



Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia

Universal Periodic Review (UPR) Mid-term report for the third UPR of the Kingdom of Cambodia

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Joint-report prepared by Rainbow Community Kampuchea Organization (“RoCK”), the Cambodian Center for Human Rights (“CCHR”), the Reproductive Health Association of Cambodia (“RHAC”), Micro Rainbow International Foundation (“MRIF”), and also endorsed by Gender and Development for Cambodia (“GADC”), Klahaan Organization, SILAKA Cambodia, ActionAid Cambodia, DanChurchAid Cambodia (“DCA”), Save the Children, ILGA Asia, APCOM, Asia Pacific Alliance for Sexual and Reproductive Health and Rights (“APA”), Asian Pacific Resource and Research Centre for Women (“ARROW”), Just Associates Southeast Asia (“JASS SEA”), ILGA World – the International Lesbian, Gay, Bisexual, Trans and Intersex Association, the Swedish Association for Sexuality Education (“RFSU”), International Women’s Development Agency (“IWDA”), Destination Justice.

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Introduction

1. This civil society joint report for the mid-term reporting period of Cambodia's third cycle of the Universal Periodic Review ("UPR") examines the progress towards implementation of the recommendations focusing on Sexual Orientation, Gender Identity and Expression and Sex Characteristics ("SOGIESC") rights and Sexual and Reproductive Health and Rights ("SRHR") accepted by Cambodia in 2019.
2. This joint UPR mid-term report for the third UPR of the Kingdom of Cambodia ("Cambodia") was prepared by Rainbow Community Kampuchea Organization ("RoCK")¹, Reproductive Health Association of Cambodia ("RHAC"),² Cambodian Center for Human Rights ("CCHR"),³ Micro Rainbow International Foundation ("MRIF")⁴, and is also endorsed by Gender and Development for Cambodia ("GADC"),⁵ SILAKA Cambodia,⁶ Klahan Organization,⁷ ActionAid Cambodia,⁸ DanChurchAid (DCA) Cambodia⁹, Save the Children,¹⁰ ILGA Asia,¹¹ APCOM Foundation,¹² Asia Pacific Alliance for Sexual and Reproductive Health and Rights ("APA"),¹³ Asian Pacific Resource and Research Centre for Women ("ARROW")¹⁴, Just Associates Southeast Asia ("JASS SEA"),¹⁵ ILGA World – the International Lesbian, Gay, Bisexual, Trans and Intersex Association,¹⁶ the Swedish Association for Sexuality Education ("RFSU"),¹⁷ International Women's Development Agency ("IWDA"),¹⁸ Destination Justice.¹⁹ The report was prepared based on the ongoing follow-up and monitoring work of the civil society organizations ("CSOs") coalition working on SOGIESC-SRHR, as well as consultation meetings with Cambodian lesbian, gay, bisexual, and transgender ("LGBT+") community members,²⁰ including volunteers from 'Love is Diversity'.²¹ These consultations were conducted to develop an assessment of the progress towards implementation of the UPR recommendations on SOGIESC-SRHR since 2019, and identify prioritized concrete recommendations to address implementation gaps and ensure the protection of SOGIESC rights and SRHR in line with accepted UPR recommendations.
3. During Cambodia's third UPR in 2019, the Royal Government of Cambodia ("RGC") received and accepted nine recommendations specifically related to the protection of SOGIESC rights. These accepted recommendations on SOGIESC rights focused on three main legal and policy reforms: amending Article 45 of the Constitution of the Kingdom of Cambodia to enable legal marriage equality for LGBT+ couples; enacting laws and policies guaranteeing non-discrimination based on SOGIESC; and enacting legislation allowing legal gender recognition for transgender people (see Summary Table below).²²
4. Since 2019, some progress has been noticed and appreciated with regards to the promotion and protection of equal rights of LGBT+ persons in Cambodia. Nonetheless, based on our follow-up and monitoring work since 2019, we observe that the Cambodian Government has not yet taken significant concrete actions to advance the process of legal reforms necessary for the full implementation of the SOGIESC rights recommendations accepted by Cambodia at its third UPR.
5. 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, in large part due to: (i) the exclusion of same-sex couples from being able to marry under the law; (ii) the lack of explicit legal protections against discrimination based on SOGIESC in employment, health and education sectors; and (iii) due to the lack of legal gender recognition for transgender people.²³

6. This joint-report presents an assessment of the progress made by Cambodia towards the implementation of accepted UPR recommendations on SOGIESC-SRHR since 2019, and suggests concrete recommendations to the RGC and other UPR stakeholders on ways forward to address remaining gaps and ensure the effective implementation of accepted UPR recommendations on SOGIESC rights before the next UPR cycle, thereby protecting the human rights of LGBT+ communities across Cambodia.

Summary: Progress towards implementation of third cycle UPR recommendations on SOGIESC and SRHR accepted by Cambodia

