



Joint Submission to the United Nations Human Rights Council for the Universal Periodic Review (UPR) of the Kingdom of Cambodia (Fourth Cycle, 46th session of the UPR Working Group)

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

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Joint submission submitted by Rainbow Community Kampuchea Organisation (“RoCK”), and also submitted by Beautiful Life Organisation (“BLO”), Cambodian Center for Human Rights (“CCHR”), Micro Rainbow International Foundation (“MRIF”), Gender and Development for Cambodia (“GADC”), SILAKA Cambodia, Women Peace Makers Organization (“WPM”), Klahaan Organization, Reproductive Health Association of Cambodia (“RHAC”), Women's Network for Unity (“WNU”), Asian Region of the International Lesbian, Gay, Bisexual, Trans, and Intersex Association (“ILGA Asia”), APCOM Foundation, Asia Pacific Alliance for Sexual and Reproductive Health and Rights (“APA”), Asia Pacific Transgender Network (“APTAN”), Asian Pacific Resource and Research Centre for Women – ARROW, ILGA World, RFSU - Sexual and Reproductive Rights for All, International Women’s Development Agency (“IWDA”), and the following LGBT+ youth volunteer groups from Cambodian also participated in this joint submission: LoveisDiversity and SafeSpaceBTB.

The list of all submitting organizations is presented in Annex 1. These civil society organizations and youth volunteer groups have previously collectively engaged with the third UPR cycle of the Kingdom of Cambodia (“Cambodia”) in relation to the protection of SOGIESC rights and SRHR, including through the submission of a Civil Society Joint-Submission on SOGIESC rights and SRHR for the third UPR cycle of the Kingdom of Cambodia in 2018, as well as the preparation of a civil society joint-report on SOGIESC Rights and SRHR for the voluntary mid-term reporting period of Cambodia’s third Universal Periodic Review in 2022.

This joint submission on SOGIESC rights and SRHR for the Fourth UPR cycle of Cambodia presents an assessment of the progress made by Cambodia towards the implementation of the nine recommendations on SOGIESC rights and SRHR accepted by Cambodia at third UPR cycle, recognizing the positive steps taken toward progressing implementation as well as the remaining implementation gaps. This joint submission also suggests concrete priority recommendations to raise in the fourth UPR cycle of Cambodia, in order to ensure that Cambodia effectively protects SOGIESC rights, SRHR and the equal rights of lesbian, gay, bisexual, and transgender (“LGBT+”) persons across Cambodia, in line with achieving the Sustainable Development Goals principle of “leaving no one behind”.

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Introduction

1. This civil society joint submission to the fourth Universal Periodic Review (“UPR”) cycle of the Kingdom of Cambodia (“Cambodia”) focuses on Sexual Orientation, Gender Identity and Expression and Sex Characteristics (“SOGIESC”) rights and Sexual and Reproductive Health and Rights (“SRHR”). The joint submission examines the progress made towards implementation of the nine recommendations on SOGIESC rights and SRHR accepted by Cambodia during the third UPR cycle in 2019, and suggests priority recommendations to be raised during the fourth UPR cycle of Cambodia.
2. This joint submission is submitted by RoCK¹, and also submitted by BLO,² CCHR,³ MRIF,⁴ GADC⁵, SILAKA Cambodia,⁶ WPM,⁷ Klahan Organization,⁸ RHAC,⁹ WNU,¹⁰ ILGA Asia,¹¹ APCOM Foundation,¹² APTN,¹³ APA,¹⁴ ARROW,¹⁵ ILGA World,¹⁶ RFSU,¹⁷ and IWDA,¹⁸ and the following LGBT+ youth volunteer groups from Cambodian also participated in this joint submission: LoveisDiversity¹⁹ and SafeSpaceBTB²⁰. These civil society organizations have previously collectively engaged with the UPR of Cambodia on SOGIESC rights and SRHR, including through the submission of a civil society joint submission on SOGIESC rights and SRHR for the third UPR cycle of Cambodia in 2018,²¹ as well as the preparation of a civil society joint report on SOGIESC rights and SRHR for the voluntary mid-term reporting period of Cambodia’s third UPR cycle in 2022.²²

Methodology

3. The joint submission was prepared on the basis of the results from consultations with diverse Cambodian lesbian, gay, bisexual, and transgender (“LGBT+”) community members,²³ including during direct consultations meetings and focus group discussions with LGBT+ community members from across 20 different Cambodian provinces in November 2022, and July-August 2023 (including marginalized LGBT+ persons in rural and urban areas).²⁴ The preparation of this report also included several consultation meetings with local civil society stakeholders working on SOGIESC rights, SRHR, women’s rights and gender equality in Cambodia who participated this report and shared inputs based on respective areas of work.²⁵ These consultations with LGBT+ persons and civil society groups were conducted to develop an assessment of the progress towards implementation of the third cycle UPR recommendations on SOGIESC rights and SRHR accepted by Cambodia since 2019, understand remaining challenges and lived experiences of LGBT+ persons, and identify prioritized recommendations to address remaining gaps and ensure the protection of SOGIESC rights and SRHR for the Fourth UPR cycle of Cambodia.²⁶ The preparation of this report also included a desk review of relevant national laws and policies pertaining to SOGIESC rights and SRHR in Cambodia, applicable international human rights law and standards, research reports on the situation of LGBT+ community on Cambodia, and recommendations by United Nations (“UN”) Treaty Bodies and Special Procedures pertaining to Cambodia’s human rights obligations on SOGIESC rights and SRHR.²⁷

UPR context

4. During Cambodia’s third UPR cycle in 2019, the Royal Government of Cambodia (“RGC”) received and accepted nine recommendations specifically related to the protection of SOGIESC rights and SRHR. These accepted recommendations on SOGIESC rights focused on three main

legal and policy reforms: amending relevant laws to enable legal marriage equality for LGBT+ couples (*Recommendations 110.55 Canada, 110.51 Netherlands, 110.47 Iceland*); enable legal gender recognition for transgender persons (*Recommendation 110.54 Iceland*); enacting laws and policies effectively protecting from discrimination and violence based on SOGIESC (*Recommendations 110.45 Iceland, 110.52 Sweden, 110.54 Australia, 110.50 Mexico, 110.53 Uruguay*).²⁸

5. The RGC invited the UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (“IE SOGI”) to conduct an official visit to Cambodia from 10 to 20 January 2023. In his preliminary observations, the IE SOGI encouraged Cambodia to make further progress guided by the three main commitments in the third UPR cycle, including as a priority the recognition of LGBT+ families through the legal recognition of same-sex marriage, the legal recognition of gender identity and adoption of laws and policies effectively protecting from discrimination based on SOGIESC.²⁹ During the reporting period (2019-2023), several other UN Treaty Bodies and Special Procedures also formulated recommendations to Cambodia related to SOGIESC rights and SRHR.³⁰ The effective implementation of accepted third UPR cycle recommendations on SOGIESC rights and SRHR are especially important for realizing the Sustainable Development Goals (“SDG”) commitment of “leaving no one behind”, as well as a number of specific SDG targets.³¹

Overview of the situation of LGBT+ rights in Cambodia

6. In recent years, there has been an increase in the visibility of LGBT+ persons in Cambodia, who have the courage to come out and be more visible, including on social media. There have also been further improvements in public awareness and acceptance of LGBT+ people, in part due to the education and awareness raising work carried out by LGBT+ community members and civil society, supportive public statements by local authorities and the national government representatives encouraging non-discrimination, as well as improvements in positive media coverage. Cambodia does not criminalize diverse sexual orientation or gender identity or LGBT+ persons, nonetheless there are not yet explicit legal protections.³² 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 based on SOGIESC, in large part due to: **(I)** the current exclusion of same-sex couples from being able to legally marry under the law (the current inability to register legal marriage certificate thereby denies Cambodian LGBT+ couples essential legal protection and recognition of LGBT+ couples and families, including preventing them from accessing full adoption rights of their children); **(II)** the current lack of legal recognition of self-defined gender identity for transgender and gender-diverse persons; and **(III)** persisting lived experiences of discrimination based on SOGIESC and obstacles to social inclusion in the family, education, employment and health sectors with remaining gaps in legal and policy protections against discrimination based on SOGIESC.

Overview of progress towards implementation of third cycle UPR recommendations on SOGIESC rights and SRHR

7. The acceptance of nine recommendations on SOGIESC rights and SRHR in the third UPR cycle by the RGC indicated a positive commitment from the Cambodian government to ensure equal and equitable protections for LGBT+ persons in Cambodia. The acceptance of these UPR

recommendations notably contributed to fostering a framework for positive follow-up dialogues in 2019-2023 among key stakeholders in Cambodia (especially the RGC and civil society organizations ("CSOs") working on SOGIESC rights and SRHR) on the way forward for progressing the implementation of accepted UPR third cycle recommendations on SOGIESC rights and SRHR.³³

8. Since 2019, some progress has been recognized and appreciated with regards to the protection of equal rights of LGBT+ persons in Cambodia, with some positive steps taken towards the implementation of accepted third UPR cycle recommendations on SOGIESC rights and SRHR (See details in paragraphs 10, 17 and 22 below). Nonetheless, based on CSOs' follow-up and monitoring work since 2019, CSOs observed that the Cambodian Government has not yet taken all the significant concrete measures to advance the process of legal reviews and reforms necessary for the full implementation of the SOGIESC rights recommendations accepted by Cambodia at its third UPR cycle. Civil society stakeholders encourage Recommending States to make recommendations to Cambodia on SOGIESC rights and SRHR at the fourth UPR cycle in line with priorities defined by LGBT+ communities (Priority **Recommendations i., ii., iii., iv.**). Recommendations on SOGIESC rights and SRHR made to Cambodia in the fourth UPR cycle would importantly ensure the continuation of the platform for positive dialogues among all stakeholders for progressing LGBT+ equal rights protection which has been previously enabled within the framework of accepted UPR third cycle recommendations.
9. This joint submission presents an assessment of the progress made by Cambodia towards the implementation of accepted third cycle UPR recommendations on SOGIESC rights and SRHR since 2019 until 2023, recognizing the positive steps taken toward progressing implementation as well as the remaining implementation gaps. It also suggests concrete priority recommendations to raise in the fourth UPR cycle of Cambodia, in order to ensure that Cambodia fulfils its international human rights obligations to protect the equal rights of LGBT+ persons across Cambodia, in line with the SDG principle of "leaving no one behind".

I. Marriage Equality for same-sex couples

Summary assessment of progress towards implementation of accepted third cycle UPR recommendations on marriage equality for same-sex couples

10. During the third cycle of the UPR in 2019, Cambodia received and accepted three recommendations to amend relevant laws to enable legal marriage equality for same-sex couples (*Iceland 110.47, Netherlands 110.51, Canada 110.55*).³⁴ For LGBT+ communities across Cambodia, obtaining legal marriage equality remains one of the key priorities to secure their equal rights. Since 2019, CSOs observe that the Cambodian Government has engaged in dialogues with LGBT+ communities and civil society on advancing legal marriage equality in line with the third cycle UPR accepted recommendations, which constitutes positive steps. Nevertheless, as of September 2023, the RGC has not yet taken significant concrete actions to advance the process of legal reviews and amendments necessary for the implementation of the three recommendations accepted by Cambodia at its third UPR cycle to enable legal marriage equality for LGBT+ couples.

