support scheme to vulnerable families and employers including lesbian, bisexual and queer women in Cambodia, particularly those who were working in the garment sector.⁹⁶ The cash transfer program has supported

87 Ministry of Interior, 'សេចក្តីណែនាំស្តីពី បែបបទនិងនីតិវិធីនៃការដោះចុះបញ្ជីជំនឿគ្រប់គ្រងការស្ថាប័ននៃអគ្គនាយកដ្ឋានអត្តសញ្ញាណកម្ម' (2020)

88 Ministry of Interior, *National strategic plan of identification 2017 - 2026*.

89 *Ibid*

90 Ministry of Interior, 'ការកែតម្រូវ និងការផ្លាស់ប្តូរយោបល់ភាពទិន្នន័យនៃបញ្ជីអត្តសញ្ញាណកម្ម'.

91 Cambodian Center for Human Rights, *Fact sheet: Legal gender recognition in Cambodia*.

92 *Ibid*

93 Katrina Karkazis (n 53).

94 Asian Intersex Movement, *Asian intersex movement: Public statement*.

95 International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

96 Say, S., *Making the invisible visible in Southeast Asia: How COVID-19 escalates violence and*

vulnerable people and families influenced by the pandemic, costing 20 million USD.⁹⁷ The government then expanded their cash support to those workers, who lost the jobs affected by COVID-19, such as garment and tourism workers since June 2020.^{98;99} The social protection scheme is a national program covering all eligible vulnerable and poor people.¹⁰⁰ This shows the inclusiveness of the government's support regardless of SOGIESC. However, before the pandemic, LGBTIQ couples and families reported difficulties in accessing social schemes because they do not have legal recognition as a family.¹⁰¹

In terms of constitutional provisions, all citizens have the right to enjoy social protection and security as stated by law.¹⁰² Furthermore, the Labor Law, article 256 also mentions that work-related accidents are managed under the National Social Security Fund. These laws can be extended to emergency support for employees and citizens in Cambodia. Similarly, during the pandemic, one of the emergency programs was also released and funding is contributed by the government, employers, and development partners to LGBTIQ+ employees.

4.6 Health and other public services

Public services in this research report refer to a wide range of services provided by the government which aim to improve service provision including universal healthcare, housing, transportation, disaster responses, communication, culture, and economic development.¹⁰³ In Cambodia, intersex people as well as their parents reported difficulties in revealing their identity to obtain public services. For instance, one key informant from a CSO mentioned that intersex people dare not visit medical professionals even if they were sick because the acceptance and knowledge of service providers are still suspicious.¹⁰⁴ This discourages intersex people from accessing public services because of insecure feelings. Ultimately, parents of intersex people also feel insecure to seek support publicly from social media.

discrimination against LBQ community

97 K. Long, 'Gov't spend nearly \$20M on assistance', *Phnom Penh Post*. 2023 [Online]. Available online: <https://www.phnompenhpost.com/national/govt-spends-nearly-20m-assistance>.

98 V. Phoung, *Cambodia: Govt. extend monthly financial support to workers affected by COVID-19 pandemic until the end of March 2021*, 2020. Available online: <https://www.business-humanrights.org/en/latest-news/cambodia-govt-extend-monthly-financial-support-to-workers-affected-by-covid-19-pandemic-until-the-end-of-march-2021/#:~:text=Factory%20workers%20will%20continue%20to,employers%20%2430%2C%20the%20directive%20indicated>.

99 N. Chhoeung et al., *Cambodia's Cash Transfer Program during COVID-19* (2022). Available online: <https://www.adb.org/publications/cambodia-s-cash-transfer-program-during-covid-19>.

100 *Ibid*

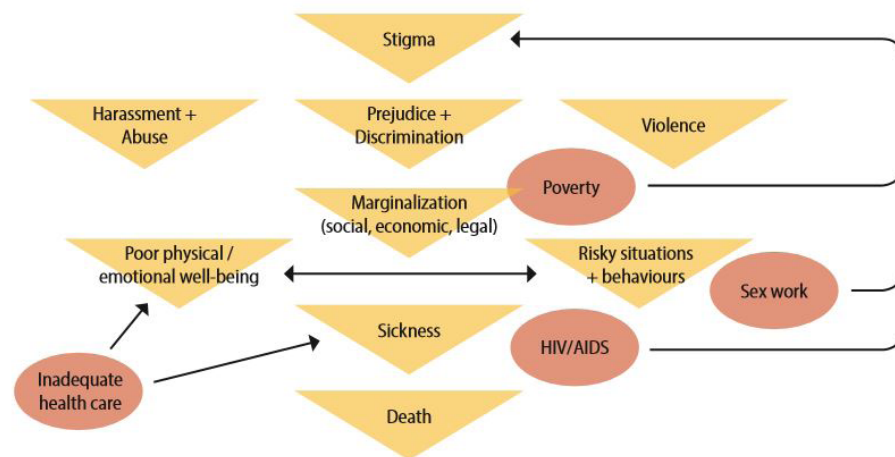
101 S. A. Globe, *Cambodian LGBTIQ see changes in Pride and IDAHOTB 2021 celebration*, 2021. Available online: <https://southeastasiaglobe.com/cambodian-lgbtq-see-changes-in-pride-and-idahotb-2021-celebration/>.

102 *Cambodian Constitution* 1993.

103 University of North Carolina at Chapel Hill-School of Government, *What is public administration?* Available online: <https://onlinempa.unc.edu/academics/what-is-public-administration/>. 22 November 2022

104 B. Lim, *Intersex in Cambodia*, 2023 [Interview].

Furthermore, some challenges presented by the LGBTIQ community could apply to the intersex community including stigma and discrimination. Some of the LGBTQIA+ community members report that they were asked personal questions by medical professionals, and faced difficulties in expressing their gender identity, particularly during the administrative processes.¹⁰⁵ Stigma and discrimination based on SOGIESC are also found as a main challenge for the transgender community to access both physical and mental healthcare. Therefore, the main



The stigma-sickness slope (above) represents what is commonly the lived experience for Asia-Pacific trans* people. They often face stigma, prejudice and discrimination, as well as harassment, abuse and violence. These experiences push many trans* people towards the margins of society, where two common consequences are involvement in risky situations and behaviour patterns, and poor physical and emotional well-being. These two consequences can reinforce each other. Many trans* people fall sick. Some die. Poverty, involvement in sex work, and HIV sero-positivity and AIDS all act to add to stigma. Inadequate healthcare across much of the region (in regard to general, sexual and trans* related healthcare needs) adds to the challenges faced by many trans* people in regard to well-being and health.

Figure 1 The causes and effects of insufficient healthcare for trans community¹⁰⁸

Nevertheless, there are some health service providers and programs which support the LGBTIQ+ community including HIV/AIDS programs, hormone therapy, and other sexual reproductive healthcare. Those clinics, who are providing friendly services to LGBTIQ+ in Cambodia, are Reproductive Health Association Cambodia (RHAC) and Chhouk Sar Clinic providing hormone therapy for both transgender women and men as well as other sexual reproductive healthcare to LGBTIQ+ persons, Men's Health Cambodia provides STI and HIV screening and treatment, and

105 Madrigal-Borloz, *End of mission statement visit of the IE SOGI to the Kingdom of Cambodia* (10-20 January 2023).

106 USAID & UNDP, *Being LGBT in Asia* (2014). Available online: <https://www.usaid.gov/asia-regional/being-lgbt-asia>.

107 Rysheila Anne Asseervatham et al., 'Barriers and facilitators of post-violence help-seeking behavior among 21–49-year-old transgender women in Phnom Penh: A qualitative study', *International Journal of Transgender Health* (2021).

108 S. Winter, *Lost in transition: Transgender people, rights and vulnerability in the Asia-Pacific Region* (Thailand: UNDP Asia-Pacific Regional Centre, 2012).