Recommendations on SOGIESC rights and SRHR accepted by Cambodia at its third UPR	Recommending state	Progress towards implementation at the mid-term period (January 2022)
Marriage Equality for LGBT+ couples		
Amend the Constitution to ensure marriage equality for same-sex couples. (110.47)	Iceland	<p style="text-align: center;">Not yet implemented</p> <p>The RGC has not yet taken significant concrete actions to advance the process of legal review and reform to enable legal marriage equality for LGBT+ couples.</p>
Amend article 45 of the Constitution so as to enable legal marriage equality with a view to pursuing full and equal treatment of lesbian, gay, bisexual, transgender and intersex persons in all areas. (110.51)	Netherlands	
Amend article 45 of the Constitution to allow same-sex couples to marry. (110.55)	Canada	
Enacting laws and policies prohibiting discrimination on the basis of SOGIESC		
Introduce an anti-discrimination law that guarantees and explicitly prohibits all kinds of discrimination, including on the basis of sexual orientation, gender identity or sex characteristics. (110.45)	Iceland	<p style="text-align: center;">Not yet implemented</p> <p>The RGC has not yet publicly taken significant concrete steps to review existing laws and introduce new legislation which explicitly prohibits discrimination on the basis of SOGIESC.</p>
Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons. (110.52)	Sweden	
Introduce, by the end of 2023, an anti-discrimination law that guarantees equality and explicitly prohibits discrimination of all kinds, including on the basis of religion, sexual orientation, gender identity and expression or sex characteristics. (110.54)	Australia	
Adopt, in consultation with civil society organizations, comprehensive legislation and policies against discrimination and violence based on sexual orientation or gender identity, and guarantee their implementation through all public entities, in particular in the education, health and labor sectors. (110.50)	Mexico	<p style="text-align: center;">Some progress made, but further concrete actions remain to be taken to guarantee full implementation</p> <p><i>Some welcomed first steps and progress in terms of general measures and policies against discrimination based on SOGIESC: Comprehensive Sexuality Education (“CSE”) curriculum; inclusion of lesbian, bisexual and transgender (“LBT”) persons in National Action Plan to Prevent Violence Against Women (“NAPVAW”); statement by high level officials; awareness raising work by CSOs. Nonetheless, further concrete actions by the RGC are needed to fully and effectively implement the recommendations.</i></p>
Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity. (110.53)	Uruguay	
Legal Gender Recognition		
Introduce a gender recognition law. (110.54)	Iceland	<p style="text-align: center;">Not yet implemented</p> <p>The RGC has not yet taken significant concrete actions to advance on introducing legislation supporting transgender people’s right to be legally recognized according to their self-defined gender identity.</p>

Marriage Equality for LGBT+ couples

Third cycle UPR recommendations on marriage equality for LGBT+ couples

7. In 2019 during the third cycle of the UPR, Cambodia received and accepted three recommendations to amend the law to enable legal marriage equality for LGBT+ couples:
 - “Amend the Constitution to ensure marriage equality for same-sex couples.” (110.47, Iceland).
 - “Amend article 45 of the Constitution so as to enable legal marriage equality with a view to pursuing full and equal treatment of lesbian, gay, bisexual, transgender and intersex persons in all areas.” (110.51, Netherlands).
 - “Amend article 45 of the Constitution to allow same-sex couples to marry.” (110.55, Canada).²⁴

Progress towards implementing recommendations on marriage equality since 2019

8. Based on our follow-up and monitoring work since 2019, we observe that the RGC has not yet taken significant concrete actions to advance the process of legal amendments necessary for the implementation of the three recommendations accepted by Cambodia at its third UPR to enable legal marriage equality for LGBT+ couples.
9. Cambodian LGBT+ persons have continuously identified the obtention of legal marriage equality as the priority to protect their equal marriage and family rights, as well as to reduce and ultimately eliminate the high levels of discrimination they face. Currently, there are no explicit provisions facilitating legal same-sex marriage in Cambodian law. Cambodian LGBT+ couples can hold unofficial traditional wedding ceremonies and parties, however, they currently cannot register for a marriage certificate and cannot obtain legal recognition of their marriage relationship.²⁵ As a result, same-sex couples in Cambodia are denied the essential protections and security that only legal marriage equality can provide.²⁶
10. Based on the prioritization of obtaining legal marriage equality by LGBT+ communities, RoCK along with other CSOs founded the " ខ្ញុំទទួលយក - I Accept" campaign to advance legal marriage equality for LGBT+ Cambodians. Launched on 09 December 2021, the " ខ្ញុំទទួលយក - I Accept" campaign was initiated to support the progress towards the implementation of accepted UPR recommendations on marriage equality, by raising the voices and stories of the Cambodian LGBT+ communities, their families, their parents, allies from all sectors, and the general public through the media and social media for more understanding, acceptance, and support for realizing legal marriage equality for LGBT+ couples in Cambodia.²⁷
11. As part of the " ខ្ញុំទទួលយក - I Accept" campaign launch, CSOs and LGBT+ community members organized a roundtable dialogue with representatives of the RGC on 09 December 2021.²⁸ The participation of government officials in this roundtable dialogue, including representatives of the Cambodian Human Rights Committee (“CHRC”), the Ministry of Women’s Affairs (“MoWA”) and the Ministry of Interior (“Mol”) represent a first positive and welcomed step, signaling that the government is more aware of the importance of obtaining legal marriage equality for LGBT+ couples. Nonetheless, to ensure the implementation of the UPR recommendations, the RGC needs to take significant concrete actions to advance the process of legal reform to enable marriage equality for LGBT+ couples.

