

FACTSHEET – UPR 2018 – Cambodia

3rd CYCLE UNIVERSAL PERIODIC REVIEW

SOGIESC-SRHR

Sexual Orientation, Gender Identity and Expression and Sex Characteristics Rights & Sexual Reproductive Health and Rights in Cambodia.

Joint-submission by the Cambodian Center for Human Rights (“CCHR”), Rainbow Community Kampuchea (“RoCK”), Destination Justice (“DJ”), Micro Rainbow International (“MRI”), the Reproductive Health Association of Cambodia (“RHAC”), the International Lesbian, Gay, Bisexual, Trans and Intersex Association (“ILGA”), ILGA Asia, ASEAN Sexual Orientation and Gender Identity/Expression Caucus (“ASC”), the Swedish Association for Sexuality Education (“RFSU”), ActionAid Cambodia, DanChurchAid Cambodia (“DCA”), and CamASEAN

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

During Cambodia’s Second UPR cycle in 2014, no recommendations were made to the Royal Government of Cambodia (“RGC”) specifically regarding the rights of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer (“LGBTIQ”) people, and two recommendations made by Uruguay addressed SRHR specifically and were partially implemented.

NATIONAL FRAMEWORK

Cambodia’s LGBTIQ communities and activists enjoy some visibility, with a wide range of LGBTIQ events taking place and with select support from members and institutions of the Royal Government of Cambodia (“RGC”). The Ministry of Education Youth and Sport (“MOEYS”)’s current work to revise the ‘Life skills’ curriculum to include SOGIESC rights is particularly commendable. However, several discriminatory laws and policies remain in place, as do discriminatory practices, including by the Cambodian police. While commendable progress has been made in respect of LGBTIQ inclusion in Cambodia, LGBTIQ people in Cambodia continue to endure various forms of legal and social discrimination, and significant steps by the RGC are required to ensure Cambodia’s compliance with its international human rights obligations in respect of LGBTIQ rights.

CHALLENGES

IMPACT

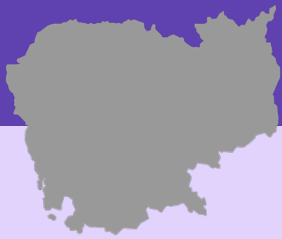
Legal discrimination against LGBTIQ people

LGBTIQ people in Cambodia face **numerous forms of discrimination**, partly because of a **legal framework which denies them basic equality**. Four forms of legal discrimination have been identified as priorities by the communities:

- (1) the **lack of legal protection against discrimination and violence against LGBTIQ people**;
- (2) the **absence of legal recognition of self-defined gender identity**: there is no legislation which supports transgender people’s right to be legally recognized according to self-determination which **leaves transgender people subject to individual decisions of relevant officials**;
- (3) the **absence of marriage equality in Cambodian law**: The **Cambodian Constitution**, at Article 45, determines that **marriage is between a “husband” and a “wife”**, which effectively excludes the possibility of same-sex marriage. However, **87.85% of rainbow couples asserts that marriage would be vital for them**.
- (4) the **denial of full adoption rights to rainbow couples**, while many currently **co-habiting rainbow couples** across Cambodia already **have children** in their care, the regime of simple adoption leaves them without essential legal protection.

Social discrimination against LGBTIQ people

Despite the fact that the LGBTIQ community is becoming more visible, in part due to a growing LGBTIQ rights movement and a context lacking strong religious or institutional opposition, Cambodian **LGBTIQ people continue to be discriminated against and excluded** in several areas of social life. **77%** of LGBTIQ people said they limit their coming out to close friends and **54%** to immediate family members for fear of being discriminated, judged, bullied, and harassed in their daily lives. In a 2016 survey of trans women in urban centers, **53.49%** of the respondents said a family member had tried to force them to get married in the past, and **48.85%** have felt they needed to leave home because of their SOGIESC. A 2015 survey revealed that **62.71% of respondents experienced bullying** at any point during their time in **school**, and 93.59% of them felt the bullying was either partly or entirely because of their SOGIESC. In a 2015 survey, **92%** of trans women surveyed experienced **verbal abuse**, **43% physical violence**, **31% sexual assault**, and **25% rape**. In the same survey,



FACTSHEET – UPR 2018 – Cambodia

3rd CYCLE UNIVERSAL PERIODIC REVIEW

SOGIESC-SRHR

Sexual Orientation, Gender Identity and Expression and Sex Characteristics Rights & Sexual Reproductive Health and Rights in Cambodia.