Importance of legal marriage equality to protect equal rights and social inclusion of LGBT+ Cambodians, and challenges faced due to current inability to obtain legal marriage equality:

11. Cambodian LGBT+ community members have continuously identified the obtention of legal marriage equality as the main priority to protect their equal marriage and family rights, including to have access to legal protection schemes as spouses and family members (including full adoption rights), as well as to significantly contribute to reducing and ultimately eliminating the high levels of discrimination they face.³⁵
12. Currently there are no explicit legal provisions recognizing legal same-sex marriage in Cambodian laws: some Cambodian LGBT+ couples have sometimes been able to hold unofficial traditional wedding ceremonies and parties, however, same-sex couples currently cannot register for a marriage certificate and cannot obtain legal recognition of their marriage relationship as spouses.³⁶ As a result, same-sex couples in Cambodia are denied the essential equal protections and security guaranteed by Cambodian laws that only legal marriage equality can provide.³⁷ In particular, legal marriage is a requirement to access full adoption rights under the existing Cambodian Civil Code provisions. Therefore, LGBT+ couples who are currently unable to register their legal marriage certificate are thereby prevented from accessing full adoption rights which carry essential protections of their parent-child relationship, linked to the best interests, development and protection of the child.³⁸ Without legal recognition of their marriage, same-sex couples are also currently unable to access other legal protections associated with legal marriage, including joint-ownership of property and inheritance, which presents significant obstacles to social and economic protection of their families.³⁹

“We want to obtain legal marriage equality to be respected and treated equally the same as the other citizens in our Cambodian society, and to have the important protections for our beloved couples and families including full child adoption to fully protect the best interests, development and rights of our adopted children.” – Cambodian LGBT+ person from Preah Vihear province in a same-sex relationship with their partner for eight years (August 2023).⁴⁰

Beyond the essential legal protections provided by legal marriage, recognizing legal marriage equality for same-sex couples in Cambodia would be a compelling recognition of the equality of LGBT+ persons and their families, thereby significantly contributing to reducing discrimination based on SOGIESC in the society, as well as contributing to social inclusion and harmonization.

“When we have marriage equality in Cambodia, it will help encourage more acceptance from our parents, families, and local communities. We will be fully recognized as equal couples, families and citizens in all sectors of our Cambodian society, which will help reduce the discrimination that we currently still face”. – Cambodian LGBT+ person from Kampot province in a same-sex relationship with their partner for 18 years (August 2023).⁴¹

13. The prime importance of progressing towards the legal recognition of LGBT+ families through the legal recognition of marriage equality for same-sex couples was recognized by the IE SOGI during his visit to Cambodia in January 2023, who noted that *“legal recognition of LGBT families [is] key to social integration”* and encouraged Cambodia to continue progress in priority towards *“the recognition of LGBT families through the legal recognition of same-sex marriage”*.⁴² International human rights obligations of States include guaranteeing non-discrimination in all areas of life.⁴³ As of September 2023, 35 countries and territories across the world have already recognized legal marriage equality for same-sex couples.⁴⁴

Steps taken towards progressing implementation of third cycle recommendation on marriage equality and remaining gaps:

14. The acceptance of these three third cycle UPR recommendations on marriage equality by Cambodia in 2019 indicated a positive commitment from the RGC, and has contributed to fostering a framework for positive follow-up dialogues among key stakeholders in Cambodia (especially the RGC and CSOs) on the way forward for progressing the implementation of accepted UPR third cycle recommendations on SOGIESC rights, in priority legal marriage equality.
15. Based on the prioritization of obtaining legal marriage equality by LGBT+ communities, RoCK along with other CSOs initiated the "???????? - I Accept" campaign to advance legal marriage equality for LGBT+ Cambodians, in line with progressing towards the implementation of accepted third cycle UPR recommendations, including through public awareness on media and social media for more understanding, acceptance, and support for realizing legal marriage equality for LGBT+ couples in Cambodia.⁴⁵ Since 2019, there have been further improvements in public acceptance of LGBT+ persons and growing support from the general public for recognizing marriage equality for same-sex couples in Cambodia.⁴⁶ As part of the "I Accept" campaign launch, CSOs and LGBT+ community members organized a roundtable dialogue with representatives of the RGC in December 2021.⁴⁷ On the occasion of the UPR mid-term voluntary period in 2022, CSOs also held further dialogues with RGC institutions and key ministries discussing concrete recommendations for the way forward in advancing implementation of accepted UPR recommendations on marriage equality.⁴⁸
16. The participation of RGC officials in these dialogues with civil society, including representatives of the Cambodian Human Rights Committee, the Ministry of Women's Affairs and the Ministry of Interior, represents a first positive and welcomed step, signaling that the RGC key institutions are more aware of the importance of obtaining legal marriage equality for same-sex couples to ensure equal rights for LGBT+ persons who are one of the vulnerable groups, and that they are considering the next steps forward towards recognizing legal marriage equality in Cambodia.⁴⁹ Nonetheless, to ensure the implementation of the accepted third cycle UPR recommendations on marriage equality, the RCG still needs to take further significant concrete actions to effectively advance the process of legal review and reform to enable legal marriage equality for LGBT+ couples.

Priority recommendation on legal marriage equality to the RGC in the UPR 4th cycle:

Recommendation i. Continue progress towards enacting legal amendments to recognize legal marriage equality for same-sex couples with a view of guaranteeing non-discrimination, full equality and social inclusion of LGBT+ persons in Cambodia, in line with the SDG principle of "leaving no one behind", and as also recommended by the IE SOGI.⁵⁰

Suggested concrete recommended steps as a roadmap for implementation:

i.(a): Promptly consider forming a multi-stakeholder working group (or similar appropriate mechanism) in charge of studying and reviewing the proposed legal amendments of relevant laws (including Civil Code) to

enable legal marriage equality for same-sex couples in Cambodia.⁵¹ The multi-stakeholder working group could be created with the coordination of the Cambodian Human Rights Committee, and should include all relevant stakeholders including relevant RGC institutions and ministries, members of the LGBT+ community and CSOs working on SOGIESC rights, and UN agencies.⁵²

II. Legal Gender Recognition of gender identity

Summary assessment of progress towards implementation of accepted third cycle UPR recommendations on legal recognition of gender identity:

17. At the third UPR cycle in 2019, Cambodia received and accepted one recommendation to enable the legal recognition of transgender and gender-diverse persons' self-defined gender identity *(Iceland 110.54)*.⁵³ The current inability to obtain legal recognition of self-defined gender identity exacerbates the social exclusion and discrimination experienced by transgender and gender-diverse persons in Cambodia. Since 2019, CSOs observe that the RGC has participated in dialogues with CSOs discussing progress on legal gender recognition in line with accepted UPR recommendations, but the RGC has not yet taken significant concrete actions to advance the process of reviewing relevant laws and policies to enable legal gender recognition.

Importance of legal gender recognition for the social inclusion and equal rights of transgender and gender-diverse Cambodians – and challenges faced due to current inability to obtain legal recognition of gender identity:

18. In Cambodia, there is currently no legislation which supports transgender persons' rights to be legally recognized according to their self-defined gender in the sex/gender markers inscribed on identity documents including on the National ID card, however, there is no specific legal provision prohibiting legal gender recognition either.⁵⁴ The lack of clarity surrounding the current legal situation leaves transgender Cambodians subject to individual decisions of relevant officials.⁵⁵ The inability to obtain legal gender recognition in legal documents further exacerbates the exclusion and discrimination experienced by transgender and gender-diverse persons in Cambodia, in particular in relation to access to employment, healthcare, higher education, traveling overseas (for pursuing higher education, work, business and health treatment), and in the wider society.⁵⁶

"I am a woman and express myself with feminine appearance, but my national ID card still include my male sex assigned at birth. This causes many challenges, as every time I need to show my national ID card to access any services such as at the bank, registering for university classes, or applying for jobs, I was being forced to come out every time, and I am always faced with many intrusive questions or mockery. This makes me fearful and worried of harassment and discrimination. I really hope I could be legally recognized as a woman on my ID card soon, as it would help reducing discrimination experienced in my daily life." – Cambodian transgender woman from Battambang Province (August 2023).⁵⁷

19. International human rights law and standards recognize that the realization of legal gender recognition is required to fulfill the fundamental human rights of transgender persons.⁵⁸

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.⁵⁹ During his visit to Cambodia in January 2023, the IE SOGI also encouraged Cambodia to consider enacting legislation for the legal recognition of gender identity.⁶⁰

Steps taken towards progressing implementation of third cycle UPR recommendation on legal gender recognition and remaining gaps:

20. 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 persons in Cambodia (including in the framework on implementing the third cycle UPR recommendations), and raising this priority issue during dialogues with the RGC, CSOs have noted an increase in awareness of the importance of this issue among some representatives from RGC institutions, including Cambodian Human Rights Committee, Ministry of Interior, and Ministry of Women's Affairs.⁶¹ This increased awareness constitutes a first welcomed step, nonetheless, significant concrete action is needed to take concrete steps for reviewing law and policy to enable legal gender recognition for transgender and gender-diverse persons, based on self-determination.

Priority recommendations on the legal recognition of gender identity to the RGC in the UPR 4th cycle

Recommendation ii. Review relevant laws and policies to enable the legal recognition of self-defined gender identity based on self-determination in line with international human rights law and standards, in line with the SDG principle of “leaving no one behind”, and as also recommended by the IE SOGI.⁶²

Suggested concrete recommended steps as a roadmap for implementation:

ii.(a): Engage in further dialogue with relevant RGC ministries (including Ministry of Interior) and other key stakeholders (including transgender and gender-diverse persons and CSOs working on SOGIESC rights) in order to advance the process of reviewing legislation and policy to establish an appropriate procedure for enabling legal gender recognition based on self-determination in line with international human rights law and standards. Notably, 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, while also ensuring that the modalities are based on the needs of local Cambodian transgender and gender-diverse persons.

III. Effective measures protecting from discrimination based on SOGIESC, including legal and policy protections.

Third cycle UPR recommendations on enacting laws, policies, and effective measures to protect from discrimination and violence based on SOGIESC.

21. In 2019 during the third cycle of the UPR, Cambodia received and accepted five recommendations to enact laws, policies, and effective measures to protect LGBT+ persons from

discrimination and violence based on SOGIESC (*Iceland 110.45, Mexico 110.50, Sweden 110.52, Uruguay 110.53, and Australia 110.54*).⁶³

Progress and steps taken to introduce policies and effective measures to protect from discrimination and violence based on SOGIESC since 2019

22. Some welcomed progress and first steps in terms of introducing general measures and policies to eliminate discrimination based on SOGIESC have been noted and appreciated since 2019, including progress towards achieving SOGIESC-inclusive Comprehensive Sexuality Education (“CSE”) curriculum in schools; the inclusion of lesbian, bisexual and transgender (“LBT”) persons in the National Action Plan to Prevent Violence Against Women (“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 against LGBT+ persons; and increasing public awareness and acceptance of LGBT+ people, in part as a result of the awareness raising work carried out by civil society actors in collaboration with media, local and national authorities.

Progress towards achieving SOGIESC-inclusive CSE in schools

23. There has been continued work by the Ministry of Education Youth and Sports, together with civil society and UN agencies to advance on the rollout of the new ‘Health Education’ curriculum with a component on CSE, which includes SOGIESC and SRHR concepts adapted to relevant grades.⁶⁴ This constitutes commendable progress towards enacting measures to contribute to eliminating discrimination based on SOGIESC.⁶⁵ One of the main remaining 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 students.⁶⁶ (*See recommended concrete step iv. b.*).