Recommendations to the Royal Government of Cambodia to address implementation gaps and advance on enacting marriage equality for LGBT+ couples

12. To ensure the effective implementation of accepted UPR recommendations to enable legal marriage equality for LGBT+ couples before the next UPR cycle, we make the following concrete recommendations to the RGC:
- i. **Take concrete steps working together with all relevant stakeholders to enable legal marriage equality for LGBT+ couples, based on the commitment in the third cycle UPR.**
 - ii. **Promptly consider forming a multi-stakeholder working group (or similar appropriate mechanism) in charge of studying and reviewing the proposed legal amendments to enable legal marriage equality for LGBT+ couples, including the proposed amendment to Article 45 of the Cambodian Constitution and other relevant laws.**
 - **This multi-stakeholder working group could be created under the coordination of the CHRC, given CHRC’s technical expertise in coordinating the UPR mechanism.**
 - **The multi-stakeholder technical working group should include all relevant stakeholders including relevant Cambodian government institutions, members of the LGBT+ community and CSOs working on SOGIESC rights, SRHR, women’s rights, gender equality and children’s rights, and United Nations (“UN”) agencies.**

Laws and Policies prohibiting discrimination based on SOGIESC

Third cycle UPR recommendations on enacting laws, policies, and effective measures to prohibit and combat discrimination based on SOGIESC

13. In 2019 during the third cycle of the UPR, Cambodia received and accepted five recommendations to enact laws, policies and effective measures to prohibit and combat discrimination based on SOGIESC.²⁹ Among those, three recommendations focused on introducing new legislation that explicitly prohibits discrimination based on SOGIESC:

- “Introduce an anti-discrimination law that guarantees and explicitly prohibits all kinds of discrimination, including on the basis of sexual orientation, gender identity or sex characteristics” (Iceland, 110.45);
- “Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons” (Sweden, 110.52);
- “Introduce, by the end of 2023, an anti-discrimination law that guarantees equality and explicitly prohibits discrimination of all kinds, including on the basis of religion, sexual orientation, gender identity and expression or sex characteristics” (Australia, 110.54);

Additionally, among those five recommendations to protect LGBT+ people against discrimination based on SOGIESC, two recommendations advised on the introduction of more general measures against discrimination based on SOGIESC, including policies and “effective measures”:

- “Adopt, in consultation with civil society organizations, comprehensive legislation and policies against discrimination and violence based on sexual orientation or gender identity, and guarantee their implementation through all public entities, in particular in the education, health and labour sectors” (Mexico, 110.50);
- “Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity” (Uruguay, 110.53).

Progress on introducing policies and general measures to combat discrimination based on SOGIESC since 2019

14. Some welcomed progress and first steps in terms of introducing general measures and policies to combat discrimination based on SOGIESC have noted and appreciated since 2019, these include progress towards achieving SOGIESC-inclusive CSE curriculum in Schools; the inclusion of LBT persons in the NAPVAW (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; and the increasing visibility of the LGBT+ communities, and increasing public awareness and acceptance of LGBT+ people, in part as a result of the awareness raising work carried out by CSOs.

Progress towards achieving SOGIESC-inclusive Comprehensive Sexuality Education in Schools

15. The continued work by the Ministry of Education Youth and Sports (“MoEYS”), together with civil society and UN agencies to advance on the roll out of the new ‘Health Education’ curriculum with a component on CSE, which includes SOGIESC and SRHR concepts adapted to relevant grades, constitutes commendable progress towards enacting measures to contribute to eliminating discrimination based on SOGIESC.³⁰ One of the main challenges ahead to guarantee that the CSE curriculum with inclusive SOGIESC and SRHR concepts and rights could be effectively taught in schools throughout Cambodia is to guarantee that teachers can be effectively and adequately trained and equipped to teach these concepts to their students.

Recommendation to address remaining gaps:

iii. **To achieve SOGIESC-inclusive CSE curriculum in schools going forward, it is important that the RGC and MoEYS establish a clear action plan with adequate human resources and budget allocation, and educational materials, in order to step up efforts to train public schools teachers nation-wide on SOGIESC and SRHR concepts and rights so that they can effectively and adequately teach their students.** Other stakeholders are also encouraged to support technically and financially activities to contribute to effective roll out of CSE with inclusive SOGIESC and SRHR concepts and rights nation-wide, including training of teachers and development of additional teaching materials for teachers and learning materials for students.

Inclusion of Lesbian, Bisexual and Transgender persons in the third National Action Plan to Prevent Violence Against Women (2019-2023)

16. The third National Action Plan to Prevent Violence Against Women (NAPVAW) (2019-2023) from MoWA mentions LBT persons among women at increased risk of violence.³¹ The inclusion of LBT persons in the action plan is a positive first step, but also needs to translate into effective implementation and strategic interventions, notably regarding education and awareness raising, as well as concrete legal and policy measures to protect LBT persons from gender-based violence and discrimination.³²

Recommendations to address remaining gaps:

iv. **Develop effective implementation and strategic interventions, accompanied by adequate resource allocation, notably regarding education, awareness raising, and protection for LBT**

persons from gender-based violence and discrimination, including making available and accessible comprehensive health and legal services for LBT survivors. This should be carried out through strengthening the work of the Technical Working Group on Gender – Gender Based Violence (TWGG-GBV), and in consultation with civil society working on the rights of LGBT+ persons.

- v. MoWA and through the work of the TWGG-GBV should also consider studying necessary legal reforms to protect LBT persons from gender-based violence and discrimination.

Statements by high level Cambodian government officials encouraging government officials and the public to not discriminate against LGBT+ people

17. Public statements by high level RGC officials encouraging local and national government officials, parents and families of LGBT+ people, media, and the public to not discriminate against LGBT+ people, including those made on the occasion of the International Day against Homophobia Transphobia and Biphobia (IDAHOTB) and the International Human Rights Day 2021 celebrations,³³ are a welcomed positive step by the government.
18. Nonetheless, these public statements need to be followed by concrete advance towards legal and policy changes to guarantee equality and non-discrimination based on SOGIESC, including marriage equality for LGBT+ couples. (See recommendations to address implementation gaps and advance on eliminating discrimination against LGBT+ people below).