Marie Stopes provide sexual reproductive healthcare to the community.^{109;110;111;112;113} However, inadequate specialized training for medical professionals to be able to provide friendly services is still reported by the trans community.¹¹⁴

Under Article 72 of the Cambodian Constitution, healthcare shall be provided to disadvantaged groups including poor people, children and women who have insufficient resources, people living with disability, and families of soldiers.¹¹⁵ Disease prevention and medical treatment shall be fully considered by the state.¹¹⁶ Besides constitutional provisions, the Royal Government of Cambodia also commits to establishing universal health coverage by 2030 with the aim of providing accessible, affordable, acceptable and quality services.¹¹⁷ This also contributes to the expansion of Cambodia's social protection schemes while there are currently four social health insurance, namely the National Social Security Fund, civil servants, formal employees, Health Equity Funds and extension to special populations.¹¹⁸ Yet, as discussed above, LGBTIQ+-friendly healthcare services remain relatively low with limited training to medical professionals. The health coverage both by public and private social insurance also does not specifically mention SOGIESC health-related services.

At the global level, this continues to be a major challenge as nearly half of the survey respondents in a study reported privacy violations in the process of civil status registration.¹¹⁹ The volume of discussion about problematic healthcare is strictly limited. Regarding normalizing interventions on intersex infants, both doctors and parents end up making decisions without any specialised knowledge.¹²⁰ As a consequence, early medical interventions for intersex children have been known to cause negative impacts.¹²¹ The negative impacts are memory loss, the inability

¹⁰⁹ Ibid

¹¹⁰ R. S. Page, *Hello everyone! Do you know what is an ally to LGBTQ people mean? And as an ally, how can we support LGBTQ? Want to know more detail, please stay tuned for our upcoming video this evening at 6 pm*, 2023. Available online: <https://www.facebook.com/rhacpage/photos/a.427179050714845/6091383677627659/>.

¹¹¹ Chhouk Sar Clinic, *Chhouk Sar*, 2017. Available online: <https://chhouksarclinic.org/>.

¹¹² Men's Health Cambodia, 2023. Available online: <https://www.facebook.com/photo?fbid=665033795665552&set=a.645181960984069>.

¹¹³ Marie Stopes Cambodia, 2023. Available online: <https://web.facebook.com/photo?fbid=642856697886770&set=a.612215087617598>.

¹¹⁴ Madrigal-Borloz, *End of mission statement visit of the IE SOGI to the Kingdom of Cambodia* (10-20 January 2023).

¹¹⁵ *Cambodian Constitution* 1993.

¹¹⁶ Ibid

¹¹⁷ K. Rasanathan, *Primary healthcare remains the foundation for all in Cambodia*, 2019. Available online: <https://www.who.int/cambodia/news/commentaries/detail/primary-healthcare-remains-the-foundation-for-all-in-cambodia>.

¹¹⁸ R. J. Kolesar et al., 'Advancing universal health coverage in the COVID-19 era: An assessment of public health services technical efficiency and applied cost allocation in Cambodia', *Health Economics Review*, 12, 1 (2022), 10.

¹¹⁹ European Union Agency for Fundamental Rights, *EU-LGBTI II: A long way to go for LGBTI equality* (2020). <https://fra.europa.eu/en/publication/2020/eu-lgbti-survey-results>

¹²⁰ M. Cuadra et al., 'Normalizing intersex children through genital surgery: the medical perspective and the experience reported by intersex adults', *Sexualities* (2022), 136346072211011.

¹²¹ S Monro and others (n 55).

to decide on their bodies and identities and the inability to pleasure sexual encounters because once the surgeries are done, those body parts are gone.¹²²

In addition to early medical intervention, medical professionals also don't provide transparent and accountable services as a consequence of improper documentation and a lack of community engagement in the process of developing service provisions. Also, a lack of awareness among medical professionals profoundly affects the well-being of intersex people. For instance, there are hardly any experts to deal with mental health-related challenges faced by intersex people.¹²³ Thus, insufficient information, limited financial support and poor infrastructure poses systematic health problems which leads to human rights violations in the intersex community.

In order to respect the fundamental rights of intersex persons, all forms of unnecessary surgeries and medical treatments should be prohibited, and inappropriate medical practices and guidelines should be eliminated.^{124;125} Educational content and training shall be provided to medical staff to be able to provide friendly and appropriate services to intersex people including physical and mental healthcare.¹²⁶ Medical teams should consist of trained psychologists and community representatives so as to be able to provide professional consultation with parents of intersex infants. Therefore, adequate, and appropriate healthcare services, which address the needs of intersex children and adults, shall be accessible and available with the non-discriminatory, informed consent principles, and respect the human rights of intersex people.¹²⁷ Accessing health records, counselling services, and other supports, such as peer support groups for intersex people and their families, shall be granted to intersex people. According to a medical statement on the genetic perspective on intersex in 2019, database and data analysis, including diagnosis data, genetic analysis data, and genetic counselling data, with the consensus from non-medical communities and groups shall be established to provide better services to intersex people.¹²⁸

4.7 Hate speech and crime

Although the definitions of hate crime and speech are not clearly explained, these can refer to unequal treatment, discrimination and violence which biasedly and prejudicially made to target any particular group based on race,

¹²² S Monro and others (n 55).

¹²³ *Ibid*

¹²⁴ Asian Intersex Movement, *Asian intersex movement: Public statement*.

¹²⁵ International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

¹²⁶ Asian Intersex Movement, *Asian intersex movement: Public statement*.

¹²⁷ United Nations, *Intersex awareness day - Wednesday 26 October, 2016*. Available online: <https://www.ohchr.org/en/2016/10/intersex-awareness-day-wednesday-26-october?LangID=E&NewsID=20739=d>.

¹²⁸ A. Udumudi, *Genetic perspectives on intersex*.

religion, nationality, disability, age, and SOGIESC.^{129;130} However, international law instruments classify hate speech as a crime as well as a form of discrimination and violence. Hate incidents and crimes involve insulting, threatening, harassment, injury, and property damages.¹³¹ Concerning Cambodia's law, Article 31 of the Cambodian Constitution states that Cambodia recognizes, and respects human rights. Article 38 guarantees the dignity of citizens and the protection of any individuals from physical abuse. Furthermore, Article 41 of the Cambodian Constitution also clearly states that all citizens have equal rights and freedom, but the exercise of such rights shall not adversely affect others' rights and freedom. These articles can also be effective for hate speech and crimes which violate dignity and rights. Therefore, hate speech and crime also should be considered as acts of discrimination and violence. As a result, the scope of these articles can be applicable for protecting intersex citizens as well as other Cambodians from hate speech and crime based on SOGIESC.

Although information related to hate speech is not explicitly suggested by the data on intersex people, the implication of the binary notions of sex and gender could show a high likelihood of discrimination including verbal bullying. A report in 2012 revealed that SOGI-based hate crimes had been previously reported by LGBT persons, especially by transgender people in public spaces, religious ceremonies and in the media.¹³² Even though this report has been available for over a decade, hate crimes have emerged in new forms such as online hate speech and crime. Moreover, a study in 2019 conducted with lesbian women, bisexual women and trans men found that 10% experienced sexual violence in the form of forced marriages.¹³³ Both studies explain the implications of hate speech and crime against gender and sexual minorities in Cambodia, which these issues, and to what extent, can be experienced by intersex people.

To combat this serious problem, the government may need to consider taking measures and interventions to prevent and eliminate hate speech and crime including physical and online spaces.¹³⁴ The intersex community shall have the opportunity to join and contribute to the consultation process with the government and other stakeholders.^{135;136} The government shall consider developing an anti-discrimination law, which explicitly includes SOGIESC as a protected ground,

129 Hate Crime Book, *How to Report a Hate Crime*, 2021. Available online: <https://www.hatecrimebook.com/english>.

130 United Nations, *Hate speech*, n.d. Available online: <https://www.un.org/en/hate-speech/united-nations-and-hate-speech/international-human-rights-law>.