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

24. The third NAPVAW (2019-2023) from the Ministry of Women’s Affairs explicitly mentions LBT persons among women at increased risk of gender-based violence.⁶⁷ The inclusion of LBT persons in the action plan is a significant 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.⁶⁸ (*See recommended concrete step iv. a.*). In addition, some other government policies explicitly include LGBT+ persons, including for instance the National Action Plan on Youth Development 2022-2026.⁶⁹

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

25. 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 and the International Human Rights Day 2021 and 2022 celebrations,⁷⁰ are welcomed positive steps by the RGC. Nonetheless, these public statements need to be followed by concrete advances towards legal and policy changes to guarantee

equality and non-discrimination based on SOGIESC, including marriage equality for LGBT+ couples.

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

26. Since the third cycle of the UPR in 2019, the visibility of LGBT+ communities has further increased with more LGBT+ persons having the courage to come out and be more visible, in both public settings and on social media. There has also been a further improvement in public awareness and acceptance of LGBT+ people. This is in part a result of the continuous work carried out by LGBT+ community members and CSOs, who have carried out numerous awareness raising initiatives including in the framework of supporting the implementation of third cycle UPR recommendations, in collaboration with the media, local and national authorities.⁷¹ These improvements in public awareness and acceptance of LGBT+ people have also been recognized by government officials.⁷² To encourage further improvement of public awareness and acceptance, it would be important to further encourage ethical and positive media coverage and continue awareness raising efforts at all levels (see concrete step *iv. d*).⁷³

Remaining gaps in explicit legal protection from discrimination based on SOGIESC

27. Even if some progress on implementing measures to address discrimination based on SOGIESC has been recognized and appreciated since 2019 (as noted in paragraphs 22-26), CSOs observe that the RGC has not yet publicly taken enough concrete actions to advance the process of enacting legislation and policy reforms explicitly prohibiting discrimination and violence based on SOGIESC. Despite general guarantees of protection from discrimination, the Cambodian legal framework currently contains no explicit legal protections against discrimination and violence on the grounds of SOGIESC.⁷⁴

Remaining concerns: LGBT+ persons' lived experiences of discrimination based on SOGIESC in various settings

28. Despite improvements in public acceptance of LGBT+ persons in recent years and steps taken by the RGC towards enacting some measures to protect from discrimination based on SOGIESC since 2019 (as noted in paragraphs 22 - 26), LGBT+ persons in Cambodia continue to experience various forms of discrimination in several areas of social life, including in the family sphere, employment, education and health sectors - which represent significant obstacles to equality and social inclusion.

Experiences of family rejection, family violence and gender-based violence

29. Even if there is a growing number of Cambodian parents who accept and support their LGBT+ children alongside improved public understanding and acceptance of people with diverse SOGIESC, there is still a significant number of LGBT+ persons who continue to experience rejection from their families who do not accept their SOGIESC, and experience various forms of violence in the family sphere. A study on family violence conducted by RoCK in 2019 revealed that 81% of lesbian women, bisexual women and trans men (LBT) under 35 years old faced emotional violence in their family; and 10% had experienced sexual violence (commonly being forced into heterosexual marriages).⁷⁵ In the same study, 35% of LBT participants reported that they had at some point in their lives considered or attempted suicide due to their family's non-

acceptance of their SOGIESC, which highlights the significant impacts of experiences of family rejection and violence on the emotional wellbeing and mental health of LGBT+ persons.⁷⁶ Furthermore, transgender women in Cambodia are faced with increased risk of experiencing gender based violence, especially when they facing multiple intersecting forms of discrimination (including if working as sex workers).⁷⁷

Obstacles to social inclusion in schools and education

30. Despite the promising progress made towards implementing SOGIESC-inclusive CSE in schools (see paragraph 23), students with diverse SOGIESC still face forms of bullying and discrimination based on SOGIESC in schools in Cambodia.⁷⁸ Notably, students expressing their gender in diverse ways have experienced strict enforcement of dress codes (haircuts and uniforms), which in some cases has led to them dropping out of school.⁷⁹

Remaining experiences of discrimination in employment

31. Despite notable improvements in recent years, including increased acceptance amongst private sector employers and the use of 'Diversity, Equity and Inclusion' policies by some international companies,⁸⁰ LGBT+ persons continue to experience discrimination in accessing employment and in the workplace both in the public and private sector (local and international companies).⁸¹

Challenges on equal access to holistic healthcare addressing the needs of LGBT+ persons.

32. The current limited access to gender-affirming healthcare services is an important concern for Cambodian transgender persons' rights. There is some limited availability of hormonal therapy through some private clinics, but these services are not affordable for the majority of most vulnerable transgender persons. There is also a lack of accessible information on how to safely access gender-affirming healthcare.⁸²

There is limited specialized training for medical providers on diverse SOGIESC in Cambodia. LGBT+ persons have reported being routinely subject to inappropriate questions about their SOGIESC by health providers when seeking general healthcare services.⁸³

The multiple experiences of discrimination and rejection mentioned above have significant negative impacts on the mental health and wellbeing of LGBT+ persons – yet, the availability and accessibility of mental healthcare services remains very limited in Cambodia (even more so for professional counselling addressing specific challenges faced by persons with diverse SOGIESC).⁸⁴

The HIV prevalence remains high among trans women, gay men, and other men who have sex with men compared to the general population. The RGC took steps on eliminating all forms of HIV-related stigma and discrimination by joining the Global Partnership, which should translate in further measures effectively preventing discrimination and stigma towards LGBT+ persons and ensuring access to quality HIV prevention, and treatment services for all.⁸⁵

There is still an absence of first-hand information on the situation of intersex persons and the potential challenges to their right to bodily autonomy and other rights in Cambodia.⁸⁶

Priority recommendations on effectively protecting from discrimination based on SOGIESC in all sectors to the RGC in the UPR 4th cycle:

Recommendation iii. Continue efforts working with all stakeholders including LGBT+ communities and CSOs to take effective measures to ensure protection from discrimination based on sexual orientation and gender identity, in line with

the SDG principle of “leaving no one behind”.⁸⁷

Recommendation iv. Ensure the effective inclusion and protection of LGBT+ persons and diverse SOGIESC in relevant laws and policies protecting from discrimination and gender-based violence (especially in schools, employment, healthcare and public settings), in line with the SDG principle of “leaving no one behind” (and SDG 5 and targets 10.3 and 16.b) and as also recommended by the IE SOGI.⁸⁸

Suggested concrete recommended steps as a roadmap for implementation:

iv. a. *Include LGBT+ persons in policies on gender equality and protection from discrimination and gender-based violence, including the next NAPVAW after 2023. Develop effective implementation and strategic interventions, accompanied by adequate resource allocation, notably regarding education, awareness raising, and protection for LGBT+ persons from discrimination and gender-based violence (including making available and accessible psychological counseling and legal services for LBT+ survivors).⁸⁹ [In line with SDG 5.1 and 5.2]⁹⁰*

iv. b. *To achieve the effective implementation of SOGIESC-inclusive CSE curriculum in schools going forward, it is important that the RGC and Ministry of Education Youth and Sports working with all stakeholders (including UN agencies and development partners) establish a clear action plan with adequate human resources, budget allocation, and additional educational materials, in order to step up efforts to train public school teachers nation-wide on CSE including SOGIESC and SRHR concepts and rights so that they can effectively and adequately teach students.⁹¹ [In line with SDG 4, especially SDG targets 4.5 and 4.a, and SDG 5.6]⁹²*

iv. c. *Continue dialogues with Ministry of Education Youth and Sports and other stakeholders (including UN agencies, civil society and development partners) to ensure schools are safe spaces free from all forms of discrimination (including based on SOGIESC) – including the possibility of a policy/directive to ensure that school uniform policies are made flexible, and affirming that students have the right to choose the uniform and haircuts matching their self-defined identities. [In line with SDG 4, especially SDG targets 4.5 and 4.a]⁹³*

iv. d. *Continue further efforts by government officials and institutions, including the Ministry of Information, in engaging proactively with the media on professional and ethical reporting on LGBT+ persons and issues, and diffusing positive messages for **public awareness-raising** 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.⁹⁴*

iv. e. *Continue dialogues especially with the Ministry of Health and other stakeholders (including civil society, UN agencies and development partners) to address discrimination based on SOGIESC in healthcare settings and ensuring the right to health for LGBT+ persons in Cambodia, including: consider the possibility of training of medical doctors on SOGIESC diversity; dialogues on way forward to ensure the accessibility of gender affirming healthcare services for transgender persons (including hormone therapy); dialogues on how to improve access to information on SRHR*

inclusive of diverse SOGIESC ; as well as dialogues on improving accessibility and quality of mental health services. [In line with SDG 3, especially target 3.7 and 3.8, SDG 5.6]⁹⁵

iv. f. Continue dialogues with the Ministry of Labor and Vocational Training on the possibility of enacting a government policy guaranteeing non-discrimination based on SOGIESC in employment in public and private sectors. [In line with SDG target 8.5]⁹⁶

iv. g. The RGC should study the possibility for concrete legal and policy changes to effectively protect LGBT+ people from discrimination based on SOGIESC in all sectors (including family, education, health, employment/workplace, and public sphere) and guarantee their equal and equitable rights. As a first step and temporary measure while legal and policy changes are being developed, relevant institutions from the RGC should consider issuing official government letters addressed to all civil servants at the national and sub-national highlighting the right to non-discrimination based on SOGIESC in all sectors including family, education, health, and employment/workplace.⁹⁷

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. More information available on RoCK's website: <https://rockcambodia.org/>

² Beautiful Life Organisation (BLO): BLO is a locally-registered organisation that supports the LGBTIQ+ community in Siem Reap (and beyond) primarily through their drop-in centre, A Place to be Yourself (APTBY), and by providing free counselling, community engagement activities, education, scholarships, resources and sexual health referrals and support.

³ Cambodian Center for Human Rights (CCHR): CCHR is a non-political, independent, non-governmental organization that works to promote and protect democracy and respect for human rights throughout the Kingdom of Cambodia.

⁴ Micro Rainbow International Foundation (MRIF): 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): GADC is a local non-profit and non-political organisation, which was established by a group of women following the first national conference on gender and development in Cambodia in 1999, to promote women's rights to gender equality as human rights. Since then, GADC has built its reputation as a leading voice on gender equality in Cambodia.

⁶ SILAKA Cambodia: For more than 20 years, SILAKA working toward a prosperous, peaceful, and inclusive Cambodia society with gender justice. Our missions are to build the capacity of citizen and institutions to engage in policy discussion and advocacy for social justice through participatory research, women's rights, and democratic development with inclusivity for sustainability.

⁷ Women Peace Makers Organization (WPM): Found in 2003, WPM is a leading organization working on the intersection of gender and peacebuilding. Grounded in its approach and community voices, especially the marginalized groups, inform all its continued learning and strategic directions, WPM envisions a peaceful and gender just society where everyone, regardless of identity and ability, can reach their full potential and live free from violence.

⁸ Klahaan Organization: Klahaan, meaning 'brave' in Khmer, is an independent non-governmental organisation building evidence and organising campaigns on issues that affect women in Cambodia. Klahaan is guided by intersectional feminist principles and envisions a fair, just and equal society in which all Cambodian women from all social backgrounds can equally enjoy their fundamental rights and opportunities, especially sexual autonomy and control over their bodies.