Increasing visibility of the LGBT+ communities and increasing public awareness and public acceptance of LGBT+ people, in part as a result of the awareness raising work carried out by CSOs in collaboration with media, local and national authorities

19. Since the third cycle of the UPR in 2019, the visibility of the LGBT+ communities has further increased, and there has been a further increase in public awareness and public acceptance of LGBT+ people. This increased visibility and awareness is in part a result of the continuous awareness raising work carried out by LGBT+ community members and civil society organizations, who have carried out numerous awareness raising initiatives including in the framework of supporting the implementation of UPR recommendations.³⁴ These positive changes in public awareness, perceptions and acceptance of LGBT+ people by the public have also been noted by government officials.³⁵

Progress on enacting legislation explicitly prohibiting discrimination on the basis of SOGIESC since 2019

20. Even if some progress on implementing measures to combat discrimination based on SOGIESC has been noticed and appreciated since 2019 (see section above), based on our follow-up and monitoring work since 2019, we observe that the RGC has not yet publicly taken concrete actions to advance the process of legal reforms to introduce legislation explicitly prohibiting discrimination based on sexual orientation and gender identity.
21. The Cambodian legal framework currently contains no explicit protections against discrimination on the grounds of SOGIESC.³⁶ LGBT+ people in Cambodia continue to face various forms of legal and social discrimination in several areas of social life, including in the family sphere, employment, education and health sectors.³⁷

Recommendations to the Royal Government of Cambodia to address implementation gaps and advance on eliminating discrimination against LGBT+ people:

- vi. Conduct activities at key ministries levels, particularly within MoWA, Mol and MoJ, in order to increase understanding among key national government officials on SOGIESC and SRHR concepts and rights, the context for LGBT+ rights in Cambodia, and the current gaps in protecting their equal and equitable rights.
- vii. Increase efforts by government officials and institutions, including the Ministry of Information, in engaging proactively with the media and diffusing messages encouraging the public not to bully or discriminate against LGBT+ people, and in particular encouraging parents and families to accept and support their LGBT+ children.
- viii. As a first step, relevant institutions from the RGC should consider issuing official government letters highlighting the right to non-discrimination on the basis of SOGIESC in all sectors including family, education, health, and employment/workplace. The official letters can be specifically addressed to commune councilors and local officials in charge of civil registration. In parallel, the RGC should study the possibility for concrete legal and policy changes to effectively protect LGBT+ people from discrimination based on their SOGIESC in all sectors and guarantee their equal and equitable rights.

Legal Gender Recognition Law (legal recognition of transgender people's self-defined gender identity)

Third cycle UPR recommendations on introducing a gender recognition law

22. In 2019 during the third UPR, Cambodia received and accepted one recommendation to introduce legislation enabling the legal recognition of transgender people's self-defined gender identity:³⁸
 - *"Introduce a Legal Gender Recognition Law"* (110.54, Iceland).

Progress towards introducing a gender recognition law since 2019

23. Based on our follow-up and monitoring work since 2019, we observe that the Cambodian Government has not yet taken significant concrete actions to advance the process of legal reform to introduce legislation allowing legal gender recognition for transgender people.
24. Legal gender recognition refers to laws, policies or administrative procedures and processes which allow transgender and gender-diverse persons to have their self-defined gender-identity (gender markers and/or names) recognized on official identity documents. In Cambodia, there is no legislation which supports transgender people's rights to be legally recognized according to their self-defined gender, however, there is no specific legal provision prohibiting legal gender recognition either. The lack of clarity surrounding the current legal situation leaves transgender Cambodians subject to individual decisions of relevant officials.³⁹ The inability to obtain legal gender recognition further exacerbate the exclusion and discrimination experienced by transgender people in Cambodia, in particular in relation to access to employment, healthcare, higher education, traveling overseas and in the wider society.⁴⁰

25. International human rights law and standards recognize that the realization of legal gender recognition is required to fulfill the fundamental human rights for transgender persons.⁴¹ Furthermore, in order to comply with international human rights law and standards, states should introduce legal gender recognition based on self-determination, without restrictive or abusive requirements.⁴²
26. In part as a result of the work of LGBT+ community members and CSOs to bring more awareness on the importance of obtaining legal gender recognition for transgender people in Cambodia, including in the framework on implementing the UPR recommendations, and continuously raising this priority issue during dialogues with the RGC, CSOs have noted an increase in awareness of the importance of this issue among some key representatives from RGC institutions, including CHRC and MoI.⁴³ This increased awareness constitutes a first welcomed step, nonetheless, significant concrete action is needed to take concrete steps to enable legal gender recognition for transgender people based on self-determination.

Recommendations to the Royal Government of Cambodia to address implementation gaps and advance on enabling legal gender recognition for transgender people

27. In order to ensure the effective implementation of the UPR recommendation to *Introduce a Legal Gender Recognition Law* before the next UPR cycle, we make the following concrete recommendations to the RGC:
- ix. **Engage in further dialogue with relevant ministries and other key stakeholders, including CSOs working on SOGIESC-SRHR rights, and transgender persons, in order to advance the process of introducing legislation enabling legal gender recognition based on self-determination in line with international human rights law and standards. Consider learning from the experiences of other countries in enacting laws and policies allowing legal gender recognition, and international human rights standards related to legal gender recognition.**

Suggested recommendations for other stakeholders including Recommending States and United Nations agencies to support implementation of UPR recommendations on SOGIESC-SRHR.