131 Hate Crime Book, *How to Report a Hate Crime*.

132 Cambodian Center for Human Rights, *Rainbow Khmer: From prejudice to pride* (2012). Available online: https://cchrcambodia.org/admin/media/report/report/english/2012_12_31_CCHR_LGBT_Report_Rainbow_Khmer_en.pdf.

133 Rainbow Community Kampuchea, *Family violence towards lesbian, bisexual, and transgender man (LBT) people in Cambodia* (2019). Available online: https://www.rockcambodia.org/wp-content/uploads/2020/07/Family-Violence-LBT_ENG-19.06.2019.pdf.

134 International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

135 *Ibid*

136 Asian Intersex Movement, *Asian intersex movement: Public statement*.

which protects intersex people from intersectional discrimination including hate speech and crime.¹³⁷

4.8 Access to justice and redress

In 2011, a lesbian person was falsely charged by a municipal court; then, she was found innocent by the appeal court two years later.^{138;139} Besides this specific case, access to justice for survivors of gender-based violence can also have implications for the intersex community in Cambodia. In Cambodia, programs have been developed to ensure marginalized and vulnerable groups have access to justice, but there are also some difficulties including costs, gender barriers, and socio-economic conditions. Judicial processes can be unaffordable for marginalized and vulnerable groups. In this regard, NGOs, CSOs and the government need to mobilize the resources for legal aid for women and girls.^{140;141;142} Moreover, female survivors indicate that a lack of women representatives can cause a challenge for them when males take the role of mediators or legal consultants because of their inability to address issues.¹⁴³ Poor socio-economic conditions also pose a hardship for gender minorities to access justice when they do not have stable living conditions. Because of this, Neary Ratanak V as a strategic plan also attempts to empower gender minorities to have better education and employment opportunities as well as educate media to be more gender-sensitive, raise awareness to the public, reform policies and laws to be more gender-based violence responsive and develop and enhance one-stop service centre for survivors.¹⁴⁴

The scope of the Cambodian Constitution, article 31, has been discussed for the protection of the rights of women, children and other marginalized groups across various issues including access to justice and redress. This article is aligned with international conventions ratified by Cambodia including the Convention on the Elimination of Discrimination against Women (CEDAW) recommending access

¹³⁷ *Ibid*

¹³⁸ D. Sen & R. K. Buth, 'Conviction overruled in statutory rape case', *Phnom Penh Post*. 20 January 2013 [Online]. Available online: <https://www.phnompenhpost.com/national/conviction-overruled-statutory-rape-case>.

¹³⁹ Say, S., *Love and Legal* “សួនហេង និងផ្ទះល្អប្រហែល” [Video]. Available online: <https://www.youtube.com/watch?v=K4WqtQ36tIs&t=32s>.

¹⁴⁰ S. Khorn, 'PM orders lawyers for poor women', *Phnom Penh Post*. 20 February 2019 [Online]. Available online: <https://www.phnompenhpost.com/national/pm-orders-lawyers-poor-women>.

¹⁴¹ German Agency for International Cooperation, *Access to justice for women II programme* (2016). Available online: https://giz-cambodia.com/wordpress/wp-content/uploads/13_FactSheet-of-Access-to-Justice-for-Women-II-Programme-ATJW-II.pdf.

¹⁴² Ministry of Women's affairs, *Neary Ratanak V: Five year strategic plan for strengthening gender mainstreaming and women's empowerment 2019-2023*. Available online: <https://www.mowa.gov.kh/wp-content/uploads/2021/02/Neary-Ratanak-V-final-Eng.pdf>.

¹⁴³ Center for the Study of Humanitarian Law & Center for Human Rights and International Justice of Stanford, *Enhancing leadership, opportunities and knowledge* (2020). Available online: <https://cshl-kh.org/wp-content/uploads/2022/05/2020-Muy-Seo-Women-in-the-law.pdf#page=5> [18 June 2023].

¹⁴⁴ Ministry of Women's affairs, *Neary Ratanak V: Five year strategic plan for strengthening gender mainstreaming and women's empowerment 2019-2023*.

to justice for women in 2015, and article 13 of the Convention on the Rights of Persons with Disabilities which strongly emphasizes the rights to access justice of women and girls with disabilities.^{145;146} These international mechanisms have influenced the government's national strategic plans on gender equality called Neary Rattank V which also includes access to legal aid and justice for women and girls.¹⁴⁷ Lastly, the government also adopted the Alternative Dispute Resolution (ADR) method to enhance social harmony and lower costs, save time for solving conflicts, and ease the burdens of courts.^{148;149} There is also an ADR tool, developed by the Cambodian Human Rights and Development Association, with the principles of respecting human rights, law and gender-sensitive principles.¹⁵⁰ After the extensive review, intersex people in other countries, who have undergone medical treatment during their infancy, report the injustice of the medical consequences and a denial of access to medical records.^{151;152;153} Currently, there is no evidence regarding the challenges of accessing justice faced by intersex people in Cambodia. Yet, intersex people in Cambodia may be affected by a range of social justice issues, particularly, when discussing equal treatment toward the people with diverse SOGIESC and their community. In the legal setting for people with diverse SOGIESC, the main demands are for equal legal recognition including marriage, gender recognition and adoption. The LGBTIQ+ community prioritizes the issue of marriage equality, which is directly linked to full child adoption rights, legal gender recognition, and protections from discrimination based on SOGIESC.^{154;155;156} Moreover, people with diverse SOGIESC in Cambodia have said that addressing these priorities can significantly contribute to equality for the LGBTIQ+ community. This can also infer the social justice for people with diverse SOGIESC including intersex people. A further recommendation from the Asian Intersex Movement is that the experience of injustice and suffering

145 UN Women, *UN Women welcomes CEDAW General Recommendation on women's access to justice*, 2015. Available online: <https://www.unwomen.org/en/news/stories/2015/8/cedaw-general-recommendation>.

146 A. Vantrees, 'Inaccessible justice: The violation of Article 13 of the CRPD and the ICC's role in filling the accountability gap', *International Review of the Red Cross*, 105, 922 (2023), 542-565.

147 Ministry of Women's affairs, *Neary Rattanak V: Five year strategic plan for strengthening gender mainstreaming and women's empowerment 2019-2023*.

148 D. Voun, 'Malin: Mediation method makes justice local matter', *Phnom Penh Post*. 23 December 2021 [Online]. Available online: <https://www.phnompenhpost.com/national-post-depth/malin-mediation-method-makes-justice-local-matter>.

149 K. Soth, 'PM urges dispute resolutions at local level, without using courts', *Khmer Times*. 24 April 2023 [Online]. Available online: <https://www.khmertimeskh.com/501278045/pm-urges-dispute-resolutions-at-local-level-without-using-courts/>.

150 Cambodian Human Rights and Development Association, *Alternative Dispute Resolution Tool* (2013). Available online: <https://www.adhoccambodia.org/en/alternative-dispute-resolution-tool/>.

151 Ministry of Women's affairs, *Neary Rattanak V: Five year strategic plan for strengthening gender mainstreaming and women's empowerment 2019-2023*.