⁹ Reproductive Health Association of Cambodia (RHAC): 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. 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/>

¹⁰ Women's Network for Unity (WNU): Women's Network for Unity has been registered with the Ministry of Interior since June 2004 by over 160 male, transgender, lesbian and heterosexual female sex workers. In the Cambodian context, people working as sex workers, both female and transgender, face double discrimination, marginalization and exploitation. To response to the problem above, we designed our mission to strengthen sex workers network to advocate for the greater participation in program, policy and law development related to sex work that will support them to greater access to social services, and to freedom from violence and discrimination.

¹¹ Asian Region of the International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA Asia): ILGA Asia is the Asian Region of ILGA World, and represents more than 100 member organizations across the Asian continent from Lebanon to Timor-Leste. Our vision is a world where Asia is a safe place for all, where all people enjoy freedom and equality, where everyone enjoys access to justice, where diversity is respected, and where all relevant stakeholders are properly informed on the human rights of persons with diverse sexual orientations, gender identities, expressions. and sex characteristics (SOGIESC).

¹² APCOM Foundation (APCOM): APCOM is the leading not-for-profit regional organization based in Bangkok, Thailand, working with community-based organizations in over 30 countries in Asia and the Pacific, on health, rights and well-being of LGBTQI people since 2007.

¹³ Asia Pacific Transgender Network (APT): The Asia Pacific Transgender Network (APT) is a regional network that is working towards the advancement of trans and gender diverse people rights in the Asia Pacific region through research and evidence generation, legal, policy and programmatic advocacy, and public campaigning.

¹⁴ Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA): Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA). APA is a regional intersectional network that mobilizes civil society advocacy to advance sexual and reproductive health and rights (SRHR) in Asia and the Pacific from our coordinating office based in Bangkok, Thailand. Our members consist of a diverse groups of national, regional and global CSOs that focus on advocacy, human rights, service delivery and public health research in Asia and the Pacific.

¹⁵ Asian Pacific Resource and Research Centre for Women – ARROW: ARROW is a regional non-profit women's and young people's organisation established in 1993 that strives to enable women, non binary people and young people to be equal citizens in all aspects of their lives by ensuring their sexual and reproductive health and rights are achieved.

¹⁶ ILGA World – the International Lesbian, Gay, Bisexual, Trans and Intersex Association - is a worldwide federation of more than 1,900 organisations from over 160 countries and territories campaigning for lesbian, gay, bisexual, trans and intersex human rights.

¹⁷ RFSU - Sexual and Reproductive Rights for All: RFSU was founded in 1933 and is a non-profit, non-governmental organisation without any political party, trade union or religious affiliation. RFSU's work is based on the vision of a world in which everyone is free to make decisions about their own bodies and sexuality.

For everyone to be free, SRHR must be respected, protected and fulfilled everywhere in the world. By using the word 'everyone', RFSU explicitly states that no one should be left behind and that the positions of individuals and groups that are most at risk of experiencing discrimination or have their rights violated need to be prioritized.

¹⁸ International Women's Development Agency (IWDA) is an Australia-based organisation, resourcing diverse women's rights organisations primarily in Asia and the Pacific and contributing to global feminist movements to advance our vision of gender equality for all.

¹⁹ LovelsDiversity is a movement and activists to advocate for equal rights, and social media platforms focused on promoting the rights of Cambodian LGBTQI+ Community. We envision to create a society that embraces equal treatment, respect, and acceptance for individuals, regardless of their sexual orientation, gender identity, gender expression, or sex characteristics. We strive for a future where equality in legal protection and opportunities are guaranteed.

²⁰ SafeSpaceBTB is historically the first LGBTQIA+ volunteer group in Battambang and is committed to educating, supporting, and creating a space for self-empowerment for Battambang's LGBTQIA+ community and other intersections, like women, indigenous, people with disabilities, etc. through art and advocacy.

²¹ RoCK et al. "Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia", (July 2018), available at: https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.

²² RoCK et al., "Civil society joint-report on SOGIESC Rights and SRHR for the voluntary mid-term reporting period of Cambodia's third Universal Periodic Review." (March 2022), available at:

<https://rockcambodia.org/universal-periodic-review-upr-mid-term-report-on-the-rights-of-lesbian-gay-bisexual-transgender-lgbt-people-in-cambodia/> and on OHCHR's website: <https://www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports>. [The mid-term report is also presented in Annex 3]

²³ This joint submission employs the acronym "LGBT+ persons" to refer to persons of diverse sexual orientation and gender identity in Cambodia. Cambodian persons with diverse sexual orientation and gender identity self-identify their own identities with a wide variety of respective terms in Khmer language, that may transcend the more rigid concepts of lesbian, gay, bisexual and transgender – the inclusion of the "+" in the acronym is added to recognize and encompass the diversity of all sexual and gender identities.

For the formulation of relevant programs, policies and legislation protecting from discrimination based on SOGIESC and equal and equitable rights for LGBT+ persons, all relevant stakeholders are encouraged to consult with LGBT+ led civil society groups who have the knowledge of most appropriate terms in Khmer language for effective inclusion of persons of diverse sexual orientation and gender identity.

Most of the information in this joint submission is not directly related to lived experiences and situation of intersex persons in Cambodia, due to a persisting lack of first-hand information on the situation of intersex persons and the potential challenges to their right to bodily autonomy and other rights in Cambodia. Nonetheless, the authors acknowledge the importance of non-discrimination based on SOGIESC and importance of protecting the rights of intersex persons in Cambodia. Paragraph 32 notably refers to the potential challenges to their right to bodily autonomy and other rights in Cambodia.

²⁴ Rainbow Community Kampuchea Organization (RoCK) organized consultation meetings with LGBT+ community members from across several Cambodian provinces to share updates on the UPR process, discuss the progress noticed since 2019 as well as lived experiences of LGBT+ community members and remaining challenges, and identify prioritized recommendations for the way forward to raise in the fourth UPR cycle of Cambodia. These consultations meetings which contributed to the preparation of this Joint Submission included:

- Consultation meeting on 05-06 November 2022 with 107 LGBT+ community members from 20 provinces and city - during RoCK 's third General Assembly including discussing key priorities for the national advocacy and campaign (including linked to UPR).

- Consultation meeting on 09 July 2023 with 35 LGBT+ community members from 16 Cambodian provinces and city, to share updates on the UPR process and reconfirm the key priorities for recommendations to raise in the Fourth UPR cycle.

- Consultation meeting and focus group discussions on 12 and 13 August 2023 with 29 LGBT+ community members from 15 Cambodian provinces and city, including community members aged 20s years old to 70s years old, and with diverse identities, including transgender men, transgender women, lesbian women, bisexual women, and gay men. Participants included especially marginalized LGBT+ persons

from urban and rural areas, facing multiple and intersecting forms of discrimination, including from underprivileged economic backgrounds. The focus group discussions focused on discussing progress noticed in the past five years and main lived experiences and challenges, and identify prioritized recommendations for the way forward to raise in the fourth UPR cycle joint submission.

- On 21 September 2023, meeting with 11 LGBT+ community RoCK LGBT+ active members and members (from 10 provinces) to consult and validate the final draft of priority recommendations for the joint submission. Additional online calls with 19 RoCK LGBT+ active members and members (from across 11 provinces) were conducted from 27 September-04 October 2023 to update and consult on the final recommendations.

During consultation meetings with civil society partners participating in this joint submission [see endnote 25 below], other civil society actors also shared main results from informal consultations and hearing lived experiences from LGBT+ persons they work with respectively. This included Love Is Diversity volunteer group working with age-diverse LGBT+ persons from Phnom Penh and provinces; Beautiful Life Organization shared insights from informal consultations with LGBT+ community members they work with in Siem Reap province; SafeSpaceBTB volunteer group working with age-diverse LGBT+ persons shared insights from informal consultations with LGBT+ community members they work with in Battambang province; and Micro Rainbow International Foundation in Cambodia shared insights from informal consultations with LGBT+ community members they work with in Battambang and Banteay Meanchey provinces.

²⁵ The preparation of this report also included several consultation meetings with local civil society stakeholders working on SOGIESC rights, SRHR, women's rights and gender equality in Cambodia who participated in this joint submission, and shared inputs based on respective areas of work. These consultations and coordination among all local civil society participating organizations included regular email communications coordinated by RoCK, as well as in-person and online meetings:

- Ongoing email communications with all local CSOs coordinated by RoCK to share updates on the preparation process, especially from June 2023 to October 2023.

- Participation in UPR Workshop organized by OHCHR, UPR Info and CCHR on 12-13 July 2023. (*RoCK, LiD, CCHR, MRI, RHAC, BLO, SSBTB, Silaka*)

- Email communications outlining proposed preparation timeline for the joint submission and requesting specific inputs by all participating organizations on 20-25 July 2023.

- On 15 August 2023: Consultation meeting with core group of CSOs who worked on the UPR since 2018 (*RoCK, LiD, CCHR, MRI, RHAC*) to update preparation process and agree on key priorities based on result of LGBT+ community members consultations.

- On 17 August 2023: Consultation meeting with all local CSOs participating in this joint submission to consult on key contents and priority recommendations for the joint submission, including seeking further inputs from all CSOs. (*RoCK, LiD, CCHR, BLO, SSBTB, Silaka, GADC, WPM, Klahan*)

- On 13 September: Participation in the UPR Validation Workshop organized by OHCHR, UPR Info and CCHR, as an occasion to present and validate structure of the report and draft priority recommendations with CSOs groups.

- On 20 September 2023: Online validation meeting to review first draft of the joint submission, discuss comments by participating CSOs and validate draft recommendations.

²⁶ This joint submission notably builds upon the civil society joint report on SOGIESC rights and SRHR for the mid-term voluntary reporting period of Cambodia's third UPR in 2022, and presents further developments. See: RoCK et al., "Civil society joint-report on SOGIESC Rights and SRHR for the voluntary mid-term reporting period of Cambodia's third Universal Periodic Review." (March 2022), available at: <https://rockcambodia.org/universal-periodic-review-upr-mid-term-report-on-the-rights-of-lesbian-gay-bisexual-transgender-lgbt-people-in-cambodia/> and on OHCHR's website: <https://www.ohchr.org/en/hr-bodies/upr/ng-os-mid-term-reports>. This mid-term report is also presented in **Annex 3**.

²⁷ The desk review focused especially on the period since the third UPR cycle (2019-2023). See paragraph 5 and endnotes 29 and 30 for more information on the review of recommendations by United Nations ("UN") Treaty Bodies and Special Procedures pertaining to Cambodia's human rights obligations on SOGIESC rights and SRHR in 2019-2023.

²⁸ 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>.

- 110.47 Amend the Constitution to ensure marriage equality for same-sex couples (Iceland);
- 110.51 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 (Netherlands);
- 110.55 Amend article 45 of the Constitution to allow same-sex couples to marry (Canada);
- 110.46 Introduce a gender recognition law (Iceland);
- 110.52 Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons (Sweden);
- 110.50 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);
- 110.53 Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity (Uruguay);
- 110.54 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);
- 110.45 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).

The list of nine recommendations on SOGIESC rights and SRHR accepted by Cambodia at the Third UPR are also presented in the Matrix of recommendations in **Annex 2**.

²⁹ UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un>. (Pages 7-8).

³⁰ During the reporting period (2019-2023), the following UN treaty bodies and special procedures formulated recommendations to Cambodia explicitly related to SOGIESC rights and the rights of LGBTI persons:

- Human Rights Committee, Concluding observations on the third periodic report of Cambodia, CCPR/C/KHM/CO/3, (March 2022). <https://undocs.org/CCPR/C/KHM/CO/3/>. See: Paragraphs 14 and 15 (a) and (c).

