

Universal Periodic Review (UPR) of Cambodia (4th Cycle) Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia

SUMMARY FACSTHEET

Joint submission submitted by Rainbow Community Kampuchea Organisation, and also submitted by Beautiful Life Organisation, Cambodian Center for Human Rights, Micro Rainbow International Foundation, Gender and Development for Cambodia, SILAKA Cambodia, Women Peace Makers Organization, Klahan Organization, Reproductive Health Association of Cambodia, Women's Network for Unity, ILGA Asia - Asian Region of the International Lesbian, Gay, Bisexual, Trans, and Intersex Association, APCOM Foundation, Asia Pacific Alliance for Sexual and Reproductive Health and Rights, Asia Pacific Transgender Network, Asian Pacific Resource and Research Centre for Women, ILGA World, RFSU - Sexual and Reproductive Rights for All, International Women's Development Agency, and the following LGBT+ youth volunteer groups from Cambodia also participated in this joint submission: LoveisDiversity and SafeSpaceBTB.

The civil society Joint Submission on SOGIESC rights and SRHR for the 4th UPR cycle of Cambodia presents an assessment of the progress made by Cambodia towards the implementation of the nine recommendations on SOGIESC rights and SRHR accepted by Cambodia at 3rd UPR cycle, recognizing the positive steps taken toward progressing implementation as well as the remaining implementation gaps. It also suggests concrete **priority recommendations to raise in the 4th UPR cycle of Cambodia** to ensure that Cambodia effectively protects SOGIESC rights, SRHR and the equal rights of lesbian, gay, bisexual, and transgender (LGBT+) persons across Cambodia, in line with achieving the Sustainable Development Goals principle of “leaving no one behind”.

OVERVIEW OF THE SITUATION OF LGBT+ RIGHTS IN CAMBODIA

- In recent years, there has been an increase in the visibility of LGBT+ persons in Cambodia, who have the courage to come out and be more visible, including on social media. There have also been further improvements in public awareness and acceptance of LGBT+ people, in part due to the education and awareness raising work carried out by LGBT+ community members and civil society, supportive public statements by local authorities and the national government representatives encouraging non-discrimination, as well as improvements in positive media coverage.
- Cambodian law does not criminalize diverse sexual orientation or gender identity or LGBT+ persons, nonetheless there are not yet explicit legal protections. While commendable progress has been made in respect of the promotion and protection of the human rights of LGBT+ Cambodians, LGBT+ people in Cambodia continue to face various forms of legal and social discrimination based on SOGIESC, in large part due to: (I) the current exclusion of same-sex couples from being able to legally marry under the law (the current inability to register legal marriage certificate thereby denies Cambodian LGBT+ couples essential legal protection and recognition of LGBT+ couples and families, including preventing them from accessing full adoption rights of their children); (II) the current lack of legal recognition of self-defined gender identity for transgender and gender-diverse persons; and (III) persisting lived experiences of discrimination based on SOGIESC and obstacles to social inclusion in the family, education, employment and health sectors, along with remaining gaps in legal and policy protections against discrimination based on SOGIESC.