152 Nikoletta Pikramenou (n 54).

153 C. Harper, *Intersex* 2007).

154 Rainbow Community Kampuchea & TNS, *Opinions, attitudes and behavior toward the LGBT Population in Cambodia* (2015).

155 SOGI Coalition Cambodia, *Cambodia UPR 3rd cycle on SOGIESC/SRHR* (2018). Available online: <https://rockcambodia.org/cambodia-3rd-cycle-of-universal-periodic-review-upr-on-sogiesc-srhr/>

156 Rainbow Community Kampuchea et al. *Civil society joint-report on SOGIESC Rights and SRHR for the voluntary mid-term reporting period of Cambodia's third Universal Periodic Review* (March 2022), online: <https://rockcambodia.org/universal-periodic-review-upr-mid-term-report-on-the-rights-of-lesbian-gay-bisexual-transgender-lgbt-people-in-cambodia/>

of intersex people shall be adequately acknowledged.¹⁵⁷ Finally, the government shall ensure adequate provision and access to reparation, justice, and redress for intersex people.¹⁵⁸

4.9 Protecting intersex people's bodily integrity

In terms of public discussions, a few social media posts about early medical surgery on intersex infants were analysed. However, one of the posts by intersex parents was removed from the online platform and parents were out of reach.¹⁵⁹ Last but not least, in one instance, early medical intervention was proposed by a private clinic in Cambodia, as it was posted on social media in 2016. The caption of the post mentions that surgeries should be done with infants who are born with 'unclear' sex characteristics to avoid cancer in the future.¹⁶⁰ In short, social norms and culture engendered even legal recognition, with the reinforcement of medical advice.

The constitutional provisions can provide a framework to protect the bodily integrity of intersex people in Cambodia. Article 31 states that Cambodia recognizes and respects human rights, Article 38 mentions the protection of citizens' dignity, and Article 48 states the right to life for children.¹⁶¹ For instance, one of the objectives of draft law about Public Order is to preserve national dignity which refers to dressing appropriately.¹⁶² Dignity hence could translate in many ways in the context of Cambodia. Furthermore, the legal explanation of the Civil Code in Cambodia also says that every individual has bodily integrity rights protected by law, including physical and mental health.¹⁶³ It also points out that medical intervention needs to be consented to by patients unless it is a court decision as it affects public health and other conditions stated by other laws.¹⁶⁴ The Civil Code in Cambodia also recognizes the parental rights and authority to raise and educate children under Chapter 5 "parental authority".¹⁶⁵ Therefore, intersex adults can make decisions and have bodily integrity rights whereas the rights of intersex children are limited to parental authorities under the Civil Code. In addition to this, a legal analysis also indicates legal gaps on the ramifications of parental decisions to their children (See the Figure 2 below). Moreover, the rights

¹⁵⁷ Asian Intersex Movement, *Asian intersex movement: Public statement*.

¹⁵⁸ *Ibid*

¹⁵⁹ Lim, *Intersex in Cambodia*.

¹⁶⁰ Chetra Polyclinic & Julie Maternity, ប្រជាប្រិយភាពរបស់កូនមិនច្បាស់លក្ខណៈ, 2016 <https://web.facebook.com/1594715740743155/photos/pb.100064582426599.-2207520000./1731081040439957/?type=3>

¹⁶¹ *Cambodian Constitution* 1993.

¹⁶² C. Romdoul & P. N. Sao, 'Government seeking to control how cambodians dress with Public Order law', *Cambodianess*.2020 [Online]. Available online: <https://cambodianess.com/article/government-seeking-to-control-how-cambodians-dress-with-public-order-law>.

¹⁶³ ផ. ធ. ហាប, នីតិវិធីប្រែប្រួល, 2011. Available online: <https://phalmy.files.wordpress.com/2006/11/civil-law-2011-kh.pdf>

¹⁶⁴ *Ibid*

¹⁶⁵ *Civil Code of Cambodia* 2007.

of intersex children have been greatly infringed under the forms of ill-treatment. The implication of child rights abuse involves harmful treatment. In this case, the non-consensual treatment of intersex children has resulted in profoundly negative and long-term consequences to mental health under parental consent.¹⁶⁶ Still, as one doctor said the current surgeries on intersex children are a guessing game.¹⁶⁷ In conclusion, profound consequences of adult decisions can abuse child welfare and rights when the adult is not protecting the best of children but experimenting the medical treatment on children based on inadequate scientific studies.

Because of the persistent violations of intersex human rights, international law scholars in the United States have suggested in the conflicts of parental and children's rights stated in the International Covenant on Civil and Political Rights (ICCPR) which parental rights may interfere with the privacy of intersex under the rights of guidance. The ICCPR article 17 states, "no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks upon his honour and reputation". This article explained the vagueness of this Covenant on protecting intersex children from normalizing surgeries. Parental decisions shall be limited to the privacy and self-identities of intersex children.

*Figure 2 the wicked problem of an article of ICCPR*¹⁶⁸

Meanwhile, there are some recommendations to address bodily and mental integrity such as legal restriction. Legal restriction, which corresponds to human rights standards, can contribute to body integrity which self-determine and freedom from interference with one's body. These rights can be protected by the courts and UDHR as well as the Yogyakarta principles.^{169;170} Those mechanisms can also reduce the harm of child abuse such as eliminating forced, coercive, involuntary sterilization, and other normalizing practices as well as empowering intersex people to be able to decide for their bodily integrity and autonomy.¹⁷¹ As per a professional's recommendation, intersex children shall have the right to decide about their bodies until they are adults and parental decisions might be necessary only if there are risks to intersex children's life.¹⁷² Lastly, a medical demand from the community is to depathologise variations in sex characteristics from medical settings and other documents.¹⁷³

¹⁶⁶ S Monro and others (n 55).

¹⁶⁷ Katrina Karkazis (n 53).

¹⁶⁸ *International covenant on civil and political rights adopted 16 December 1966, entered into force 23 March 1976*. (99 UNTS 171 (ICCPR)).

¹⁶⁹ S Monro and others (n 55).

¹⁷⁰ Magali Cuadra and others (n 59).

¹⁷¹ Asian Intersex Movement, *Asian intersex movement: Public statement*.

¹⁷² S Monro and others (n 55).

¹⁷³ Asian Intersex Movement, *Asian intersex movement: Public statement*.

4.10 Protecting intersex people from discrimination in all areas

Article 45 of the Cambodian Constitution also promotes gender equality and prohibits all forms of discrimination against women. Additionally, Article 36 mentions equal opportunity and benefits for all citizens regardless of their sex.¹⁷⁴ This has positively contributed to formulating national policies and laws which prohibit all kinds of discrimination including Neary Rattanak V and Criminal Code, law on the Prevention and Control of HIV/AIDs, and Law on the Protection and the Promotion of the Rights of Persons with Disabilities. The Criminal Code of Cambodia also protects individuals from discrimination based on sex/gender, state of health and disability and other factors in the area of service and product provision, and employment which are grounded based on discriminatory reasons.¹⁷⁵ These laws protect all citizens, including intersex people, from all forms of discrimination in service provision, and employment. Cambodia also passed the Labor Law in 1997 which ensures a non-discriminatory working environment, and generous working conditions for employees.^{176;177} Nevertheless, non-discrimination provisions in the Constitution and laws mentioned before do not explicitly include SOGIESC in the list of protected grounds although could be included under “other status”.¹⁷⁸

As discussed in the previous section, intersex people are not yet recognized in the policy responses. Therefore, further legal amendments to the Cambodian Constitution, Civil Code, and other laws may be needed to include sexual and gender minorities including intersex people to gain equal legal recognition, for instance, using “all citizens” instead of both sexes of citizens and to consider explicitly including SOGIESC among legally protected grounds from discrimination. Nevertheless, the government is putting effort into promoting the rights of the LGBTIQ+ community.¹⁷⁹ For instance, the Ministry of Women’s Affairs includes lesbian, bisexual, and transgender men (LBT), in the National Strategic Plan to Prevent and Response to Gender-based Violence against Women.¹⁸⁰ The Cambodian Human Rights Committee (CHRC) included LGBTI issues during the ASEAN Summit 2022.¹⁸¹ This contributes to advancing the community’s rights as the government’s commitment to human rights promotion and protection. Furthermore, during the interview with a government officer, the spokesman of CHRC explained that intersex and LGBT people have equal rights including forming a family and property, and self-identification, just like cisgender people.¹⁸²

¹⁷⁴ *Cambodian Constitution 1993*.