- Committee on the Rights of the Child, Concluding observations on the combined fourth to sixth periodic reports of Cambodia CRC/C/KHM/CO/4-6 (June 2022). <https://undocs.org/CRC/C/KHM/CO/4-6>. See: Paragraphs 15(a), 42(e), and 38(a).

- UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un>.

- Report of the Special Rapporteur on the situation of human rights in Cambodia, 'Situation of human rights in Cambodia', A/HRC/54/75, 20 July 2023. <https://undocs.org/A/HRC/54/75>. See: Paragraphs 5 and 75.

Report of the Special Rapporteur on the situation of human rights in Cambodia, 'Situation of human rights in Cambodia', A/HRC/51/66, 18 August 2022. <https://undocs.org/A/HRC/51/66> See: Paragraph 60 and Annex 12. (a) (c) and benchmark: "Develop and adopt policy law and policy to protect LGBT from discrimination, Initiate law and policy to recognize gender identity and Enact law on same-sex marriage."

Report of the Special Rapporteur on the situation of human rights in Cambodia, 'Situation of human rights in Cambodia', A/HRC/48/79 (August 2021) <https://undocs.org/A/HRC/48/79>. See: Paragraph 63.

In addition, the following UN treaty bodies also made recommendations to Cambodia also indirectly related to SOGIESC rights and SRHR:

- Committee on Economic, Social and Cultural Rights, 'Concluding observations on the second periodic report of Cambodia', E/C.12/KHM/CO/2, (27 March 2023): <https://undocs.org/E/C.12/KHM/CO/2> See: Paragraphs 21 (a) , 44, 45 (c) and (e), 56, on law protecting from all discrimination on all protected grounds, ensuring access to SRHR services and information and 'leave no one behind'.

- Committee on the Elimination of Discrimination against Women: Concluding observations on the sixth periodic report of Cambodia, CEDAW/C/KHM/CO/6, (12 November 2019), <https://undocs.org/CEDAW/C/KHM/CO/6>. See: Paragraphs 34-35 and 38-39, on CSE and on SRHR.)

³¹ The effective implementation of accepted third UPR cycle recommendations on SOGIESC rights and SRHR in Cambodia are especially crucial for realizing the Sustainable Development Goal ("SDG") principle commitment of "Leaving no one behind". See: UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A/RES/70/1, <https://undocs.org/A/RES/70/1>. See: Preamble, para 4, para 26, para 48, para 72, para 74(e).

The effective implementation of accepted third UPR cycle recommendations on SOGIESC rights and SRHR would also contribute to realizing the following specific SDG goals and targets:

- SDG Goal 5 "Achieve gender equality and empower all women and girls", especially Target **5.1**: "End all forms of discrimination against all women and girls everywhere" ; Target **5.2** "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation" ; and Target **5.6** "Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences".

- SDG Goal 10: "Reduce inequality within and among countries", especially Target **10.2** "By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status" ; Target **10.3** "Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard"

- SDG Goal 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels", especially Target **16.1** "Significantly reduce all forms of violence and related death rates everywhere" ; Target **16.b** "Promote and enforce non-discriminatory laws and policies for sustainable development" (<https://sdgs.un.org/goals/goal16>)

- SDG 4 "Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all", especially Target **4.5** "By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations" ; Target **4.a** "Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all".

- SDG Goal 3 "Ensure healthy lives and promote well-being for all at all ages", especially Target 3.7: "By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes" ; Target **3.8** "Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all".

- SDG 8 "Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all", Target 8.5: "By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value".

³² Cambodia does not have any legislation directly criminalizing diverse sexual orientation or gender identity or LGBT+ persons. The Cambodian legal framework includes general guarantees of equal rights and protection from discrimination, but does not yet explicitly mention SOGIESC as a protected ground from discrimination. The Constitution of the Kingdom of Cambodia, in Article 31 guarantees equal rights to all Cambodians regardless of personal characteristics, including on the ground of "sex" and "other status". Nonetheless, sexual orientation or gender identity are not yet explicitly included in the protected grounds. [Constitution of the Kingdom of Cambodia, 21 September 1993.] See full 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.

See also: UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 2).

³³ Dialogues in the reporting period 2019-2023 among the Cambodian government representatives and CSOs working on SOGIESC rights-SRHR to discuss advancing progress on LGBT+ equal rights in line with accepted third cycle UPR recommendations have included:

- National Dialogue on "Laws and public policies on Cambodian Lesbian, Gay, Bisexual, Transgender, Intersex And Queer (LGBTIQ) Citizens" held on 27 June 2019. The dialogue focused on three thematic areas: Rainbow Family, School & Employment, and Family Violence, with participation of Cambodian government representatives (CHRC, MoWA, MoI, MoJ, MoLVT, MOEYS), local authorities, CSOs working on SOGIESC rights and SRHR, LGBT+ community members and UN agencies. <https://rockcambodia.org/national-dialogues-on-law-and-policy-promoting-lgbtqi-rights-june-2019/>

- Roundtable dialogue on legal marriage equality for LGBT+ couples in Cambodia on 09 December 2021. The dialogue focused on the ways forward for advancing the legal recognition and protection of marriage equality for LGBT+ couples in Cambodia, in line with the third cycle UPR recommendations, with participation of Cambodian government representatives (CHRC, MoWA, Mol), local authorities, LGBT+ community members and CSOs working on SOGIESC rights and SRHR. <https://rockcambodia.org/cambodian-lgbt-communities-continue-dialogue-with-rgc-iaccept/>

- Following the publication of the civil society mid-term report on SOGIESC rights and SRHR, RoCK and partner CSOs organized a series of advocacy dialogues in March and April 2022, with representatives from the Government of Cambodia (including the Cambodian Human Rights Committee, the Ministry of Women's Affairs, and Ministry of Interior). The objectives of these dialogues with key stakeholders were to (1) Discuss progress towards implementation of third cycle UPR recommendations on SOGIESC & SRHR accepted by Cambodia since 2019; and (2) Discuss the ways forward for supporting progress towards equal protection of the rights of LGBT+ persons in Cambodia, in line with supporting the implementation of UPR recommendations and primarily towards enabling marriage equality LGBT+ couples as prioritized by the LGBT+ community. See: RoCK, 'Summary Report of the Dialogues with key stakeholders on the Universal Periodic Review (UPR) mid-term reporting period on SOGIESC -SRHR in Cambodia March-April 2022', available at: https://rockcambodia.org/wp-content/uploads/2022/04/Summary-report-UPR-mid-term-dialogues-SOGIESC-SRHR_25April2022-English.pdf

³⁴ In 2019 during the third cycle of the UPR, Cambodia received and accepted three recommendations to amend relevant laws to enable legal marriage equality for same-sex 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)

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>

³⁵ The priority of obtaining legal marriage equality to secure equal rights for LGBT+ persons in Cambodia was re-confirmed during direct consultations organized by RoCK with community members in August 2023, July 2023 and November 2022. See details of consultation meetings with LGBT+ community members in endnote 24.

- The priority of advancing legal marriage equality was also validated during the consultation meeting with all participating CSOs and groups on 17 August 2023. See details of consultation meetings in endnote 24.

- See also: RoCK, What is the "I Accept" Campaign?, December 2021. <https://rockcambodia.org/wp-content/uploads/2021/12/What-is-I-Accept-MEK-Campaign.pdf>.

- See also: LovelsDiversity and Women Peace Makers, "LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia", (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/>. Page 9-12, Page 28.

³⁶ Currently, there are no explicit provisions facilitating legal marriage equality for same-sex couples in Cambodian law. Some local authorities in some locations allowed Cambodian LGBT+ couples to hold unofficial traditional wedding ceremonies and parties, however, same-sex couples currently cannot register for a marriage certificate and cannot obtain legal recognition of their marriage relationship.

- The current text of Article 45 of the Constitution of the Kingdom of Cambodia determines that marriage is between "one husband and one wife". (Constitution of the Kingdom of Cambodia [1993]).
- Furthermore, relevant provisions from the Civil Code of the Kingdom of Cambodia related to marriage generally refer "husband and wife" (including Article 955 on registration of marriage). Article 944 on formation engagement mentions "a man and a woman". (The Civil Code of the Kingdom of Cambodia [2007])

Encouragingly, the adoption of the 2007 Civil Code and 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. (See details in: CCHR, "Cambodia's Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom", November 2017, page 9, available at: <https://cchrcambodia.org/en/publications/general-reports/126>).

- Other relevant legislation regarding the official registration of legal marriage and issuance of marriage certificate refer to "man and woman". This includes the Law on Civil Registration, Statistics and Identification (2023) [available at: <https://www.interior.gov.kh/document/detail/1065>] in Article 70 on registration of marriage refers to "man and woman".
- The current legal framework therefore prevents same-sex couples in Cambodia from being able to register a marriage certificate in the same way currently possible for different-sex couples.
- Due to the current inability to register their legal marriage certificates, same-sex couples are also prevented from being recognized as legal spouses in other important documents, including Family Books and Resident Books. In practice, two same-sex partners may be instead in some cases listed as siblings on Family Books or Resident Books. See: RoCK, Warm Shelter Rainbow Families Photos Online Exhibition (2020): Love Memory Of Palm Juice Harvester <https://rockcambodia.org/love-memory-of-palm-juice-harvester/>. See also: LovelsDiversity and Women Peace Makers, "LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia", (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/> (Page 9). See also: CCHR, "Cambodia's Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom", November 2017, available at: <https://cchrcambodia.org/en/publications/general-reports/126>.

³⁷ 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 "I Accept" Campaign?, December 2021. <https://rockcambodia.org/wp-content/uploads/2021/12/What-is-I-Accept-MEK-Campaign.pdf>.

³⁸ • Under existing Civil Code of Cambodia provisions (Civil Code Article 1008), full adoption is only available to married couples which effectively denies full adoption rights to same-sex couples as long as marriage remains unavailable to them. 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.

• During consultations for the preparation of this report, LGBT+ community members identified obtaining full adoption rights for their children as a main priority (directly interlinked to legal marriage equality). During focus group discussions with LGBT+ community members organized by RoCK in July and August 2023 (See details in endnote 24), LGBT+ community members raised the importance of being able to obtain full adoption rights for their children in order to be able to access essential legal protections of their parent-child relationships. In practice, LGBT+ community members explained that being currently unable to access full adoption rights (due to being unable to register for marriage certificate) impacts upon not being able to obtain correct birth certificates for their adopted children which then presents obstacles to accessing essential services, including school registrations for example.

LGBT+ persons have also shared their challenges regarding inability to access full adoption rights which leads to not being able to obtain Family Books which correctly register their family relationships (and other important documents) - for instance during the dialogue on occasion of the dialogue on marriage equality and the launch of the 'I Accept' campaign during the International Human Rights Day celebration on 09 December 2023 [Video: <https://www.youtube.com/watch?v=LmIJEOC59Vw&t=559s>, sharing by LGBT+ persons on child adoption at 0:11- 0:45" and 3:51- 5:05"]

See also: LovelsDiversity and Women Peace Makers, "LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia", (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtiq-voices/>. (Page 10).