UPR CONTEXT & SUMMARY OF PREVIOUS UPR CYCLES

- During Cambodia's 3rd UPR cycle in 2019, the Royal Government of Cambodia (RGC) **received and accepted nine recommendations specifically related to the protection of SOGIESC rights and SRHR**, which focused on three main legal and policy reforms: **amending relevant laws to enable legal marriage equality for LGBT+ couples** (*Recommendations 110.55 Canada, 110.51 Netherlands, 110.47 Iceland*); **enabling legal gender recognition for transgender persons** (*Recommendation 110.54 Iceland*); **enacting laws and policies effectively protecting from discrimination and violence based on SOGIESC** (*Recommendations 110.45 Iceland, 110.52 Sweden, 110.54 Australia, 110.50 Mexico, 110.53 Uruguay*).
- The acceptance of nine recommendations on SOGIESC rights and SRHR in the third UPR cycle by the RGC indicated a positive commitment from the Cambodian government to ensure equal and equitable protections for LGBT+ persons in Cambodia. The acceptance of these UPR recommendations notably contributed to fostering a framework for positive follow-up dialogues in 2019-2023 among key stakeholders in Cambodia (especially the RGC and civil society stakeholders working on LGBT+ rights) on the way forward for progressing the implementation of accepted UPR third cycle recommendations on SOGIESC rights and SRHR and guarantee LGBT+ equal rights.
- Since 2019, some progress has been recognized and appreciated with regards to the protection of equal rights of LGBT+ persons in Cambodia, with some positive steps taken towards the implementation of accepted third UPR cycle recommendations on SOGIESC rights and SRHR (See below). Nonetheless, CSOs observed that the Cambodian Government has not yet taken all the significant concrete measures to advance the process of legal reviews and reforms necessary for the full implementation of the SOGIESC rights recommendations accepted by Cambodia at its 3rd UPR cycle. Civil society stakeholders **encourage Recommending States to make recommendations to Cambodia on SOGIESC rights and SRHR at the 4th UPR cycle in line with priorities defined by LGBT+ communities** (**Please see priority recommendations on the next page**). Recommendations on SOGIESC rights and SRHR made to Cambodia in the 4th UPR cycle would also importantly ensure the continuation of the platform for positive dialogues among all stakeholders for progressing LGBT+ equal rights protection which has been previously enabled within the framework of accepted UPR 3rd cycle recommendations.
- The RGC invited the **UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IE SOGI)** to conduct an official visit to Cambodia in January 2023. In his preliminary observations, the IE SOGI encouraged Cambodia to make further progress guided by the three main commitments in the 3rd UPR cycle, including as a priority the recognition of LGBT+ families through the legal recognition of same-sex marriage, as well as the legal recognition of gender identity and adoption of laws and policies effectively protecting from discrimination based on SOGIESC.

Please refer to the full report for more details:
“Civil Society Joint Submission to the UN Human Rights Council for the 4th Universal Periodic Review of the Kingdom of Cambodia: SOGIESC Rights and SRHR in Cambodia”, (October 2023).
<https://rockcambodia.org/4th-cycle-upr-sogiesc-srhr-cambodia/>



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Marriage Equality for same-sex couples

- At the 3rd UPR cycle in 2019, Cambodia accepted three recommendations to amend relevant laws to enable legal marriage equality for LGBT+ couples (*Recommendations 110.55 Canada, 110.51 Netherlands, 110.47 Iceland*).
- Currently there are no explicit legal provisions recognizing legal same-sex marriage in Cambodian laws, as a result, same-sex couples in Cambodia are denied the essential equal protections and security guaranteed by Cambodian laws that only legal marriage equality can provide. Cambodian LGBT+ community members have continuously identified the obtention of legal marriage equality as the main priority to protect their equal marriage and family rights, including to have access to legal protection schemes as spouses and family members (including full adoption rights which carry essential protections of their parent-child relationship linked to the best interests of the child), as well as to significantly contribute to reducing and ultimately eliminating the high levels of discrimination they face.
- The importance of progressing towards the legal recognition of LGBT+ families through the legal recognition of marriage equality for same-sex couples was recognized by the IE SOGI during his visit to Cambodia in January 2023, who noted that “*legal recognition of LGBT families [is] key to social integration*” and encouraged Cambodia to continue progress in priority towards “*the recognition of LGBT families through the legal recognition of same-sex marriage*”.
- Since 2019, CSOs observe that the RGC has engaged in several constructive dialogues with LGBT+ communities and civil society on the way forward for advancing legal marriage equality in line with the 3rd cycle UPR accepted recommendations (including in December 2021 for the roundtable dialogue on the occasion of the launch of the “I Accept” marriage equality campaign, and in 2022 dialogues on the UPR mid-term) - which constitute first positive steps. Nevertheless, as of September 2023, the RGC has not yet taken significant concrete actions to advance the process of legal reviews and amendments necessary for the implementation of the three recommendations accepted by Cambodia at its third UPR to enable legal marriage equality for LGBT+ couples.