¹⁷⁵ *Criminal Code 2009*.

¹⁷⁶ Winter, *Lost in transition: Transgender people, rights and vulnerability in the Asia-Pacific Region*.

¹⁷⁷ Council for the Development of Cambodia, *Employment and labor*, n.d. Available online: <https://cdc.gov.kh/laws-and-regulations/employment-and-labor/>.

¹⁷⁸ SOGI Coalition Cambodia (n 161).

¹⁷⁹ *ibid*

¹⁸⁰ Rainbow Community Kampuchea, *Joint statement by civil society organizations: Step up efforts to protect the rights of lesbian, gay, bisexual, transgender, intersex, queer (LGBTIQ) people in Cambodia, in line with the universal periodic review recommendations accepted by Cambodia*.

¹⁸¹ K. Orn, *Intersex issues and the government efforts*, 2023 [Interview].

¹⁸² *ibid*

He stated that under the Cambodian Constitution, all Cambodian citizens are equally treated by law including such basic rights. In conclusion, all citizens are protected by the Cambodian Constitution to have equal rights regardless of their SOGIESC.

Although there are no explicit regulations, policies, or laws for protecting intersex people, Cambodia has ratified eight core Human rights treaties. Therefore, Cambodia's government has been showing a commitment to protecting human rights on different specific issues. The promotion of women's rights and children's rights has been integrated into the local mechanism to implement the national strategic plans. There are some governmental bodies created to implement the government's strategic plans to eliminate the abuse of women, children, and vulnerable groups. Those bodies are CHRC in 2000, the Cambodian National Council for Children in 1995, Commune Committee for Women and Children in 2007.^{183;184;185} These governmental bodies have been engaged by different ministries in order to ensure effective implementation to address social injustice and other welfare issues. Thus, it allows the spaces for engagement between the government and the community of people with diverse SOGIESC to explore the possibilities to address the challenges.

Regarding its impacts on the micro level, less acceptance of family and exclusion of intersex and LGBTIQ+ communities from social and cultural values remains the foremost issue. Families are like a skin for children and a foundational value of Cambodian people including the LGBTIQ+ community; however, immediate family members are not the first people whom LGBT come out with.^{186;187;188} The less recognition in families indicates a low level of acceptance towards the diverse identities of the children. Nonetheless, because the majority of Cambodian people are Buddhist, discrimination toward sexual diversity is more tolerated compared to other countries.¹⁸⁹

At the global level, intersex people face various challenges from discrimination to funding. According to a report from the European Union Agency for Fundamental Rights, a major problem is discrimination based on sex characteristics as more than one-third of intersex people reported, followed by bullying and/or violence, stigmatization and inappropriate medical interventions.¹⁹⁰ Discrimination has caused other issues including a lack of employment opportunities, and access to

183 Silaka Cambodia, តើអ្វីជា គ.ក.ន.ក ? , 2021. Available online: <https://www.facebook.com/watch/?v=1160235287743375>

184 ព្រះរាជក្រឹត្យនស/រកត/០១០០/០០៨ 2000.

185 *Sub-decree on the establishment of the Cambodian national council for children 1995.*

186 Rainbow Community Kampuchea and TNS (n 18).

187 E. S. Molano, 'Cambodia's LGBT community struggles for identity', Nikkei Asia. 26 March 2017 [Online]. Available online: <https://asia.nikkei.com/Location/Southeast-Asia/Myanmar-Cambodia-Laos/Cambodia-s-LGBT-community-struggles-for-identity>.

188 Cambodian Center for Human Rights, *Cambodia's rainbow families: Marriage, adoption and gender recognition rights in the kingdom* (2017). Available online: https://cchrcambodia.org/admin/media/report/report/english/2017-11-22-CCHR-Report-Cambodia-Rainbow-Families_ENG.pdf.

189 Pisey Ly, Chey Leaphy Heng and Sally Low (n 22).

190 European Union Agency for Fundamental Rights, *EU-LGBTI II: A long way to go for LGBTI equality*.

education, laws and public services.^{191;192}

To address issues related to discrimination and a lack of opportunity, intersex people shall obtain equal treatment in a legal atmosphere including marriage and adoption laws as stated in demands from the community and the UDHR.¹⁹³ They shall obtain opportunities, spaces, and support in order to speak up for their issues and community. Moreover, educational activities shall be provided to community leaders to dispel stigma and misconceptions towards intersex people.¹⁹⁴

More importantly, other issues can result from discrimination which intersex people have limited access to advocacy spaces and opportunities. Additional challenges are insufficient support from policymakers, and insufficient information on healthcare services, funding, and legal protection. The intersex community also encounters challenges among people with diverse SOGIESC in some circumstances LGBT activists received the funding to implement projects and speak on behalf of the intersex community which should be better off to be done by the intersex-led community.¹⁹⁵ Finally, in some countries, intersex issues are better off being discussed separately.¹⁹⁶

Although in Cambodia, people with diverse SOGIESC have taken the lessons from the regional community into account, the specific needs of the intersex community are not yet addressed due to not yet having intersex representatives advocating for intersex rights, and limited data and resources. Consequently, interventions to address intersex issues and demands have not been addressed yet. Another reason for the slow progress is that key players, however, are highly considered and respect intersex community ownership when local intersex people and data are not yet available to inform the process. Strategic and sufficient funding is crucial to develop sufficient human resources and avoid a lack of resources in the pace of Cambodia's context. Community organizing and intersex-related awareness can be salient alternatives to reduce the loneliness of intersex people and educate the public. The ethics of organizers is thus crucial to appropriately approach intersex people with a requisite for privacy, which is emphasized by the community organizers.¹⁹⁷

Finally, all stakeholders should enable legal, economic and societal settings for intersex people to reach out to support the LGBTIQ+ community and ensure non-discriminatory implementation towards the LGBTIQ+ community by promoting equality and eliminating all forms of bullying and discrimination.¹⁹⁸ The anti-discrimination law is also suggested by the regional intersex movement to

191 K. Karkazis, *Fixing sex* Duke University Press, 2008).

192 N. Pikramenou, *Intersex rights: Living between sexes* Springer Nature, 2019).

193 Intersex Asia (n 12).

194 Asian Intersex Movement, *Asian intersex movement: Public statement*.

195 S. Monro et al., *Intersex, variations of sex characteristics and DSD: The need for change*. (2017).

196 G. Davis (ed.), *Contesting intersex: The dubious diagnosis* New York University Press, 2015).

197 Pisey Ly and Sophea Pho (n 44)

198 International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

ensure the protection for intersex people across the fields of sport, employment, education, access to service and others.^{199;200}

4.11 Conclusion

Cambodia's context triggers challenges but also provides opportunities for intersex people. The first challenge is that the history of intersex people in Cambodia is unclear due to the different translations and interpretations. A significant challenge is the lack of data on the experiences of intersex persons in Cambodia and the specific challenges they may face. Another additional significant challenge is early medical intervention which was proposed by a private clinic to the public via their social media. Furthermore, regarding the legislation, Cambodia's government shows a strong commitment to respecting, protecting, and fulfilling the rights of all citizens by becoming a ratified state to most United Nations conventions and including human rights in Cambodia's constitution.

At the regional and international levels, intersex people are facing legal and social alienation, and rights abuse in different sectors including discrimination, bullying, stigma, limited information, spaces for the intersex-led group for advocacy and engagement, unnecessary medical interventions, other health issues, lack of legal protection and support. Discrimination in public services provision also occurs in the form of a denial of access to information/database, and exclusion from the system. Additionally, the most common and profound ramification is early medical interventions which were consented to by parents. Parents, on the other hand, could make decisions under the pressure of medical advice, binary culture or/and insufficient supporting systems. Furthermore, the rights of intersex children are vigorously denied. Even the UN framework is also unclear. It provides limited information about intersex issues and the dilemma of parental rights and authorities with child rights. Training and formal education for medical professionals and other professionals are thus imperative to iterate the importance of the best interest of the child's human rights and the impact of early medical intervention on children.

