



**Civil society engagement with UN human rights mechanisms on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC)**

# C A M B O D I A

## **ABOUT THE COUNTRY BRIEF**

This country brief charts efforts by lesbian, gay, bisexual, transgender, intersex, and queer (LGBTIQ) activists to raise issues related to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC) within UN human rights mechanisms. This brief is based on a review of engagements with various mechanisms, including a desk review of civil society submissions and national-level discussions and individual interviews with activists and stakeholders. The discussions took place over the first half of 2016, with additional data gathered on review cycles. **The objective is to provide baseline information for LGBTIQ activists to help maximize their engagement with UN human rights mechanisms.**

# UNIVERSAL PERIODIC REVIEW

## 1ST CYCLE (2009)

No attention was brought to SOGIESC during the first cycle review of Cambodia.<sup>1</sup>

## 2ND CYCLE (2014)

During the second cycle review of Cambodia, two civil society submissions were made on SOGIESC issues:

**JOINT SUBMISSION 14 (JS14)** Rainbow Community Kampuchea (RoCK), Cambodian People Living with HIV/AIDS Network (CPN+), Women Network for Unity (WNU), Community Legal Service (CLS) and CamASEAN's Youth Future (CamASEAN)

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**JOINT SUBMISSION 16 (JS16)** (JS16) by Cambodian Center for Human Rights (CCHR), Asia Pacific Network of People Living with HIV/AIDS (APN+) and Sexual Rights Initiative (SRI)

JS14 noted that discrimination and violence against LGBTIQ persons are prevalent in the country despite its reputation as a “neutral” country, and these “exacerbate poverty and vulnerability”. This includes circumstances such as the “rape and violence of female and transgender entertainment and sex workers in Phnom Penh” which it reports as “clearly driven by stigma and social prejudices”. The report likewise noted the impacts of exclusion and discrimination on LGBTIQ persons, lack of access to essential social services, to rape and violence by police.<sup>2</sup>

JS16 drew further attention to these issues. The report included a discussion on discrimination based on SOGIESC across a wide range of sectors, including families and communities, the workplace, healthcare and law enforcement. Among the forms of discrimination include attempts by parents of LGBTIQ persons to have their children “cured” of homosexuality by traditional doctors (“groukhmer”) and law enforcers using the Village Commune Safety Policy (VCSP) to target LGBTIQ people.<sup>3</sup>

The summary of stakeholder information noted discrimination against LGBTIQ persons.<sup>4</sup> It stated that LGBT persons report being verbally abused, beaten up, and excluded from school activities, family gatherings, and work opportunities. It noted reports of rape and assaults by police and guards at detention centers. It further noted that the stigma associated with LGBTIQ persons deters many of them from regularly accessing available health services. It noted a recommendation that Cambodia raise awareness of rights of LGBTIQ persons and make sure that police respond appropriately to crimes against them.

SOGIESC issues were not raised during the review.<sup>5</sup>

1 UN Human Rights Council, 2010. Report of the Working Group on the Universal Periodic Review: Cambodia, A/HRC/13/4.

2 Rainbow Community Kampuchea, et. al., 2014. LGBT Joint Submission to the Universal Periodic Review of the United Nations Human Rights Council.

3 Cambodian Center for Human Rights, Asia Pacific Network of People Living with HIV/AIDS, and Sexual Rights Initiative, 2014. Universal Periodic Review of Cambodia, 18th Session [Joint Submission].

4 UN Human Rights Council, 2013. Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, A/HRC/WG.6/18/KHM/3.

5 UN Human Rights Council, 2014. Report of the Working Group on the Universal Periodic Review: Cambodia, A/HRC/26/16.

# TREATY MONITORING BODIES

## CAMBODIA HAS RATIFIED THE FOLLOWING INTERNATIONAL HUMAN RIGHTS TREATIES:

- 01 International Covenant on Civil and Political Rights
- 02 International Covenant on Economic, Social and Cultural Rights
- 03 Convention on the Elimination of All Forms of Discrimination against Women (with Optional Protocol)
- 04 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (with Optional Protocol)
- 05 Convention on the Rights of the Child (with Optional Protocols 1 and 2)
- 06 International Convention for the Protection of all Persons from Enforced Disappearance
- 07 International Convention on the Elimination of All Forms of Racial Discrimination
- 08 Convention on the Rights of Persons with Disabilities

During the 2015 review of Cambodia to the Human Rights Committee, shadow reports submitted by Cambodian Centre for Human Rights and Kaleidoscope Human Rights Foundation, DLA & Piper International LLP and “Cambodian LGBTI Advocacy Groups”, addressed SOGIESC issues.<sup>6</sup>