→ PRIORITY RECOMMENDATION TO CAMBODIA FOR 4TH CYCLE UPR

i. Continue progress towards enacting legal amendments to recognize legal marriage equality for same-sex couples with a view of guaranteeing non-discrimination, full equality and social inclusion of LGBT+ persons in Cambodia, in line with the SDG principle of “leaving no one behind”, and as also recommended by the IE SOGI.

Legal Gender Recognition of gender identity

- At the 3rd UPR cycle, Cambodia accepted one recommendation to enable legal gender recognition for transgender persons (*Recommendation 110.54 Iceland*).
- The current inability to obtain legal recognition of self-defined gender identity on official identity documents exacerbates the social exclusion and discrimination experienced by transgender and gender-diverse persons in Cambodia.
- Since 2019, CSOs observe that the RGC has participated in dialogues with CSOs discussing progress on legal gender recognition in line with accepted UPR recommendations, which constitute a first welcomed step. However, the RGC has not yet taken significant concrete actions to advance the process of reviewing relevant laws and policies to enable legal recognition of self-defined gender identity in line with international human rights law and standards.

→ PRIORITY RECOMMENDATION TO CAMBODIA FOR 4TH CYCLE UPR

ii. Review relevant laws and policies to enable the legal recognition of self-defined gender identity based on self-determination in line with international human rights law and standards, in line with the SDG principle of “leaving no one behind”, and as also recommended by the IE SOGI.

Effective measures protecting from discrimination based on SOGIESC, including legal and policy protections

- At the 3rd UPR cycle, Cambodia accepted five recommendations to enact laws, policies, and effective measures to protect LGBT+ persons from discrimination and violence based on SOGIESC (*Recommendations 110.45 Iceland, 110.52 Sweden, 110.54 Australia, 110.50 Mexico, 110.53 Uruguay*).
- Some welcomed progress and first steps in terms of introducing general measures and policies to protect from discrimination based on SOGIESC have been noted and appreciated since 2019, including:
 - Progress towards achieving SOGIESC-inclusive Comprehensive Sexuality Education (CSE) curriculum in public schools;
 - The inclusion of lesbian, bisexual and transgender persons in the National Action Plan to Prevent Violence Against Women (2019-2023);
 - Public statements by high level Cambodian government officials encouraging government officials at national and local levels, parents and families of LGBT+, media as well as the general public to not discriminate against LGBT+ persons;
 - And the increasing public awareness and acceptance of LGBT+ people, in part as a result of the awareness raising work carried out by civil society actors in collaboration with media, local and national authorities.
- Despite improvements in public acceptance of LGBT+ persons in recent years and steps taken by the RGC towards enacting some measures to protect from discrimination based on SOGIESC since 2019, LGBT+ persons in Cambodia continue to experience various forms of discrimination based on SOGIESC in several areas of social life, including in the family sphere, employment, education and health sectors - which represent significant obstacles to equality and social inclusion. [Please see details in the full Joint Submission]. Even if some progress on implementing measures to address discrimination based on SOGIESC has been recognized and appreciated since 2019, the RGC has not yet publicly taken enough concrete actions to advance the process of legal and policy reforms to enact legislation and policy reforms explicitly prohibiting discrimination based on sexual orientation and gender identity and violence against LGBT+ persons in all sectors.

→ PRIORITY RECOMMENDATIONS TO CAMBODIA FOR 4TH CYCLE UPR

iii. Continue efforts working with all stakeholders including LGBT+ communities and CSOs to take effective measures to ensure protection from discrimination based on sexual orientation and gender identity, in line with the SDG principle of “leaving no one behind”.

iv. Ensure the effective inclusion and protection of LGBT+ persons and diverse SOGIESC in relevant laws and policies protecting from discrimination and gender-based violence (especially in schools, employment, healthcare and public settings), in line with the SDG principle of “leaving no one behind” (and SDG 5 and targets 10.3 and 16.b) and as also recommended by the IE SOGI.

The full text of the Joint Submission also includes **detailed suggested concrete recommended steps as a roadmap for implementation of the priority recommendations for the 4th cycle UPR**.