There are good practices for the promotion of intersex rights such as judicial enquiries, peer-led support groups and awareness. Judicial enquiries and other regulations, which are aligned with human rights standards, can reduce the risk of medical intervention and recognition while peer-led support and awareness can fill the gaps of insufficient information and support intersex people and their families to overcome binary systems. To ensure the alignment of domestic regulations, Yogyakarta principles are highly recommended to be used as guiding principles to formulate policies, laws and other rules.

¹⁹⁹ Asian Intersex Movement, *Asian intersex movement: Public statement*.

²⁰⁰ International Commission of Jurists, *The Yogyakarta Principles Plus 10*.

4.12 Analysis of the intersex situation in Cambodia

Based on three main thematic areas as stated in the methodology, currently, all intersex-related programs, laws, and policies in Cambodia are not explicitly and comprehensively addressing intersex issues. The information gap, lack of understanding and public awareness can hinder the understanding of parents, the public, the government and even intersex people about intersex identities and rights. As one of the interviewees mentioned, he retrieved information from his colleague about intersex people in some instances would come out as LGBT people; not intersex people.²⁰¹ This deteriorates the cause of being under-represented, and the inconvenience of receiving public services and advocating. As a result, the government as well as professionals are not aware of diverse identities which enforce the binary cultures and norms.

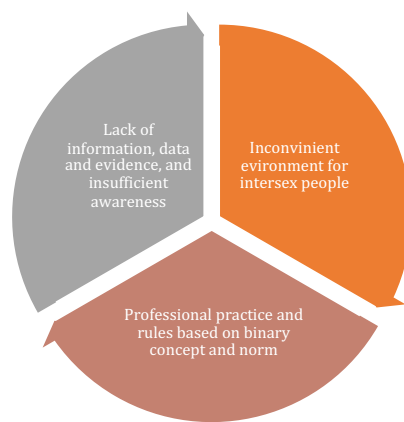


Figure 3: The circular pattern of intersex issues in Cambodia

Those circular issues cause harmful impacts on intersex livelihoods, ranging from legal protection to the provision of public services (see Figure 3). Because available information is limited, this research identified that some of the main issues faced by intersex persons in Cambodia include inadequate healthcare system, the lack of legal gender recognition, insufficient information and materials for education and awareness, and stigmatized and normalized sex characteristics. Moreover, the knowledge about intersex people and conditions as well as intersex concepts and rights is still limited which undermines the existence of intersex people in society. This challenge remains strong among CSOs as all key CSO informants also acknowledge the limited understanding of intersex issues. The implication can also be extended to the challenges of self-identifying among intersex people, which information unsurprisingly can obscure self-identities. This means whether intersex people have access to binary culture and information, or have access to comprehensive information about SOGIESC concepts and rights. Furthermore, society has an even more narrow and exclusive understanding of intersex people, although some educational content is widely spread virtually and physically among local authorities, NGOs and CSOs and students. This is because of a lack of comprehensive sexual education, and a strong binary norm which always indicates only two genders or sexes, and even brings a gendered expectation towards transgender people to be heterosexual. It also influences the

²⁰¹ Lim, *Intersex in Cambodia*.

career choices of a particular group; for instance, transgender women are more likely to work at the salon or entertainment sectors as a result of a lack of access to higher education.²⁰² Therefore, the public tends to hold back the meaning of diversity, and their acceptance towards LGBTIQ+ persons is indiscriminately mixed with the heterosexual norm.

Last but not least, data pertaining to medical interventions on intersex children in Cambodia remains uncertain because non-medical professionals are interested in participating in this research.

Despite the challenges, a collective approach is used in some areas in an attempt to promote intersex-related awareness and education which are associated with LGBTIQ+ rights topics. For instance, the SOGIESC is a main concept and tool that the CSOs in Cambodia are using to educate the public as well as stakeholders including students, journalists, local governments and CSOs staff, and other organizations who is planning or working with the intersex community. In addition to this, organizing programs, which are mentioned by a key informant, aim to reduce the loneliness of community members which can potentially open up for intersex people in Cambodia to seek support and information. Once information is available, it allows intersex people to have self-talk and robust discussions among the public and stakeholders. Finally, the indicated opportunities amongst the key informants to address the intersex issues are the commitment to understanding and collaboration between the public and civil society institutions. With the government's commitment to promoting human rights for LGBTI people, concrete data on intersex needs can be used for policy dialogues concerning SOGIESC issues and rights.

4.13 Gap analysis

Although the literature review and interview have been extensively reviewed and thoroughly collected, there are still limitations in this research. Data is gathered from existing physical books, online resources, information about the community network as well as interviews with key informants including a representative of a governmental institution, and three civil society organizations. However, other historical documents, which possibly mentioned sexual minorities, were not found by the researcher. The researcher also faced difficulty in getting interviews from medical professionals, representatives of the Ministry of Health and intersex persons. Therefore, data is not exhaustively collected from all key stakeholders and the data analysis can be limited in the context of Cambodia. Therefore, the analysis of this research is limited to the health guidelines and procurement of medical advice and decisions for service provisions to intersex people and their families.

²⁰² Say, S., *Rainbow in the rain: The LGBTI community in Cambodia in the pursuit of freedom and equality*.

5. Recommendation & strategy for implementation

Recommendations

Lessons learned from other countries as well as key informants' recommendations to address intersex issues include education, awareness, peer support groups and prohibition of unnecessary medical interventions. The most key recommendation applicable for all key stakeholders is that programs, initiatives or actions should be made with the involvement of the intersex people community. However, to effectively address the intersex issues in Cambodia, there are some points suggested to three main stakeholders:

1. Intersex individuals and their families may consider reaching out to people with diverse SOGIESC, and trained professionals who can refer authentic resources.
2. CSOs and NGOs shall consider collaborating with the regional organisations to learn about intersex demands and best practices, and sharing information in the context of Cambodia. Best practices can be useful pieces of information for countries like Cambodia to foster further discussions. CSOs and NGOs are also encouraged to share information with intersex people and their parents, including mental, sexual health, and reproductive health.^{203;204;205} By doing this, the local CSOs and NGOs can expand knowledge and available information about intersex people and their rights to the public, the governments, and other practitioners. CSOs and NGOs shall expand or work collaboratively with resource persons on awareness-raising programs for professionals and organizations to narrow the information gaps, including psychologists, social workers, and ethics specialists.²⁰⁶ Some NGOs, who provide health services including sexual health and reproductive health, should also be properly trained in order to ensure the inclusiveness and appropriateness of the programs, supporting services or interventions for intersex people and educating parents.²⁰⁷ Another activity could be promoting the understanding of the impacts of early medical intervention to prevent harmful interventions for intersex children.²⁰⁸ Along the process of implementation of those initiatives and programs, the activities and related program reports need to be systematically documented so as to build concrete pieces of evidence for advocacy and education purposes. To sum up, public awareness and training are vital to challenge the binary and heterosexual culture as well as educate general and professionals about intersex people and diverse identities.

Furthermore, peer support groups should be recognised as a helpful resource for building a supporting system for intersex individuals and families. Groups can be formed similarly to parents, families, and friends

²⁰³ *Ibid*

²⁰⁴ Borin Lim (n 51).

²⁰⁵ S. Oeur, *Intersex in Cambodia*, 2023 [Interview].

²⁰⁶ Magali Cuadra and others (n 59).

²⁰⁷ S Monro and others (n 55).