In Concluding Observations, the Human Rights Committee expressed concern about “reports of discrimination against lesbian, gay, bisexual and transgender persons, in particular in employment and health-care settings” and “the lack of legislation expressly prohibiting discrimination on the grounds of sexual orientation or gender identity (arts. 2 and 26).” The Committee recommended the State party to “review its legislation to ensure that discrimination on grounds of sexual orientation and gender identity are prohibited”, and to “conduct public awareness-raising activities to combat the social stigmatization of lesbian, gay, bisexual and transgender persons.”<sup>7</sup>

6 Kaleidoscope Australia, DLA Piper, CamASEAN and Cambodian Center for Human Rights, 2014. Shadow Report to the UN Human Rights Committee Regarding Cambodia’s Protection of the Rights of LGBTI Persons. Retrieved from: [http://ccprcentre.org/doc/2014/06/INT\\_CCPR\\_ICO\\_KHM\\_17316\\_E.pdf](http://ccprcentre.org/doc/2014/06/INT_CCPR_ICO_KHM_17316_E.pdf)

7 UN Human Rights Committee, 2015. Concluding Observations of the Second Periodic Report of Cambodia, CCPR/C/KHM/CO/2.

## OTHER POSITIONS AT THE UNITED NATIONS

Cambodia either abstained or did not vote on the inclusion of references to sexual orientation and gender identity in resolutions on extrajudicial executions at the General Assembly in 2010, 2012, and 2014.<sup>8,9,10</sup>

In June 2016, the UN Human Rights Council approved a resolution establishing a new special procedure called the “Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity” (IE SOGI), whose mandate is to assess the implementation of existing international human rights instruments with regard to ways to overcome violence and discrimination against persons on the basis of their sexual orientation or gender identity, and to identify and address the root causes of violence and discrimination.<sup>11</sup>

In November 2016, the African regional group filed a resolution in the UN General Assembly that sought to block the work of the IESOGI. Cambodia voted in favor of a counter-resolution that amended an earlier resolution by deleting the postponement of the IESOGI's functions.<sup>12</sup> In another attempt to halt the mandate in December 2016, Cambodia voted to defend the IESOGI.<sup>13</sup>

8 UN General Assembly, 2010. 65th Session, 71st Plenary Meeting, A/65/PV.71.

9 UN General Assembly, 2012. “Amendment to draft resolution A/C.3/67/L.36” as contained in document L.68 (list of votes). Retrieved from [http://www.un.org/en/ga/third/67/docs/voting\\_sheets/L68.pdf](http://www.un.org/en/ga/third/67/docs/voting_sheets/L68.pdf).

10 UN General Assembly, 2014. Amendment to draft resolution A/C.3/69/L.47/Rev1, A/C.3/69/L/64. Retrieved from [http://www.un.org/en/ga/third/69/docs/voting\\_sheets/L64.L47Rev1.pdf](http://www.un.org/en/ga/third/69/docs/voting_sheets/L64.L47Rev1.pdf).

11 UN Human Rights Council, 2016. Resolution 32/2: Protection against violence and discrimination based on sexual orientation and gender identity, A/HRC/32/L.2/Rev1.

12 UN General Assembly, 2016. Amendment to draft resolution A/C.3/71/L.46, A/C.3/71/L.52. Retrieved from: [https://www.un.org/en/ga/third/71/docs/voting\\_sheets/L52.pdf](https://www.un.org/en/ga/third/71/docs/voting_sheets/L52.pdf).

13 APCOM, 21 December 2016. Another Victory of the UN Rejecting Another Effort to Suspend the Mandate of Independent Expert on Sexual Orientation and Gender Identity. Retrieved from: <https://apcom.org/2016/12/21/lgbtiq-regional-organizations-asia-pacific-welcome-decision-ungas-5th-committee-meeting-safeguard-mandate-independent-expert-sexual-orientation-gender-identity/>



## **ASEAN SOGIE CAUCUS**

Room 8R, Future Point Plaza 3  
111 Panay Avenue, South Triangle  
Quezon City 1103, Philippines  
Phone: (+63 2) 285 7950

Web: [www.aseansogiecaucus.org](http://www.aseansogiecaucus.org)  
Facebook: [/aseansogie](https://www.facebook.com/aseansogie)  
Twitter: [@aseansogie](https://twitter.com/aseansogie)

**ASEAN SOGIE Caucus (ASC)** is a regional organization of human rights defenders from various countries in Southeast Asia. ASC advocates for the promotion, protection and fulfilment of the rights of all persons regardless of their sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). The organization aims to support capacities of local activists to engage with domestic and international human rights mechanisms. The organization envisions a SOGIESC-inclusive Southeast Asian community, and advocates for the human rights of all persons regardless of SOGIESC to be respected, protected, promoted, and fulfilled.

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