28. In order to support the effective implementation of accepted UPR recommendations on SOGIESC-rights and SRHR before the next UPR cycle, and thereby advance on protecting LGBT+ people from discrimination based on SOGIESC and protecting the human rights of LGBT+ communities across Cambodia, **we encourage other UPR stakeholders including recommending states and UN agencies to:**
- ▶ **Continue regular and pro-active dialogue with civil society on how to advance on the protection of SOGIESC rights and SRHR in Cambodia.**
- In addition, consider supporting the work (including through funding and technical supports) of CSOs, academic institutions, and media and journalism working to support the progress on advancing the protection of SOGIESC rights and SRHR in line with UPR recommendations accepted by Cambodia.

► **Consider raising the issue of the protection of SOGIESC rights and SRHR in line with accepted UPR recommendations in their interactions with the Cambodian government.**

Notably, consider proactively offering some supports to the RGC in advancing on legal reforms to protect SOGIESC rights and SRHR in line with accepted UPR recommendations (including technical expertise for legal review, and sharing experiences from other countries regarding the processes, requirements, and procedures for legal reforms to protect SOGIESC rights, including legal marriage equality for LGBT+ couples).

ENDNOTES

¹ Rainbow Community Kampuchea Organisation (RoCK) a Cambodian LGBT+ led organization that has been advocating for equal protections of the rights of LGBT+ communities since 2009. RoCK works closely with LGBT+ communities and respective local authorities across the country to ensure long-term protection and support of equal rights and acceptance for LGBT+ people and their families. RoCK has a vision for Cambodia where Cambodian LGBT+ citizens live their life receiving full and equal respect, acceptance and human rights from all sectors of society - especially families, communities and authorities. We wish for Cambodian LGBT+ citizens to feel happy to be who they are and live happy lives. An active, committed voluntary group since 2009, RoCK has now been a registered NGO since February 2014 - the first LGBT+ advocacy organization in Cambodia. Since 2014 RoCK has successfully transitioned from a voluntary activist group to a professionally run organization. RoCK's ultimate organizational goal is to become stage by stage a membership-led organization. <https://rockcambodia.org/>

² RHAC is one of the largest and well-respected NGO in Cambodia's health sector, and continues to play the leading role in the areas of sexual and reproductive health. In 2020, RHAC works in 17 out of 25 provinces in Cambodia, and continues its focus on quality sexual and reproductive health and rights; strengthens comprehensive sexual and gender based violence (SGBV) services; expands collaboration with the Ministry of Education Youth and Sports in the areas of sexuality education for in-school students; increases efforts in advocacy through building core activist groups of youth, women groups, and TGs; increases partnership with local Civil Society Organizations (CSOs) and youth organizations; and strengthens our concrete efforts in demand generation activities in the proximity of the service delivery outlets to cover factory workers, university students, and selected villages. <https://rhac.org.kh/en/>

³ CCHR is a leading non-aligned, independent, non-governmental organization that works to promote and protect democracy and respect for human rights — primarily civil and political rights - in Cambodia. We empower civil society to claim its rights and drive for progress; and through detailed research and analysis we develop innovative policy, and advocate for its implementation.

⁴ Micro Rainbow International (MRIF)'s vision is to contribute to a world where lesbian, gay, bisexual, trans and intersex (LGBTI) people can achieve their full potential in life and have equal access to employment, training, education, financial services, healthcare, housing, places of faith, and public places and services. We work globally to help LGBTI people achieve their full potential in life and have equal access to employment, training, education, financial services, healthcare, housing, places of faith, and public places and services.

⁵ Gender and Development for Cambodia (GADC), a local non-profit and non-political organization, was established in 2000 by a group of women, and one of those was the former GADC's Executive Director, Mrs. Ros Sopheap. GADC focuses on gender equality as a human right, which is strongly tied to women's rights. It believes that women and men have the right to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles, and prejudices.

⁶ SILAKA is a women's organization aiming to build the capacity of the citizen and institution to engage in policy discussions and advocacy for social justice through participatory research, women's rights, and democratic development advancing Cambodia's society for a prosperous, peaceful, and inclusive society with gender-justice.

⁷ Klahaan is an independent, intersectional feminist organization working for a more equitable and just future where all Cambodian women can fulfil their potential. <https://www.klahaan.org/>

⁸ ActionAid Cambodia is a global justice federation working to achieve social justice, gender equality and poverty eradication. We work with the most excluded people in Cambodia, making long-term commitments to advance their human rights and transform the world in which their children grow up.

⁹ In Cambodia and globally, DanChurchAid prides itself on its partner-based approach, whereby we work with and provide assistance to local organizations. Our work focuses accountability and equal rights including gender and LGBTIQ right promotion, food security and improved livelihoods, building resilience, community empowerment, climate justice, accountability and equal rights

¹⁰ Save the Children "A world in which every child attains the right to survival, protection, development and participation".

¹¹ ILGA Asia is the Asian Region of ILGA, representing more than 100 member organizations in Afghanistan, Bahrain, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic People's Republic of Korea, India, Indonesia, Islamic Republic of Iran, Iraq, Israel, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Oman, Palestine, Pakistan, Philippines, Qatar, Republic of Korea, Saudi Arabia, Singapore, Sri Lanka, Syrian Arab Republic, Taiwan, Thailand, Timor-Leste, United Arab Emirates, Viet Nam and Yemen. ILGA Asia's Regional Conference is the highest level decision making body of ILGA Asia, taking place every other year, alternating with the ILGA World Conference. Our vision is a world where Asia is a safe place for all, where all can live in freedom and equality, be properly informed in the nature of sexual orientation and gender identity & expression and sex characteristic (SOGIESC) rights, have access to justice, and diversity is respected. Our missions are: To promote universal respect for and observance of human rights and fundamental freedoms, including the elimination of all forms of discrimination and stigmatization based on SOGIESC in Asia and including the specific provisions of the UN conventions and covenants specified in the Constitution of ILGA; To work for the equality of all people regardless of sexual orientation or gender identity / expression and sex characteristic, as well as liberation from all forms of discrimination and stigmatization; Empower and support LGBTI communities, organizations and individuals in Asia, while encouraging community building and networking. Learn more at ilgaasia.org