²⁰⁸ Borin Lim (n 51).

of lesbians and gays.²⁰⁹ Peer-support groups will not be only the platform to support families and intersex people but also to explain intersex demands to the public and stakeholders. Additionally, collaboration shall be forged between CSOs and the government to build on the data to inform policy decisions regarding intersex issues.²¹⁰ Lastly, the community organizing efforts shall include intersex people actively so they can engage with each other, and access information about healthcare and rights. Moreover, advocacy work and resource mobilization are some of the practices to influence legislation, medical regulations, and decisions of health practitioners.²¹¹ Resource mobilization also includes research studies and community organizing such as human rights groups and organizations, intersex communities, parents and families, and allies.

3. The government, particularly the Ministry of Health, should consider encouraging medical professionals to be a reliable primary source for parents of intersex newborns and children to be well-informed about intersex rights and relevant medical studies by ensuring all medical professionals are trained on intersex people's rights. Thus, unnecessary, and involuntary medical interventions shall be prohibited including safeguard that no non-consensual, medically unnecessary surgeries or procedures are performed on intersex infants and children. A standard medical database and guidelines, which respect human rights, are highly necessary. Besides medical staff, the public and other professionals, such as teachers, local authorities, and other government officers should be provided with capacity building on SOGIESC concepts and human rights of people with diverse SOGIESC, so they are better equipped to provide public services to intersex people. Also, the government shall ensure the delivery of the SOGIESC concepts and human rights in both formal and informal education with sufficient support to adequately train teachers and students on these concepts. In addition to education, the government can work collaboratively with stakeholders to make information and data available and widely accessible. The human rights of intersex people, which are recognized by the Cambodian Constitution, may need to be reinforced to ensure that intersex people can enjoy equal rights as other citizens, including promoting the understanding of SOGIESC and human rights at all levels. Therefore, the government is encouraged to reinforce legal implementation to prevent discrimination and violence and enact protections in discrimination law that explicitly prohibits all kinds of discrimination, including based on SOGIESC. Finally, providing legal gender recognition based on self-determination and with multiple gender markers in line with international human rights law and standards as well as allowing same-sex marriage to legally recognize all Cambodian citizens including intersex people. Those legal protections and formulation are

²⁰⁹ Pisey Ly and Sophea Pho (n 44)

²¹⁰ Katta Orn (n 49)

²¹¹ Dornsife School of Public Health, Global Health Lessons from the Intersex Human Rights Movement, 2022

also aligned with the government's commitment to the accepted third UPR recommendations on the promotion and protection of the rights of people with diverse SOGIESC in Cambodia. Table 2 shows a list of lessons learnt from others and studies for the stakeholders to understand about intersex rights. It is worth mentioning that this table should be taken as a guidance and proper consultation with the Cambodian intersex community should be done before taking any action.

Table 2: Lessons learnt from other countries and studies on intersex rights

Health services and care	Legislation and regulation	Public services
Rights of intersex children consensual treatment and preferential services.	Anti-discrimination: anti-discrimination law must take place in conjunction with body integrity.	Ensure the equal treatment of policy implementation and public service delivery.
Right to have a family and have children: sperm or oval preserve but if surgery all gone.	Right to have legal gender recognition under self-determination.	
	Right to form a family, obtaining treatment and services as equal as other populations including family books, other legal documents, and social support scheme.	
Medical training and materials of professionals and within universities, and other educational institutions as well as schools should be included intersex rights and issues.	Collaborations; consulting with politicians; and human rights work.	
Peer-supporting groups, conferences and workshops, internet information, media work, and collaboration with professionals to enhance the awareness and mental, sexual, and other health care of the communities.	Public education when the laws and policies are passed.	

6. Upcoming activities, programs

As a result of the lack of information, the upcoming activities are yet in the broader scope of working with the LGBTIQ+ community under the umbrella of SOGIESC. Along with SOGIESC-related awareness raising and education programs, intersex topics should be discussed which can promote the understanding of identities. Additionally, the key informants indicated that internal capacity building is required to have a better understanding of intersex topics and issues before initiating any programs. National-level efforts need to be complemented with regional activities such as attending regional conferences. Therefore, such activities shall be made with highly considered approaches in terms of respecting and ensuring the community's ownership and leadership. Lastly, a potential activity is the capacity building for the government to learn more about intersex issues.

7. Conclusion

Intersex issues in Cambodia are similar to those of other countries including health, legal, and public services. The main causes of these issues in Cambodia are colonization, binary notions of sex and gender, lack of data to inform policy decisions and to understand diversity and human rights. As a result, not only intersex people but their families also feel unsure about revealing their identity to others and even health professionals. Nevertheless, stakeholders' activities have contributed to the advancing awareness about intersex people in Cambodia. Even though the knowledge and understanding about intersex people is still limited, the CSOs, NGOs and the government are eager to learn more about intersex issues to kick start their initiative or support program. This can be a consequence of the efforts of regional organisations which have been raising the concerns of the intersex people. Therefore, ongoing dialogues and information sharing can be one of the best practices to keep everyone in the loop having a better picture of the intersex community's needs. To sum up, although the intersex movement in Cambodia is still in the nascent stage, there is a potential for all key players to overcome the health and legal challenges and other issues.

Intersex Asia can work collaboratively with local CSOs and NGOs to produce more information and data in the context of Cambodia since CSOs and NGOs do not have sufficient data to be able to inform in-depth and meaningful discussions. Finally, respecting the local context should be a high priority to avoid any unintended harmful impact on local people. Moreover, programs associated with children should be highly considered, especially based on the culture and context of each country in order to avoid misunderstanding from the public.²¹² Last but not least, Intersex Asia should consider researching the effectiveness of healthcare programs. Mental and sexual health-related programs are critically needed to produce sustainable results.²¹³

212 Pisey Ly and Sophea Pho (n 44)

213 Pisey Ly and Sophea Pho (n 44)

7. References & Appendix

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Appendix

Meetings and Interviews

Date: 20 January 2023

Time: 9am – 10 am

Duration of Discussion: 50 minutes

Discussion:

1. About RoCK: One of our co-activities is organizing work across Cambodia which aim to know diverse people including their sexual orientation, and gender identities. Therefore, RoCK members consists of LGBTQ persons, and we aim to build a community so as to ease the loneliness in our community.
2. Opportunity: RoCK has participated in the regional channel to enhance the understanding of the intersex community since 2017 in when ILGA Asia hosted in Cambodia. Therefore, we have engaged with the regional levels to improve our understanding. By joining the discussion, we know that the sex characteristics should not be used in the same meaning as LGBT community as well as other lessons learned.
3. Current issues: RoCK is still in the process of learning about intersex issues as well as facing a key challenge of the non-representative or members of the intersex community to provide real-life information or tips for RoCK to consider between respecting individuals' privacy and organizing work. For instance, RoCK is not sure how to identify an intersex person and bring intersex-related topics to the discussion when the person is not coming out. Although RoCK staff is told by neighbors in the village about the intersex person's identity, RoCK holds a strong stand on respecting person's privacy.
4. Information gaps: RoCK still retains limited information about the intersex compared to the regional and international contexts. Therefore, RoCK needs to be mindful of our actions to protect and ensure the value of do not harm to the intersex community. SOGIESC is a complex element which RoCK acknowledges there is a need to understand how intersex people in Cambodia want to be included. Knowing from readings and theories cannot apply to the practical approaches because negative impacts from the actions can be unpredictable. So far SOGIESC is a main theory for education and ideas to reflect the limitations of awareness about diversity.
5. In Cambodia, RoCK pointed out two main intersex issues which are (1) lack of information for intersex person to be understand about diverse identities which is not only binary sexes, (2) early medical surgery of which a case of the female student is discussed. Another challenge is that due to the limited resources, RoCK has to prioritize the needs based on the community's decision. However, RoCK is continuing the journey of organizing and learning about intersex issues because RoCK cannot assume and speak on behalf of intersex people. Otherwise, RoCK will be a gatekeeper.