³⁹ As same-sex couples are currently unable to legally register their marriage, they are unable to access legal protections of legally married couples inscribed in the Civil Code of Cambodia, in particular legal protections on joint ownership of property (Articles 971, 972 and 973 of the Civil Code) and inheritance (Articles 1161, 1140 and 1268 of the Civil Code). In both living together and in circumstances of separation or death of one partner, LGBT+ individuals in same-sex couples are not equally protected by the law and may lose access to their possessions, homes and businesses. These practical consequences and negative impacts of this lack of equal legal protections derived from legal marriage was raised by LGBT+ community members during consultations and focus group discussions organized by RoCK in August 2023 (See details in endnote 24).

See also: LovelsDiversity and Women Peace Makers, "LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia", (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtiq-voices/>. (Page 10).

See also: RoCK et al. "Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia", (July 2018), available at: https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf. (Para.15).

See also: CCHR, "Cambodia's Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom", November 2017, available at: <https://cchrcambodia.org/en/publications/general-reports/126>.

⁴⁰ Experienced described by one LGBT+ participant in a consultation meeting and focus group discussion organized by RoCK on 12-13 August 2023 (See details in endnote 24).

⁴¹ Experienced described by one LGBT+ participant in a consultation meeting and focus group discussion organized by RoCK on 12-13 August 2023 (See details in endnote 5).

⁴² UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Pages 7-8)

See also : The recommendation to enact law on same-sex marriage was also formulated in the Benchmarks included in the 2022 Report by the UN Special Rapporteur on the situation of Human rights in Cambodia: Report of the Special Rapporteur on the situation of human rights in Cambodia, 'Situation of human rights in Cambodia, ' A/HRC/51/66, 18 August 2022. <https://undocs.org/A/HRC/51/66> (Paragraph 60 and Annex 12. (a) (c)). See also Report of the Special Rapporteur on the situation of human rights in Cambodia, 'Situation of human rights in Cambodia', A/HRC/54/75, 20 July 2023. <https://undocs.org/A/HRC/54/75>. (Paragraph 75.)

⁴³ • International human rights obligations of States include guaranteeing non-discrimination on the basis of sexual orientation and gender identity in all areas of life. As a party to the ICCPR, Cambodia has an obligation to guarantee non-discrimination, including on the basis of sexual orientation and gender identity. Article 2 of the ICCPR determines that a state guarantees rights "to all individuals within its territory and subject to its jurisdiction... without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." The addition of "other status" indicates this list is non-exhaustive and can include other categories, such as sexual orientation and gender identity. Indeed, "other status" has been referenced consistently as including sexual orientation and gender identity by treaty bodies and in decisions of the UN Human Rights Committee (UN Economic and Social Council, 'General Comment No. 20 'Non-discrimination in economic, social and cultural rights (art. 2, para 2, of the International Covenant on Economic, Social and Cultural Rights)' (E/C.12/GC/20) (2009); UN Human Rights Committee, Toonen v Australia, Communication No 488/1992 (CCPR/C/50/D/488/1992) (31 March 1994).

• United Nations treaty bodies have issued authoritative interpretations of treaties to which Cambodia is a party, and made recommendations to States ensure equal treatment of same-sex couples. The United Nations Human Rights Committee, assessing countries' compliance with their obligations under the ICCPR, has issued recommendations to States to ensure equal treatment of same-sex couples.

For instance, in 2019, the Human Rights Committee made recommendations to ensure equal treatment of same-sex couples to the Czech Republic; Viet Nam and Chile. See: ILGA World: Kirichenko K. *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics: Annual Report 2019* (Geneva: ILGA World, July 2020), page 49. <https://ilga.org/annual-treaty-bodies-report-2019-resources>

The Committee on Economic Social and Cultural Rights, assessing countries' compliance with their obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), has issued recommendations to States to legally recognize same-sex partnerships. The Committee on Economic, Social and Cultural Rights has called on States to ensure that individuals in same-sex unions are entitled to equal enjoyment of their economic, social and cultural rights, including by undertaking a comprehensive review of legislation to ensure de jure equality between de facto and official unions, to legally recognize same-sex couples and to regulate the financial effects of such relationships.

See, for example, Committee on Economic, Social and Cultural Rights, Concluding Observations on Italy (E/C.12/ITA/CO/5), 2015, para. 17. See Committee on Economic, Social and Cultural Rights, Concluding Observations on Bulgaria (E/C.12/ BGR/CO/4-5), 2012, para. 17; and on the former Yugoslav Republic of Macedonia (E/C.12/MKD/CO/2- 4), 2016, paras. 25-26. OHCHR, "Born Free and Equal, Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law, Second Edition (2019). Page 75.

https://www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf

For instance, in 2019, the CESCR made the following recommendations to legally recognize same-sex partnerships to Ecuador, Mauritius and Slovakia. (ILGA World: Kirichenko K. *United Nations Treaty Bodies: References to sexual orientation, gender identity, gender expression and sex characteristics:*

Annual Report 2019 (Geneva: ILGA World, July 2020), page 37. <https://ilga.org/annual-treaty-bodies-report-2019-resources>

- Some regional human rights courts have affirmed the right to marriage equality. The 2017 Inter-American Court of Human Rights Advisory Opinion on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples held that States must recognize the freedom to marry of same-sex as well as different-sex couples, without discrimination of any kind and with the same rights attached. The court notably held that States must also ensure same-sex couples' full access to all the mechanisms that exist in their domestic laws, such as the right to marriage. Advisory Opinion on Gender Identity, Equality, and Non-Discrimination of Same-Sex Couples, (2017), OC-24 / 17. <https://www.escri-net.org/caselaw/2018/advisory-opinion-gender-identity-equality-and-non-discrimination-same-sex-couples-2017>
- The European Court of Human Rights determined in *Oliari v Italy* (2015) that Article 8 of the European Convention on Human Rights (ECHR) imposed a positive obligation on contracting states to provide to same-sex couples a "specific legal framework providing for the recognition and protection of their same-sex union" <https://www.ilga-europe.org/resources/news/latest-news/ecthr-italy-recognition-july-2015>
- The 2006 Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity (the "Yogyakarta Principles") provide guidance in respect of the application of international human rights law to issues of sexual orientation and gender identity / expression. Although the Yogyakarta Principles are non-binding, they have been referenced by multiple UN bodies as enriching and setting precedents for future LGBTIQ rights legal developments.⁴³ Yogyakarta Principle 24 provides that "everyone has the right to found a family regardless of sexual orientation or gender identity." Traditionally, marriage has acted as the foundation of building a family. By denying same-sex couples the ability to be married, same-sex couples are also being deprived of their right to found a family. Yogyakarta Principle 13 states that "Everyone has the right to social security and other social protection measures, without discrimination on the basis of sexual orientation or gender identity." In most jurisdictions, and certainly in Cambodia, the benefits of many social protections arise from marriage. Denying the right of same-sex families to marry excludes them from access to many rights afforded to married couples.

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

⁴⁴ Freedom to Marry, 'The Freedom to Marry Internationally', Webpage, [accessed 01 February 2023],

<https://www.freedomtomarryglobal.org/global-overview>. See also: <https://www.hrc.org/resources/marriage-equality-around-the-world>

The track-record of the experiences from the countries and territories who have already recognized legal marriage equality for same-sex couples shows that recognizing marriage equality has a positive impact in strengthening families, reducing discrimination against LGBT+ people, and contributing to more inclusive and harmonious societies. See: Evan Wolfson, "After 20 Years of the Freedom to Marry for Same-Sex Couples, A Mountain of Evidence, Expertise, and Experience", European Human Rights Law Review. 2021 Issue 1. Available at: <http://s3-us-west-2.amazonaws.com/ftm-assets/ftm/EHRLR - Wolfson - Issue 1 March 2021.pdf>

⁴⁵ Based on the prioritization of obtaining legal marriage equality by LGBT+ communities, RoCK along with other CSOs founded the "I Accept" campaign to advance legal marriage equality for LGBT+ Cambodians. Launched on 09 December 2021, the "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. See more details on the "I Accept" webpage: <https://rockcambodia.org/iaccept/>.

⁴⁶ See paragraph 26 on 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. This increased public acceptance of LGBT+ equal rights has also been acknowledged by the Cambodian Government: See for instance: Situation of human rights in Cambodia - Report of the Special Rapporteur on the situation of human rights in Cambodia - Comments by the State. A/HRC/54/75/Add.1 (21 August 2023) <https://undocs.org/A/HRC/54/75/Add.1> Paragraph 46: "[...]reflecting the growing acceptance of LGBTQ+ rights in Cambodian society."

⁴⁷ Joint Press Release, "Cambodian LGBT+ Communities Continue Dialogue With The Cambodian Government And Launch The "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/>

⁴⁸ Following the publication of the CSO mid-term report on SOGIESC rights and SRHR, RoCK and partner CSOs organized a series of advocacy dialogues in March and April 2022, with key stakeholders: representatives from the Government of Cambodia (including the Cambodian Human Rights Committee, the Ministry of Women's Affairs, and Ministry of Interior). The objectives of these dialogues with key stakeholders were to (1) Discuss progress towards implementation of third cycle UPR recommendations on SOGIESC & SRHR accepted by Cambodia since 2019; and (2) Discuss the ways forward for supporting progress towards equal protection of the rights of LGBT+ persons in Cambodia, in line with supporting the implementation of UPR recommendations and primarily towards enabling marriage equality LGBT+ couples as prioritized by the LGBT+ community. See: RoCK, 'Summary Report of the Dialogues with key stakeholders on the Universal Periodic Review (UPR) mid-term reporting period on SOGIESC - SRHR in Cambodia March-April 2022', available at: https://rockcambodia.org/wp-content/uploads/2022/04/Summary-report-UPR-mid-term-dialogues-SOGIESC-SRHR_25April2022-English.pdf

⁴⁹ For one of the most recent official position by the Cambodian government on same-sex marriage, including the recognition of current limitations and possibilities, see for instance: Situation of human rights in Cambodia - Report of the Special Rapporteur on the situation of human rights in Cambodia - Comments by the State. A/HRC/54/75/Add.1 (21 August 2023) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/168/53/PDF/G2316853.pdf?OpenElement>. Paragraph 47: "[...] While the civil law does not currently recognize same-sex marriage, it also does not criminalize such unions as seen in some other countries. Homosexual marriage is a common practice in Cambodian society, often observed through traditional and cultural practices. However, to legalize such unions, further advocacy and public awareness promotion are essential to foster acceptance within the community and reduce cultural resistance."

⁵⁰ IE SOGI report: UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un>

Achieving legal marriage equality for same-sex couples in Cambodia would contribute to realizing the Sustainable Development Goal ("SDG") principle commitment of "Leaving no one behind", as well as achieving specific SDG targets, including Target 10.3 "Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard" and Target 16.b "Promote and enforce non-discriminatory laws and policies for sustainable development" UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October

2015. A/RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>.

⁵¹ As outlined in the legal analysis of the current legal framework related to marriage in Cambodia in endnote 36, two main laws defining marriage include the *Constitution of the Kingdom of Cambodia* and the *Civil Code of Cambodia* (2007). Based on preliminary analysis carried out by CSOs, two possible pathways for legal amendments to enable legal marriage equality for same sex couples in Cambodia seem to exist:

- One possibility would require the amendment of Article 45 of the Constitution (replacing the current terms “husband and wife” by “two persons of different or same-sex” or similar terms opening marriage to same-sex couples).
- Based on preliminary legal analysis, including studying legislation on marriage equality adopted in other countries, CSOs have identified a second potential possibility for legal amendment enabling marriage equality which would entail only amending the Civil Code of Cambodia (not amending the Constitution). This would require amending relevant articles of the Civil Code on definition and registration of marriage, stipulating that “marriage will have the same effects whether the two spouses are of different or same-sex”.