¹² Founded in 2007, APCOM is a non-profit organisation working at the Asia Pacific region covering over thirty countries, representing a diverse range of community interests working together to advocate on, highlight and prioritise issues that affect the lives of people regarding their sexual orientation and gender identities. As a rights-based organization, APCOM puts a premium in bringing community voices to the forefront of discussions, especially in matters which affect the LGBTIQ communities. We put importance in both the results and the processes by which we achieve these results. We are guided by the human rights principles of equality and non-discrimination, participation, and contributing to community empowerment. Specifically, APCOM's values are embodied in its tagline: Equity. Dignity. Social Justice.

¹³ Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA) is a regional network that mobilizes civil society advocacy across the region to hold governments and other stakeholders accountable for their obligations and commitments to realize the sexual and reproductive health and rights (SRHR) of all persons in Asia and the Pacific.

¹⁴ ARROW is a regional non-profit women's organization established in 1993, and has consultative status with the Economic and Social Council of the United Nations. ARROW works on issues of gender equality, sexuality and sexual and reproductive health and rights with a focus on women, young people, and non-binary persons in the Asia and the Pacific region and regions of the Global South.

¹⁵ JASS SEA builds women's collective power for justice. JASS SEA works with women and organizations to change the beliefs and structures that drive economic inequality, environmental destruction and gender based as well as political violence

¹⁶ ILGA World – the International Lesbian, Gay, Bisexual, Trans and Intersex Association - is a worldwide federation of more than 1,700 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights. We want a world where the human rights of all are respected and where everyone can live in equality and freedom: a world where global justice and equity are assured and established regardless of people’s sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC). Established in 1978, ILGA World has ECOSOC consultative status at the United Nations. Our members are based in our six regions: [Pan Africa ILGA](#), [ILGA Asia](#), [ILGA-Europe](#), [ILGALAC](#) (Latin America and the Caribbean), [ILGA North America](#) and [ILGA Oceania](#).

¹⁷ The Swedish Association for Sexuality Education, Member of IPPF, In official partnership with UNESCO.

Description of RFSU: "A world in which everyone is free to make decisions About their own bodies and sexuality"

¹⁸ IWDA is an Australian-based non-profit organisation that works to resource diverse women’s rights organisations primarily in Asia and the Pacific, and contribute to global feminist movements to advance our vision of gender equality for all. Established in 1985 as Australia’s only development organization entirely focused on gender equality, IWDA works with its partners in the region to achieve our purpose: to defend and advance the rights of diverse women and girls.

¹⁹ Established in 2011, Destination Justice (DJ) is an NGO promoting human rights and rule of law, in particular access to justice and access to information. Among other things, DJ has extensively represented, assisted, and reported on persecuted human rights defenders in Southeast Asia and other regions, including before UN bodies. It has monitored and reported on LGBTIQ human rights issues throughout Southeast Asia and engaged in UPR processes, including Cambodia’s, on issues including SOGIESC.

²⁰ The CSO coalition working on SOGIESC-SRHR (including core members of representatives from RoCK, Love is Diversity, CCHR, RHAC and MRIF) have met regularly since 2019 (on average four times per year) to discuss progress towards implementation of UPR recommendations on SOGIESC-SRHR and concrete activities that CSOs can carry out to support the process of implementation of these recommendations. In particular, the present report was developed based on coalition consultations held during meetings in 14 and 30 September 2021, on 10 November 2021 and 10 January 2022.

In addition, RoCK also organized consultation meetings with LGBT+ communities to update on the UPR process, discuss progress noticed and mostly identify prioritized recommendations for the way forward, these included consultation meetings held on 11 September 2021 and 19 December 2021.

²¹ Volunteers from the Love is Diversity platform also actively participated in the consultations to develop this report. The #Loveisdiversity multi-media platforms is the LGBTIQ platforms focused on promoting the rights of Cambodian LGBTIQ community to increase acceptance of LGBTIQ people, promote tolerance and increase the profile of LGBTIQ issues. #Loveisdiversity has created in June 2018 by LGBTIQ Activists for advocacy and awareness raising. It is the explicit goal of this platforms to reach an audience outside of the LGBTIQ community, and predominantly focus on a youth audience.

²² UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia", A/HRC/41/17, 5 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement> ; and: UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", A/HRC/41/17/Add.1, 18 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>

²³ For a comprehensive report on the situation of SOGIESC rights and the rights of LGBTIQ+ people in Cambodia, see: CCHR, RoCK, Destination Justice, Micro Rainbow International, the Reproductive Health Association of Cambodia, the International Lesbian, Gay, Bisexual, Trans and Intersex Association, ILGA Asia, ASC, RFSU, ActionAid Cambodia, DCA, and CamASEAN, 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia', (12 July 2018), https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.

²⁴ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia", A/HRC/41/17, 5 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement> ; and: UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", A/HRC/41/17/Add.1, 18 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>

²⁵ The current text of Article 45 of the Constitution of the Kingdom of Cambodia determines that marriage is between "one husband and one wife", which effectively excludes same-sex couples. Encouragingly, the adoption of the 2007 Civil Code & 2011 Law on the Implementation of the Civil Code repealed a previous explicit prohibition on marriage of same-sex couples. While there is no longer any explicit legal prohibition of same-sex marriage, there are no explicit provisions facilitating legal same-sex marriage in Cambodian law.