Recommendations:

- Good practices in fewer countries, which address intersex issues comprehensively, can lead to the best practices which then will be disseminated and shared to other countries. This shall be the priority before expanding the projects to other countries. The best practice, for instance, improve the accessibility of information and awareness to other countries, including Cambodia, to enable a positive environment for the discussion as well as intersex people and their parents. Furthermore, respecting local paces and context including the steps, environment, demands and priorities must be a principle. Strict requirements and deadlines can cause negative impacts and pressure on the local movements/organizations.
- The topics of intersex issues and identities shall be included in the professional training in Cambodia such as psychologists, social workers, and ethics specialists. Education for parents and medical team about intersex issues shall be elevated too along with building peer support groups for parents and families of intersex people which is similar to Parents, Families, and Friends of Lesbians and Gays.
- Materials, for example research and podcasts, should be widely disseminated and accessible so more organizations and groups in the region can learn from them. However, when demands are heard can lead to an increase in given attention by funders, the loss of community-oriented benefits can also happen. Thus, IA needs to have risk mitigation for this anticipated issue. Also, the need to expand human resources for project implementation should be included in the list of risk mitigation.
- Be highly considerate when working with children. There is a lesson learned about when children's organization and other organizations collaborate to conduct educational activities on bullying against LGBT in school. In the Cambodia's context, there were comments that this led to promoting homosexuality amongst the students in below high school. However, the rationales between NGOs and parents are different which poses a question "how can we identify the best interests of children?"
- Mental health-related projects are important, yet such these projects may need long-term runs in order to make changes. Moreover, support for the government, CSOs, and INGOs to understand the issues is also essential.

Meetings and Interviews

Date: 24 January 2023

Time: 10.30am – 11 am

Duration of Discussion: 30 minutes

Discussion

1. There was a case in the 1990s when an infant was born with mixed and unclear sex characteristics. This newborn then received surgery for distal urethra and sex identity. However, at that time, medical instruments were not advanced and available, including chromosome machines, so it is not 100% sure if the infant is intersex. However, if the case happens when intersex people can identify themselves different from the assigned sex characteristics by their parents or doctors, they can file a request to change their legal documents via the court.
2. CHRC is always committed to promoting LGBTI rights through educating the public, and engaging with community events and discussions. Because the population of intersex people in Cambodia is quite small, the government needs to understand their needs first. Concerning LGBTI issues, cultural norms are the key factor and should be a priority to be addressed in order to gain acceptance, especially among families. By comparing the situation in the past, the level of acceptance of LGBTI has progressed as a result from the increase in the number of coming out LGBT people. In the health and legal system, we neither discriminate nor implement against LGBTI people. However, we support and encourage them because LGBTI has equal rights including forming a family and property, and self-identity as transgender.
3. Regarding the regional level, Cambodia has become an ASEAN member since 1999 and the ASEAN Intergovernmental Commission on Human Rights (AICHR) was established in 2008. In 2022, Cambodia was the chair of ASEAN of which LGBTI issues as well as gender equality and other minorities' rights were included in the workshops. On the other hand, ASEAN member countries have different legal standards and implementations towards LGBTI people, particularly Indonesia and Brunei have discriminatory legislation. Still, the Cambodian government holds a stand in advancing LGBTI rights and supporting the community.
4. Cambodia's Constitution mentions female and male citizens because nature creates a vast majority as two sexes while even the LGBT community members also identify so.

Recommendations:

- The public should not discriminate against LGBTI because this is nature and life. LGBTI people are hardworking people, promoting cultures and morality, respectful and good citizens.
- CSOs and NGOs should work collaboratively with solidarity to gather and manage data on LGBTI in a clear manner to well-designed activities and the data can be used as input for policies. The aims shall be protecting LGBTI rights purely; not having any hidden agenda because it will cause negative impacts on the community's benefits.
- CSOs and NGOs should also work with the government, and regional and international partners to protect and promote the rights of LGBTI people.

Next plan:

- CHRC is continuing to facilitate relevant ministries and promote human rights for LGBTI, especially fundamental human rights.
- CHRC is continuing to support the community in addressing legal and policy issues. CHRC accepts and supports LGBTI requests and issues according to CHRC's mandate and efforts.
- CHRC is continuing to conduct studies from the regional and international practice and context analysis about rights, policies and laws relating to LGBTI people.

Meetings and Interviews**Date:** 24 January 2023**Time:** 04.00 pm – 04.20 pm**Duration of Discussion:** 20 minutes**Discussion:**

- I heard about intersex and queer people, but I understand their issues as a concept/report because my colleagues and I never met one, so we do not have any data about this. I heard from the network that there is one intersex person in the province, but I never met them.
- Relevant ministerial programs are focusing on men who have sex with men, transgender people, people who work in the entertainment industry, people who use the drug, and people living with HIV. Those relevant ministries are the Ministry of Health, ministry of Women's Affairs, Ministry of Interior, and National Center for HIV/AIDS, Dermatology, and STD.
- Besides the governmental bodies, there are clinics and the public hospital that also work with the LGBT community in terms of healthcare provision, while CSOs and NGOs have organizing, advocate, educate, awareness, and other programs. Regarding our program, we have signed a Memorandum of Understanding agreement with the government regarding the healthcare provision to target groups.

Recommendation:

Since we do not know about intersex people, available information shall be a priority in order to open up the gate between both the community/CSOs and intersex people to connect with each other. Other information related to mental, sexual health and reproductive health shall also be included.

Meetings and Interviews

Date: 09 February 2023

Time: 01.00 pm – 01.35 pm

Duration of Discussion: 35 minutes

Discussion:

1. I have never met or heard directly from intersex people about their issues. However, one of my colleagues told me that there is an intersex person who faces challenges. This person came out as LGBT person and when he/she/they get sick, he/she/they dare not to visit medical professionals because feel embarrassed to reveal the identity and think that he/she/they is already old. As my colleague discussed with me, another case is that a parent posted on social media about their infant who was born with unclear sex anatomy. After that, the post was deleted since the community and news contacted the parents. The lack of information amongst the public and medical professionals is hence foremost which need to be addressed as a priority.
2. CCHR developed a SOGIESC curriculum training which CCHR has provided training to CSOs, NGOs, journalists, our contracted lawyers and university students. CCHR always raises the intersex identity in the discussions with participants. For instance, 20 participants of SOGIESC training were invited to do an exercise. The exercise was about the respond of participants if their neonate is intersex, what would they do? The reactions of most participants at first were focusing on normalized genders for their children under the justification for the best of their children. After explanation and discussion, only a few of participants seem to hold a strong stand of normalizing their children's identities. During the training, participants also asked if there are any intersex persons in Cambodia and what are the challenges. On the other hand, we do not have data and evidence for responding to their questions.
3. CCHR also did consultation with CSO partners about the contents of flyer to promote about intersex people. The flyer focuses on "dos and don'ts" so as to fill the information gaps especially to parents. For instance, in the flyer encourages parents to consult with professionals and should not decide on behalf of their child. Parents shall respect children's rights and protect the best of children.

4. Opportunities in addressing the intersex challenges are public awareness and training to medical professionals because medical professionals are the primary source for parents of intersex newborn and children. By doing this, medical professionals can advise parents in different ways. Some NGOs, who provide health services including sexual health and reproductive health, should also be trained in order to provide services in a friendly way to intersex people and educate parents. Child right organizations, including Save the Children, started to include children who have diverse SOGIESC which can be an opportunity for addressing intersex issues too.

Recommendation:

1. Primarily targeting medical professionals in order to protect the best interests of children via their service provision or refer to clinics and hospitals who are well-trained.

Intersex Asia is an autonomous regional network of intersex-led organizations and individuals from Asian countries that work to support, educate, and advocate for the rights and lives of intersex individuals as well as raise awareness on human rights violations and discrimination faced by intersex communities. It envisions a world where the beauty of intersex people is celebrated, intersex persons can love themselves, and intersex people grow together as a community. It seeks to create a space for intersex people where they can come forward and act as a stakeholder of the global intersex rights movement.

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