This matter of identifying the precise legal amendments necessary to enable legal marriage equality for same-sex couples would require further review and discussions with relevant RGC institutions and consulting civil society and LGBT+ community, to study further and to define the exact types of legal amendments which would be required to enable legal marriage equality for same-sex couples in Cambodia. This topic is notably scheduled to be discussed during a dialogue among CSOs and RGC institutions scheduled in December 2023, and CSOs recommend the formation of a multi-stakeholder working group to enable further discussion among relevant stakeholders on appropriate legal amendments for marriage equality (**see recommended step i.a**).

⁵² This multi-stakeholder working group could be created under the coordination of the Cambodian Human Rights Committee (“CHRC”), given CHRC’s technical expertise in coordinating the UPR mechanism. Relevant Cambodian government institutions invited to take part in the multi-stakeholder working group may include the Ministry of Women’s Affairs, Ministry of Interior and Ministry of Justice, and other relevant institutions and ministries.

⁵³ “Introduce a Legal Gender Recognition Law” (110.54, Iceland). 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>

⁵⁴ • 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 recognized on official identity documents. ILGA World, “Trans Legal Mapping Report 2019”, 2019, https://ilga.org/downloads/ILGA_World_Trans_Legal_Mapping_Report_2019_EN.pdf (Page 8).

See also: A/73/152: Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (July 2018) <https://www.ohchr.org/en/documents/thematic-reports/a73152-report-independent-expert-protection-against-violence-and>

• Detailed legal analysis on Cambodian legal framework related to legal gender recognition 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 11-13. and CCHR, “Legal Gender Recognition in Cambodia”, CCHR Factsheet, (2018), <https://www.cchrcambodia.org/en/publications/factsheets/225>.

• In July 2023, the Law on Civil Registration, Statistics and Identification was approved by the National Assembly. (Law on Civil Registration, Statistics and Identification (2023), available at: <https://www.interior.gov.kh/document/detail/1065>). From a preliminary analysis of the new law (including Articles 128 and 133 on process for obtaining national identity card), it appears that new Law on Civil Registration, Statistics and Identification (2023) similarly does not explicitly support transgender people’s right to be legally recognized according to their self-defined gender, nor contain specific legal provision prohibiting legal gender recognition either. Further analysis of the new law will be needed, including further discussions among all stakeholders as recommended in recommendation ii. and recommended step ii.(a).

⁵⁵ There is some anecdotal evidence of some transgender persons being issued with ID cards conforming to their gender identity, yet in most cases local officials deny such requests. See: “Cambodia’s Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom”, Cambodian Center for Human Rights, November 2017, Page vii, available at: <https://cchrcambodia.org/en/publications/general-reports/126>

CCHR, “Legal Gender Recognition in Cambodia”, CCHR Factsheet, (2018). <https://www.cchrcambodia.org/en/publications/factsheets/225>

⁵⁶ • During consultations and focus group discussions with LGBT+ community members organized by RoCK in August 2023, transgender community members highlighted their lived experiences and main challenges they face due to the current inability to obtain legal gender recognition: when travelling abroad (questioning at immigration); when seeking access to services (for example when requesting a loan at the bank, being subject to additional questioning and required to submit additional paperwork as the person’s physical appearance [expression of their gender identity] did not match the gender marker on their official identification documents), and in daily life any time identification documents are requested “being forced to come out” and being subjected to additional invasive questioning; for accessing employment (difficulties when ID documents do not match gender expression, as well as when the gender markers on education certificates do not match the person’s current gender identity and expression); for their own affirmation of their gender identity, and recognition as who they are. One transgender man also emphasized the importance of legal recognition of gender identity in the recognition of his role of parent as a father to his child.

• See also: LovelsDiversity and Women Peace Makers, “LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia”, (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/>. Page 13-16: “Other Sharers mentioned the difficulty when applying for a job when the gender in their IDs were different from how they were seen in person. For example, those who were interviewed at a factory or a restaurant as the gender that they lived later faced problems when they had to show their ID with a different gender marker.”

• In informal consultations with LGBT+ community members they work with, Beautiful Life Organisation also noted the challenges faced by transgender persons in Siem Reap province due to the absence of legal gender recognition, and the importance for legal documents to reflect self-defined gender identity. SafeSpaceBTB noted similar challenges in Battambang.

• See also: Transgender advocates 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.

• See also: 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 hairstyles) 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.

In the context of Cambodia, while there is still an absence of legal marriage equality for same-sex couples, the legal recognition of gender identity would also enable would enable some rainbow couples in which one partner identifies as transgender to get legally married under the current legal framework, and therefore benefit from the legal protections associated to legal marriage, including access to full adoption rights for their children. (See details in previous research on rainbow families in Cambodia: CCHR, “Cambodia’s Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom”, November 2017, available at: <https://cchrcambodia.org/en/publications/general-reports/126>.)

⁵⁷ Experienced described by one transgender participant in a consultation meeting and focus group discussion organized by RoCK on 12-13 August 2023 (See details in endnote 5).

⁵⁸ 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

⁵⁹ 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.

See also: A/73/152: Report of the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (July 2018) <https://www.ohchr.org/en/documents/thematic-reports/a73152-report-independent-expert-protection-against-violence-and>

⁶⁰ UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (See Page 7 and Page 8 para c). Page 7: “The agenda for follow-up should be guided by three principal commitments already under consideration of the Cambodian State since its acceptance of related UPR recommendations in 2019: [...] the legal recognition of gender identity, [...]. Page 8 paragraph c) on recommendations “ the adoption of legislation against discrimination based on sexual orientation and gender identity in all key sectors of social life, including [...] the legal recognition of gender identity.”

⁶¹ 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 June 2019 (<https://rockcambodia.org/national-dialogues-on-law-and-policy-promoting-lgbtiq-rights-june-2019/>), during dialogues in September 2021 and December 2021 (https://rockcambodia.org/wp-content/uploads/2021/12/Press-Release-Dialogue-I-Accept-Launch_ENGLISH.pdf), as well as during dialogues on the UPR voluntary midterm period in March-April 2022 (https://rockcambodia.org/wp-content/uploads/2022/04/Summary-report-UPR-mid-term-dialogues-SOGIESC-SRHR_25April2022-English.pdf).

⁶² See: UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 7 and Page 8 para c).

⁶³ “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*).

“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*).

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>

⁶⁴ 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 September 2023: 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; the textbooks for grades 6, 9 and 12 were finalized in 2022, and the text book for Teacher Education College (12 + 2) were finalized in 2023. The textbooks for grades 5, 6, 8, 11, and 12 are still undergoing formal endorsement. 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 for all lessons in grade 7 to grade 12 (except grade 8) had been integrated SOGIESC/gender concepts.

⁶⁵ The effective implementation of the CSE curriculum inclusive of diverse SOGIESC rights for appropriate grades in Cambodian schools has the potential to contribute to ensuring safer and more inclusive spaces for all in schools (including for students with diverse SOGIESC). The effective implementation of this CSE curriculum would also contribute to ensuring that children with diverse SOGIESC can access information about SRHR (for appropriate ages) that is tailored to diverse SOGIESC and their own rights. In the long term, the effective implementation of the CSE curriculum would also significantly contribute to increase public understanding and acceptance of diverse SOGIESC.

⁶⁶ Consultations with civil society actors working on SRHR in relation to CSE curriculum, sharing preliminary findings on the challenges ahead for effective implementation of the new CSE curriculum, including direct consultation with RHAC on 13 September 2023.

⁶⁷ 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

⁶⁸ Previous studies indicated that 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. See: 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

⁶⁹ National Action Plan on Youth Development 2022-2026. Available at: <https://cambodia.unfpa.org/en/publications/national-action-plan-cambodia-youth-development-nap-cyd-2022-2026-0>. (Khmer language). Explicit references to LGBTIQ persons in Section 1.3, Page 5 mentioning LGBTI youths among vulnerable groups for priorities 2 (Education Vocational Training and capacity building) and 5 (Youth participation and voluntary work) of the action plan. On Page 6, LGBTIQ persons mentioned in vulnerable group for youth participation. On Page 15 in activities, mention promoting education on LGBTI rights (unofficial translation from original Khmer text).

⁷⁰ 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>.

- 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 celebration on 07 June 2023. Video available at: <https://www.facebook.com/remy.keo.946/videos/162401819996844>.

- Speech of H.E. Keo Remy, Delegate Minister to the Prime Minister and President of the Cambodian Human Rights Committee, on the occasion of the legal dialogue on marriage equality and the launch of the ‘I Accept’ campaign during the International Human Rights Day celebration on 09 December 2023. News article in Khmer: <https://education.ams.com.kh/life-education/news/he-keo-remy-i-do-not-leave-lgbt-people-alone/> Video: <https://www.youtube.com/watch?v=aHHRrmwpgPY>.

- Speech of former Minister of the Ministry of Information, H.E. Khieu Kanharith, on the occasion of IHRD celebration and premier of Lotus Sports Club documentary on 09 December 2022. (Video: <https://www.youtube.com/watch?v=nQ8PoGPpKs0>). On 15 February 2023, the Lotus Sports Club documentary was broadcasted on the national television, along with an interview of LGBT+ community members who participated in the documentary. [TVK (National Television of Cambodia), “Discussion with the producers, fans and actors around the production process of the documentary Lotus Sports Club”, 15 February 2023, video available at: <https://www.facebook.com/watch/?v=1652849238477578> ; see also NK (National Radio of Cambodia) “Report: The meaning of Lotus Sports Club”, 31 March 2023.

https://rnk.gov.kh/1680264588?fbclid=IwAR205_XEywJfDU8tp13P6yhSi_VNiLG5aVi7LEotIhcZlerQ359uZ7OpE.

- Speech of former Prime Minister of Cambodia on 24 June 2023, [Unofficial English Translation of original speech in Khmer, as reported in Phnom Penh Post]: “While the Kingdom has not created a same-sex marriage law, it does not discriminate against same-sex relationships. We allow LGBT people to love each other, but we are not creating a law for same-sex marriage. We do not prohibit nor punish members of the LGBT community.” (As reported in Phnom Penh Post: Chea Sokny, ‘HIV remains a threat amid rise in cases, PM cautions’, Phnom Penh Post, 25 June 2023, available at: <https://m.phnompenhpost.com/national/hiv-remains-threat-amid-rise-cases-pm-cautions>)

⁷¹ For instance, Pride Week Cambodia online celebration 2021 was co-organized by the SOGIESC coalition (including five CSOs: RoCK, LovelsDiversity, 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 saw much clearer visibility of the LGBTIQ community on social media especially from the allies and supporters. See: Cambodian LGBTIQ see change in Pride 2021: <https://southeastasiaglobe.com/cambodian-lgbtqi-see-changes-in-pride-and-idahotb-2021-celebration/?fbclid=IwAR2x0U9dnvbfPQsXUzTSIUOVd3pJ3-FhMFZJem-S9pXFvni0-5Ps2Tl6cc>

⁷² 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. See also: Situation of human rights in Cambodia - Report of the Special Rapporteur on the situation of human rights in Cambodia - Comments by the State. A/HRC/54/75/Add.1 (21 August 2023) <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G23/168/53/PDF/G2316853.pdf?OpenElement>. Paragraph 46: “[...]reflecting the growing acceptance of LGBTQ+ rights in Cambodian society.”