²⁶ As long as same-sex couples in Cambodia continue to be excluded from the ability to marry under the law, it continues to perpetuate the exclusion of LGBT+ people in the society and increase the vulnerability of LGBT+ couples, their children and their family members. Enabling legal marriage equality provides a crucial opportunity to significantly contribute to reducing stigma and discrimination against the LGBT+ community, thereby fostering improved well-being and a more inclusive and harmonious Cambodian society, which reflects Cambodian values, the vision of the RGC and contributes to achieving sustainable development. See more details in: RoCK, What is the "ដ៏ចម្រើនយក - I Accept" Campaign?, December 2021. <https://rockcambodia.org/wp-content/uploads/2021/12/What-is-I-Accept-MEK-Campaign.pdf>.

Enabling legal marriage equality would allow LGBT+ couples to have access to the right to full adoption, which contributes to legal and social protections between parents & children. See further details in para 17. and 18. of 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia', (12 July 2018)". https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.

²⁷ See more details on the ដ៏ចម្រើនយក - I Accept webpage: <https://rockcambodia.org/iaccept/>.

²⁸ Joint Press Release, "Cambodian LGBT+ Communities Continue Dialogue With The Cambodian Government And Launch The "ដ៏ចម្រើនយក - I Accept" Campaign To Advance Legal Marriage Equality For LGBT+ Couples", 09 December 2021. <https://rockcambodia.org/cambodian-lgbt-communities-continue-dialogue-with-rgc-iaccept/>

²⁹ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia", A/HRC/41/17, 5 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement> ; and: UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", A/HRC/41/17/Add.1, 18 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>

³⁰ UN agencies and CSOs that have worked with MoEYS on the development of the new 'Health Education' curriculum with a component on CSE notably include UNFPA and RHAC. RHAC, which has been one of the CSOs involved in the process of developing and rolling out the new Health education curriculum with the School Health Department of the MoEYS, indicated that as of January 2022: the Health Education curriculum has been endorsed and published in 2018; textbooks for grades 7 and 10 were endorsed by the ministry in 2019; textbooks for grades 5, 8 and 11 were finalized in 2020; and consultations with relevant stakeholders were still under way to finalize the textbooks for grades 6, 9 and 12 as of the end of 2021. The curriculums and textbooks on Health Education have five components at secondary and six components at upper-secondary, and CSE is in the third component, which specifically have inclusion of SOGIESC and rights concepts.

³¹ National Action Plan to Prevent Violence Against Women (NAPVAW) 2019-2023, para 1.2.4, available at: https://cambodia.unfpa.org/sites/default/files/pub-pdf/nap_2019-2023_english_final.pdf

³² Previous studies LGBT+ people in Cambodia still endure high levels of GBV, affecting in particular transgender women. For instance: In a 2016 survey conducted by CCHR, nearly all trans women surveyed reported having experienced some kind of harassment while in public spaces because of their trans identities, in most cases multiple times over the course of a year. 92% of trans women surveyed experienced verbal abuse, 43% physical violence, 31% sexual assault, and 25% rape. "Discrimination Against Transgender Women in Cambodia's Urban Centers", CCHR, 2016, page v., available at https://cchrcambodia.org/admin/media/report/report/english/2016_09_21_SOGI_Report_Eng.pdf

A study on family violence towards lesbian and bisexual women and transgender men (LBT) conducted by RoCK in 2019 revealed that 81% of LBT people under 35 years old faced emotional violence; 10% had experienced sexual violence, commonly forced marriages; and 35% of those under 35 years old, have at some point in their lives considered/attempted suicide due to their family's denial of their sexual orientation or gender identity and expression.

RoCK, Family Violence towards Lesbian, Bisexual and Transgender (LBT) People in Cambodia (2019). https://www.rockcambodia.org/wp-content/uploads/2020/07/Family-Violence-LBT_ENG-19.06.2019.pdf

³³ See for instance: Speech of H.E. Keo Remy, Delegate Minister to the Prime Minister and President of the Cambodian Human Rights Committee, on the occasion of Pride and the International Day Against Homophobia, Transphobia and Biphobia (IDAHOTB). 16 May 2021. Video available at: <https://www.facebook.com/remy.keo.946/videos/1043959859704914>.

³⁴ For instance, Pride Week Cambodia online celebration 2021 was co-organized by the SOGIESC coalition (including five CSOs: RoCK, Love Is Diversity, Micro Rainbow International Foundation Cambodia, the Cambodian Center for Human Rights and the Reproductive Health Association of Cambodia). Pride 2021 was celebrated online in May 2021, with the global theme "Together Resisting, Supporting, Healing" and the a local theme called "Warm Shelter", along with the global theme "Resisting, Supporting, Healing". Allies including NGOs partner, Artists, Government officials, Embassies, United Nations agencies and development partners, media and LGBTIQ members and parents shared their messages on social media. This included a message on non-discrimination by H.E Keo Remy, President of Cambodia Human Rights Committee, were played on three TV channels and share widespread in telegram group and other social media channels. RoCK team observed more public comments to support and defend LGBT rights, increasing over the years. The celebrations were then continued until June with the global Pride celebration. Private company and businesses changed their profile pictures to rainbow and share supportive messages towards the community who are their employees and their customers. Pride this year see much clearer visibility of LGBTIQ community on social media especially from the allies and supporters. See: Cambodian LGBTIQ see change in Pride 2021: <https://southeastasiaglobe.com/cambodian-lgbtiq-see-changes-in-pride-and-idahotb-2021-celebration/?fbclid=IwAR2X0U9dnybFPQsXUZTSIUOvVD3pJ3-FhMFZJem-S9pXFvni0-5Ps2Tl6cc>

³⁵ Interviews with government officials on the progress in the situation of LGBTIQ rights in Cambodia in the past three years, carried out in the context of RoCK program evaluation.

