



# IMPLEMENTATION OF THE THIRDS UNIVERSAL PERIODIC REVIEW : 3 YEARS ON

Progress of implementation of accepted recommendations on rights of sexual orientation, gender identity, gender expression, and sex characteristics (SOGIESC)

## DEFINITION

The **Universal Periodic Review (UPR)** is a **United Nations (UN)** mechanism to **review** the **human rights practices** of **all the Member States** in the world. During the UPR, States under review explain what they have done to respect human rights while other UN member States give **recommendations** on how it could improve their human rights.



## THIRD UPR CYCLE OF CAMBODIA

Outcome of **Cambodia's Third UPR 2019**:

- In January 2019 Cambodia **received 198 recommendations** from 73 UN Member States.
- In July 2019, the Royal Government of Cambodia (RGC) **accepted 173 of the recommendations** on a wide range of issues including land rights, fair trial rights, the protection of human rights defenders, child rights, women's rights and SOGIESC rights.

Among the received recommendations **nine specifically related to SOGIESC rights**. The **Royal Government of Cambodia (RGC)** **accepted all nine**, making a **political commitment** to implement them before the next review:



1. 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.
2. Introduce a gender recognition law.
3. Amend the Constitution to ensure marriage equality for same-sex couples.
4. 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.
5. Amend Article 45 in 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 (LGBTIQ+) person in all areas.
6. Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transexual, and intersex persons.
7. Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity.
8. Introduce, by the end of 2023, an anti-discrimination and violence 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.
9. Amend article 45 of the Constitution to allow same-sex couples to marry.

## AREAS OF PROGRESS

Since 2019, the RGC has taken noticeable measures and policies to address discrimination based on SOGIESC and protect the rights of LGBTIQ individuals, including:

- Progress towards achieving SOGIESC-inclusive Comprehensive Sexuality Education (CSE) curriculum in schools;
- Inclusion of lesbian, bisexual and transgender (LBT) persons in National Action Plan to Prevent Violence Against Women 2019-2023; public statements by high level Cambodian government officials encouraging government official at national and local levels, parents and families of LGBTIQ+ individuals, media and the general public to not discriminate; and
- Increasing visibility of LGBTIQ+ people and increasing public awareness and public acceptance of LGBTIQ+ people, in part as a result of awareness-raising work carried out by civil society organizations in collaboration with media, local and national authorities.



Cover page of the Health Curriculum with a component on CSE, which includes SOGIESC & Sexual and Reproductive Health and Rights (SRHR) concepts adapted to relevant grades

## AREAS OF IMPROVEMENT

While it has made commendable progress to promote and protect the rights of LGBTIQ+ individuals in Cambodia since 2019, the RGC has so far failed to take significant concrete actions to advance the progress of legal reforms necessary for the full implementation of the accepted recommendations on SOGIESC:

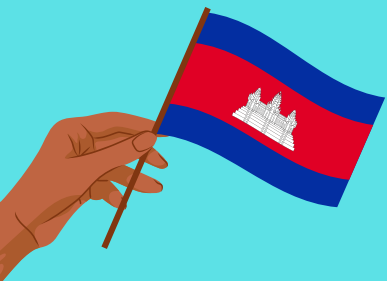
- Article 45 of the Constitution has not been amended, preventing marriage equality for LGBTIQ couples;
- No legislation enabling the legal recognition for transgender people has been adopted, thus hindering the realization of legal gender recognition based on self-determination;
- No legislation explicitly prohibiting discrimination based on SOGIESC has been introduced in the Cambodian legal framework. Consequently, LGBTIQ+ people in Cambodia continue to face various forms of legal and social discrimination, including in the family sphere, in employment, in education and in health sectors.



## CONCLUSION

The first steps made by the RGC to protect and promote equal rights for LGBTIQ+ people are encouraging but remain insufficient.

The RGC needs to take concrete action to implement the recommendations on SOGIESC that it has pledged to implement, before the next UPR cycle to ensure that the human rights of LGBTIQ + individuals are fully upheld in Cambodia.



Source: Joint UPR mid-term report on SOGIESC and SRHR in Cambodia (March 2022).