⁷³ This was one of the recommendations identified by LGBT+ community members during RoCK consultation August 2023. (See details in endnote 24).

⁷⁴ The Constitution of the Kingdom of Cambodia, in Article 31 guarantees equal rights to all Cambodians regardless of personal characteristics, including on the ground of “sex” and “other status”. Nonetheless, sexual orientation or gender identity are not yet explicitly included in the protected grounds. (Constitution of the Kingdom of Cambodia, 21 September 1993.) Article 12 of the Cambodian Labor Law contains provisions on non-discrimination in employment, but similarly does not explicitly include SOGIESC as a basis for non-discrimination. (1997 Labor Law of Cambodia, Article 12.)

See full 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. (Paragraphs 6-8, and paragraph 33)

See also: UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Pages 2 and 7).

⁷⁵ RoCK, “Family violence towards Lesbian, Bisexual, and Transgender (LBT) people in Cambodia”, (2019), <https://rockcambodia.org/i-married-a-man-to-satisfy-my-parents-2019/>. See also: LovelsDiversity and Women Peace Makers, “LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia”, (2023), <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/>. Pages 21-24.

⁷⁶ RoCK, “Family violence towards Lesbian, Bisexual, and Transgender (LBT) people in Cambodia”, (2019). <https://rockcambodia.org/i-married-a-man-to-satisfy-my-parents-2019/> See also: LovelsDiversity and Women Peace Makers, “LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia”, (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/>.

⁷⁷ See: LovelsDiversity and Women Peace Makers, “LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia”, (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/>. Pages 17-18.

See also: Stories of challenges faced by transgender women working as sex workers in Women’s Network for Unity. (WNU) “Choice” [Video], 2020, available at: <https://www.facebook.com/wnucambodia/videos/398858708091366>.

See also: Cambodian Center for Human Rights (CCHR), “Discrimination against Transgender Women in Cambodia’s Urban Centers”, (2016), available at: https://cchrcambodia.org/index_old.php?url=project_page/project_page.php&p=report_detail.php&reid=115&id=3.

⁷⁸ See: Child Rights Coalition Cambodia (CRC-Cambodia) (2020) Additional Submission from CSOs in Cambodia in response to the list of issues in relation to the state’s combined fourth, fifth, and sixth periodic reports to the UN Committee on the Rights of the Child, online: https://drive.google.com/file/d/1W_qSalpTTE1ScjhuI0Y2wdG3_NEEpA6Q/view. (Section 1.)

See also: UN IE SOGI, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 4). See also: Cambodian Center for Human Rights (CCHR), “LGBT bullying in Cambodia’s schools”, (2015).

[https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_\(ENG\).pdf](https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_(ENG).pdf)

⁷⁹ Issue highlighted as a remaining challenge during RoCK consultation meeting and focus group discussions on 12 and 13 August 2023 with 29 LGBT+ community members [details in endnote 24]

- See also: UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 4).

- See also: LovelsDiversity and Women Peace Makers, “LGBTIQ Voices - Exploring gender diversity and same sex relationships in Cambodia”, (2023), available at: <https://wpmcambodia.org/project/our-turn-lgbtqi-voices/>. (Page 32)

- See also: “LGBT bullying in Cambodia’s schools”, Cambodian Center for Human Rights, December 2015, pages 23-26, available at [https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_\(ENG\).pdf](https://cchrcambodia.org/admin/media/report/report/english/2015_12_17_CCHR_REPORT_LGBT_Bullying_in_Cam_School_(ENG).pdf)

⁸⁰ During consultation meeting and focus group discussions in August 2023 [details in endnote 24], LGBT+ participants mentioned among the areas of progress that they noticed improvements from employers, who recognize the person’s skills and abilities.

In the reporting period, some larger international companies operating in Cambodia have put further Diversity, Equity and Inclusion (DEI) policies, and made these DEI policies visible notably on the occasion of Pride 2023. In consultation meetings with CSOs on 15 and 17 August 2023, CSOs working on LGBT rights noted that some private companies have requested LGBT+ advocates to contribute to sharing sessions on LGBT+ diversity for their employees.

⁸¹ APCOM and 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+LGBT+People%E2%80%99s+Economic+Inclusion+English.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://beta.cchrcambodia.org/en/publications/general-reports/139>.

⁸² Results from focus group discussion with transgender women and transgender men, when discussing progress and remaining challenges (Organized by RoCK on 12-13 August 2023, see details in Endnote 24). See also: ILGA Asia, “Rainbow in the rain: the LGBTI community in Cambodia in the pursuit of freedom and equality”, (2021), <https://www.ilgaasia.org/publications/cambodia-lgbtqi-rights-report-2021>. (Pages 2 and 7).

See also: UN IE SOGI, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 5).

⁸³ This issue was mentioned during focus groups discussions with LGBT+ persons organized by RoCK in August 2023 (see details in endnote 24). This issue was also highlighted by SafeSpaceBTB based on results from informal consultations with LGBT+ community members in Battambang province. See also: UN IE SOGI, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 5).

⁸⁴ The need for accessibility of mental healthcare services (with professionals sensitive to diverse SOGIESC and specific challenges experiences by LGBT= persons) was mentioned during focus groups discussions with LGBT+ persons organized by RoCK in August 2023 (see details in endnote 24). This issue was also highlighted by SafeSpaceBTB based on results from informal consultations with LGBT+ community members in Battambang province. See also: ILGA Asia, "Rainbow in the rain: the LGBTI community in Cambodia in the pursuit of freedom and equality", (2021), <https://www.ilgaasia.org/publications/cambodia-lgbtiq-rights-report-2021>. (Pages 7 and 12).

⁸⁵ UNAIDS, 'The Global Partnership for Action to Eliminate all Forms of HIV-related Stigma and Discrimination' [https://www.unaids.org/en/topic/global-partnership-discrimination#:~:text=Stigma%20and%20Discrimination,The%20Global%20Partnership%20for%20Action%20to%20Eliminate%20all%20Forms%20of,Board%20\(PCB%20NGO%20Delegation\)](https://www.unaids.org/en/topic/global-partnership-discrimination#:~:text=Stigma%20and%20Discrimination,The%20Global%20Partnership%20for%20Action%20to%20Eliminate%20all%20Forms%20of,Board%20(PCB%20NGO%20Delegation)). Ongpin, P. "We must eliminate stigma and discrimination to pave a sustainable path towards ending AIDS in Cambodia", Khmer Times, 01 March 2023, available at: <https://www.khmertimeskh.com/501247137/we-must-eliminate-stigma-and-discrimination-to-pave-a-sustainable-path-towards-ending-aids-in-cambodia/>

See also: UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 5). See also: ILGA Asia, "Rainbow in the rain: the LGBTI community in Cambodia in the pursuit of freedom and equality", (2021), available at: <https://www.ilgaasia.org/publications/cambodia-lgbtiq-rights-report-2021>. (Pages 7 and 12).

⁸⁶ RoCK et al. "Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia", (July 2018), available at: https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf. (Paragraph 39.)

⁸⁷ Enacting effective measures to ensure protection from discrimination based on sexual orientation and gender identity in Cambodia would contribute to realizing the Sustainable Development Goal ("SDG") principle commitment of "Leaving no one behind", as well as contribute to achieving specific SDG targets, including Target **5.1**: "End all forms of discrimination against all women and girls everywhere"; Target **5.2** "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation"; especially Target **10.2** "By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status"; Target **10.3** "Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard"; Target **16.1** "Significantly reduce all forms of violence and related death rates everywhere"; Target **16.b** "Promote and enforce non-discriminatory laws and policies for sustainable development". UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A/RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>

⁸⁸ UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, 'End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)', 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un>.

Ensuring the effective inclusion and protection of LGBT+ persons and diverse SOGIESC in relevant laws and policies protecting from discrimination and gender-based violence (especially in schools, employment, healthcare and public settings) would contribute to realizing the Sustainable Development Goal ("SDG") principle commitment of "Leaving no one behind", as well as contribute to achieving specific SDG targets, including Target **5.1**: "End all forms of discrimination against all women and girls everywhere"; Target **5.2** "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation"; especially Target **10.2** "By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status"; Target **10.3** "Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard"; Target **16.1** "Significantly reduce all forms of violence and related death rates everywhere"; Target **16.b** "Promote and enforce non-discriminatory laws and policies for sustainable development". UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A/RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>.

⁸⁹ In addition to the next NAPVAW, this also includes considering ensuring effective inclusion and protection of LGBT+ persons in other policies during their development or revisions, including:

- National Policy on Gender Equality: ensure effective inclusion of LGBT+ persons in development or future revision of the policy.
- Positive Parenting strategy and implementation: ensure effective implementation of positive parenting strategies (as emphasized in NAPVAW III and Neary Rattanak V) to reach parents and guardians across the country to raise awareness of child rights (consider revising materials to include a focus on gender equality and acceptance of all children, encompassing children with diverse SOGIESC)
- Possible revisions of the Law on Domestic Violence: ensure that the language used in the law is inclusive of diverse sexual orientations and gender identity/expressions, so as to ensure that LGBT+ persons facing forms of domestic violence and family violence are able to equally and effectively access the protections outlined in the Law on Domestic Violence.

This may 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. MoWA with TWGG-GBV, as well as together with the Cambodia National Council for Women (CNCW), should also consider studying other necessary legal and policy reforms to effectively protect LGBT+ persons from gender-based violence and discrimination.

⁹⁰ SDG Goal 5 "Achieve gender equality and empower all women and girls", Target **5.1**: "End all forms of discrimination against all women and girls everywhere"; Target **5.2** "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation". UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A/RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>

⁹¹ 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 which include appropriate information on SOGIESC rights, and SRHR information inclusive of persons with diverse SOGIESC.

⁹² SDG 4 “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”, especially **Target 4.5** “By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations” ; **Target 4.a** “Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all” ; **Target 5.6** “Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences”. UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A /RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>

⁹³ SDG 4 “, especially **Target 4.5** “By 2030, eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations” ; **Target 4.a** “Build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all”. UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A /RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>

⁹⁴ This recommendation has been raised by the IE SOGI during his visit to Cambodia. See UN Independent Expert on protection from violence and discrimination based on sexual orientation and gender identity, ‘End of Mission Statement - Visit of the IE SOGI to the Kingdom of Cambodia (10-20 January 2023)’, 20 January 2023. Available at: <https://www.ohchr.org/en/press-releases/2023/01/cambodia-legal-recognition-lgbt-families-key-social-integration-says-un> (Page 8 recommendation b)) This recommendation has also been raised by the CCPR: Human Rights Committee, Concluding observations on the third periodic report of Cambodia, CCPR/C/KHM/CO/3, (March 2022). <https://undocs.org/CCPR/C/KHM/CO/3/>. Paragraph 15 (c).

⁹⁵ SDG Goal 3 “Ensure healthy lives and promote well-being for all at all ages”, especially Target 3.7: “By 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes” ; **Target 3.8** “Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all” ; **Target 5.6** “Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences”. UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A /RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>

⁹⁶ SDG 8 “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”, Target 8.5: “By 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value”. UN General Assembly. Transforming our world: the 2030 Agenda for Sustainable Development. 21 October 2015. A /RES/70/1, <https://undocs.org/A/RES/70/1> see also: <https://sdgs.un.org/goals>

⁹⁷ The official letters can be specifically addressed to all civil servants at the national and sub-national, including commune councilors and local officials in charge of civil registration and other administrative documents (Family Book, Resident Book).