



Pre-Session - Third Universal Periodic Review of the Kingdom of Cambodia

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

Geneva - 12 December 2018

Excellencies,
Distinguished delegates,
Ladies and gentlemen.

On behalf of 12 Local and International NGOs, I would like to present to you the situation of Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) Rights and Sexual Reproductive Health and Rights (SRHR) in Cambodia.

Lead by RoCK, CCHR, DJ, RHAC and MRI, five Cambodian organizations, this is the first time to local and international NGOs work together to bring LGBTIQ issues in the Cambodian UPR, or any other UN mechanisms. Having started the drafting process in February 2018, we have held 2 consultations in

Phnom Penh with almost 80 communities from 15 provinces across the country, aside our ongoing advocacy and training activities.

We would like to raise that during Cambodia's Second UPR cycle in 2014, no recommendations were made to the Royal Government of Cambodia specifically regarding the rights of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer people, and only two recommendations made by Uruguay addressed SRHR specifically and were partially implemented.

We would like to acknowledge that some progress has been made in terms of LGBTIQ inclusion since the previous UPR cycle. Cambodia's LGBTIQ communities and activists enjoy some visibility with a wide range of LGBTIQ events taking place, with select support from members and institutions of Cambodia. The Ministry of Education's current work to revise the 'Life skills' curriculum to include SOGIESC rights is also commendable. However, several discriminatory laws and policies remain in place, as do discriminatory practices, including by some of the Cambodian law enforcement officers, particularly some police, public service providers and different kinds of social exclusion. In respect of LGBTIQ rights, the Government is required to take significant steps to ensure Cambodia's compliance with its international human rights obligations.

Excellencies, Distinguished delegates, the joint-submission that I am presenting today addresses six thematic and intersectional issues related to LGBTIQ individuals, I will only focus on three issues that have been raised as priorities by our community members: Legal discrimination, Social discrimination and Health rights of LGBTIQ people.

Firstly, 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;
3. the absence of marriage equality in Cambodian law.
4. the denial of full adoption rights to rainbow couples.

In May 2018, the communities have raised these issues directly with Ministries' representatives during the First National Dialogue on Public Policies to promote LGBTIQ rights in Cambodia. The result of the public dialog was overall positive and offered possibilities for future progress in relation to these issues. However, no concrete process has been set in place by the government to this day to address the issues raised.

We therefore suggest that in the upcoming UPR of Cambodia, you recommend that Cambodia amend its current Constitution and legislation to end all legal discrimination towards LGBTIQ individuals and to ensure them equal treatment with the rest of Cambodian citizens, as guaranteed by Article 31 of the Cambodian Constitution.

Secondly, even though the LGBTIQ community is becoming more visible, in part due to a growing LGBTIQ rights movement, Cambodian LGBTIQ people continue to be discriminated against and excluded in several areas of social life. In addition, LGBTIQ people in Cambodia face discrimination in accessing and keeping employment, as well as discrimination and exclusion in the workplace. 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.

We therefore suggest that you make the following recommendations to Cambodia : amend existing legislation and enact anti-discrimination policies to ensure the rights of LGBTIQ individuals are protected in all sectors.

Finally, 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. Gender affirming healthcare services are not available and there are no laws, regulations or administrative documents stating whether such services are legal or illegal.

We therefore suggest that you raise the following recommendations during the third UPR of Cambodia: ensure that all health-care professionals are trained on SOGIESC, including through the inclusion of SOGIESC in the medical and nursing school curriculums.

Excellencies, Distinguished delegates, the joint-submission that I am presenting today makes a number of specific recommendations to better protect the rights of the LGBTIQ individuals in Cambodia. I have just highlighted few of them, hence I welcome any further question or discussions.

Nevertheless, if we would have only one recommendation to the Cambodia, it would be to continue to engage with the civil society in working toward the enactment of policies and legislation ensuring the protection of the rights of the LGBTIQ Cambodian citizens.

Thank you for your attention.