

12 December 2018 - UPR Pre-session Geneva

SOGIESC-SRHR RIGHTS IN CAMBODIA

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



Background on **SOGI**ESC-SRHR in Cambodia's UPR

- Cambodia's Second UPR cycle 2014
- **No recommendations** were made to RGC on the rights of Lesbian, Gay, Bisexual, Transgender, Intersex and Queer ("**LGBTIQ**") people,
- Only **2 recommendations** made by Uruguay addressed **SRHR** which were partially implemented.
- 1st time **local CSOs** working on LGBTIQ rights bring those issues to the UPR

Legal Discrimination against **LGBTIQ** people in Cambodia

- Enjoy some visibility & inclusion
- Support from some RGC members and institutions
- May 2018, 1st National Dialogue on Public Policies to promote LGBTIQ rights with presence of RGC representatives.

However:

- Lack of protection against discrimination
- Absence of legal recognition of self-defined gender identity
- Absence of marriage equality law
- Denial of full adoption rights for rainbow couples

Recommendations

- **Amend its current Constitution and legislation to end all legal discrimination based on sexual orientation, gender identity and expression, and sexual characteristics.**

In particular:

- 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.
- Amend Article 45 of the Constitution to **enable legal marriage equality** by the end of 2022.
- Introduce a **Gender Recognition Law** by the end of 2021.
- 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.

Social Discrimination against **LGBTIQ** people in Cambodia

- Growing LGBTIQ movement
- Regular events + Public Pride events since 2003
- MoYEs “life skills” curriculum under development.

However:

- Limit coming-out to close circle by fear of discrimination
- Forced marriage with opposite sex partner imposed by families
- 92% of Trans Women experience verbal abuse, 43% physical violence, 31% sexual assault, and 25% rape.
- Discrimination in accessing and keeping employment (harassment)

Social Discrimination against **LGBTIQ** people in Cambodia

Recommendations

- **Amend existing legislation and enact anti-discrimination policies to ensure the rights of LGBTIQ individuals are protected in all-sectors.**

In particular:

- Adopt specific **policies of non-discrimination on the basis of SOGIESC** across all Cambodian public services, in priority in the education system, health sector, in the media, and in the police departments at the local and national level, by 2020
- 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.**
- Ensure the effective protection of LGBTIQ people who engage in sex work.
- Ensure that all teachers receive comprehensive training on SRHR, including SOGIESC rights, by the end of 2022.

Health rights of **LGBTIQ** people in Cambodia

- Cambodia targets to eliminate HIV by 2025
- Abortions are legal

However:

- Training on SOGIESC of Health professionals limited/non-existent
- 22% LGBTIQ report shame in interacting with Healthcare professionals
- Gender affirming healthcare services not available → not regulated.

Health Rights of **LGBTIQ** people in Cambodia

Recommendations

- **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.**

THANK YOU

From all the members of our coalition:

- 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.