CHALLENGES	IMPACT
<p>Employment opportunities & the economic situation of LGBTIQ people</p>	<p>LGBTIQ people in Cambodia face discrimination in accessing and keeping employment, as well as discrimination and exclusion in the workplace. 34.35% of all transgender women surveyed by CCHR in 2016 reported having been refused a job because they are transgender and 26.72% reported having been previously harassed or bullied by a boss or colleagues on the basis of their SOGIE. LGBTIQ people in Cambodia work principally in certain marginalized sectors, which prevents them from escaping the cycle of poverty. This is exacerbated by widespread family rejection and exclusion in schools and the wider community. Of those who reported engaging in sex work at some point in the past, 95.74% have been verbally harassed, 91.3% physically assaulted and 85.11% sexually assaulted while engaging in sex work.</p>
<p>Status of Intersex people</p>	<p>The status of intersex people is largely unexplored in Cambodia. There is a complete absence of government data and published research on intersex people.</p>
<p>Health Rights of LGBTIQ people</p>	<p>There is limited knowledge and understanding on SOGIESC issues among health professionals in Cambodia, and sensitization and capacity-building on this issue has been very limited so far. 22% of LGBTIQ report feeling shameful of being themselves. As a result, limitations remain in terms of offering LGBTIQ friendly health services that address their needs. Cambodia has committed to ending AIDS by 2025. 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.</p>
<p>Achieving SOGIESC-inclusive Comprehensive Sexuality Education in schools</p>	<p>In 2017, the MoEYS, with technical support from CSOs, developed a proposed new “Life Skills” curriculum for grades 5-12 that offers inclusive instruction on sexual orientation issues, sexual education and Gender Based Violence, and is scheduled to be available nationwide by 2023.</p>

RECOMMENDATIONS

1. Introduce an Anti-Discrimination Law by the end of 2023, which guarantees equality and explicitly prohibits discrimination of all kinds, including on the basis of SOGIESC, in line with SDG 5.1. [Rec i.]*
2. Introduce a Gender Recognition Law by the end of 2021. [Rec iii.]
3. Amend Article 45 of the constitution to enable legal marriage equality by the end of 2022. [Rec iv.]
4. Amend the relevant provisions of the Civil Code (Articles 1008-1015) governing adoption to guarantee that full adoption rights are made available to any couple by the end of 2021. [Rec v.]
5. Adopt specific policies of non-discrimination on the basis of SOGIESC across all Cambodian public services, in priority in the education system (in line with SDG 4), health sector (in line with SDG 3), in the media, and in the police departments at the local and national level (in line with SDG 16), by 2020. [Rec vii.]
6. Amend Article 12 of the 1997 Labor Law to include a provision prohibiting discrimination in employment on the basis of SOGIESC, by the end of 2021, in line with SDG 8.5. [Rec x.]
7. Ensure the effective protection of LGBTIQ people who engage in sex work, in line with SDG 8. [Rec xii.]
8. Ensure that all health-care professionals are trained on SOGIESC, including through the inclusion of SOGIESC in the medical and nursing school curriculums, by the next UPR cycle, in line with SDG 3. [Rec xvi.]
9. Ensure that all teachers receive comprehensive training on SRHR, including SOGIESC rights, by the end of 2022. [Rec xx.]

- *Please refer to the full joint-submission on SOGIESC rights and SRHR for comprehensive recommendations. -



For any inquiries, please contact: rainbowjustice@destinationjustice.org