³⁶ See legal analysis in "Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia", (12 July 2018), https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf. Para 6-8.

³⁷ See: CCHR, RoCK, Destination Justice, Micro Rainbow International, the Reproductive Health Association of Cambodia, the International Lesbian, Gay, Bisexual, Trans and Intersex Association, ILGA Asia, ASC, RFSU, ActionAid Cambodia, DCA, and CamASEAN, 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia', (12 July 2018), https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.

See also: Cambodian Center for Human Rights (CCHR), "*The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Employment in Cambodia*", December 2019,

https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=139&id=5; RoCK, "Family violence towards Lesbian, Bisexual, and Transgender (LBT) people in Cambodia", (2019).

<http://www.rockcambodia.org/?page=document&type=Research%20and%20Reports&lg=en>; Micro Rainbow International Foundation Cambodia (2020), "*The State of LGBTIQ's People Economic Inclusion: Cambodia*", <https://static1.squarespace.com/static/5b2b0bd42714e553660c5be3/t/60860ca46811790481a97bca/1619397891784/The+State+of+LGBTIQ+People%E2%80%99s+Economic+Inclusion+English.pdf>

³⁸ UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia", A/HRC/41/17, 5 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>; and: UN Human Rights Council, "Report of the Working Group on the Universal Periodic Review* Cambodia, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review", A/HRC/41/17/Add.1, 18 April 2019, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>

³⁹ "*Cambodia's Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom*", Cambodian Center for Human Rights, November 2017, Page vii, available at: http://cchrcambodia.org/admin/media/report/report/english/2017-11-22-CCHR-Report-Cambodia-Rainbow-Families_ENG.pdf

⁴⁰ For instance, previous research revealed that the non-alignment of the sex mentioned in their ID cards and their self-defined gender (and the expression of their self-defined gender including hair styles) was a significant obstacle for transgender Cambodians to access employment.

CCHR, "*The Right to Non-Discrimination on the Basis of Sexual Orientation, Gender Identity and Expression and Sex Characteristics in Employment in Cambodia*", December 2019, page 27,

https://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=139&id=5.

Transgender activists participating in focus group discussions organized by RoCK in January & February 2021 also noted the negative impacts of the current inability to obtain legal gender recognition on their mental health, for acceptance by their families, vulnerabilities when travelling, justifications in everyday life, and impact upon their family rights.

Previous research revealed that trans people in Cambodia face various forms of social discrimination and exclusion, including family rejection, violence within the family sphere, discrimination and bullying in schools, discrimination in accessing employment and in the workplace, barriers to accessing healthcare and social services, as well as gender-based violence. Gender affirming healthcare services are not available and there are no laws, regulations or administrative documents stating whether such services are legal or illegal. As a consequence, any such services that are available are unregulated. See: 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia', (12 July 2018), https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf

⁴¹ Although the right to legal gender recognition is not explicitly listed as a stand-alone right in any of the international human rights treaties to which Cambodia is a party, its realization is required in order to fulfill a range of other fundamental human rights for transgender people which Cambodia has a specific obligation to protect, including the right to non-discrimination (ICCPR Articles 2 & 26) and the right to recognition as a person before the law (ICCPR Article 16). The UN Human Rights Committee, when assessing other countries' compliance with their obligations under the ICCPR, has expressed concerns when states did not have legal gender recognition procedures in place and issued recommendations to introduce legal gender recognition in relation to respecting of the following rights enshrined in the ICCPR: the right to non-discrimination (ICCPR Article 2 and 26); and the right to recognition as a person before the law (ICCPR Article 16). See for instance: Concluding observations of the Human Rights Committee : Ireland (2008), CCPR/C/IRL/CO/3, <https://undocs.org/CCPR/C/IRL/CO/3>.

Although not legally binding upon States, the Yogyakarta Principles also outline the scope of the right of legal gender recognition based on binding international human rights law. Principle 3 "The right to recognition before the law" and Principle 31 "The Right to Legal Recognition" outline the scope of the right of legal gender recognition based on binding international human rights law. International Commission of Jurists (March 2007), "Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity", http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf

⁴² UN treaty bodies have made recommendations to States to bring their legal gender recognition legislation in line with their obligations to respect several rights inscribed in core human rights treaties – thereby clarifying the scope of state's human rights obligations regarding process and requirements for legal gender recognition. See for example: Concluding observations of the Human Rights Committee: Czech Republic (2019) HR Committee (2019). Concluding observations on the fourth periodic report of Czech Republic, 6 December 2019, CCPR/C/CZE/CO/4 – Para 12 & 13. The Yogyakarta Principles 3 and 31 also clarify the procedures and requirements to access legal gender recognition to comply with international human rights and standards. International Commission of Jurists (March 2007), "Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity", http://yogyakartaprinciples.org/wp-content/uploads/2016/08/principles_en.pdf.

⁴³ LGBT+ community members and CSOs discussed the importance of legal gender recognition for transgender persons with Cambodian government representatives during the National Dialogue on Law And Policy Promotion LGBTIQ Rights organized in May 2018 and June 2019 (<https://rockcambodia.org/national-dialogues-on-law-and-policy-promoting-lgbtiq-rights-june-2019/>) and during discussions in September 2021 and December 2021. (https://rockcambodia.org/wp-content/uploads/2021/12/Press-Release-Dialogue-I-Accept-Launch_ENGLISH.pdf).