

**CAMBODIA'S UNIVERSAL PERIODIC REVIEW:
An analysis of Sexual Orientation, Gender Identity
and Expression, and Sex Characteristics Rights**

Fact Sheet

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List of Abbreviations and Acronyms

CCHR	Cambodian Center for Human Rights
CSOs	Civil Society Organizations
IBAHRI	International Bar Association's Human Rights Institute
ILGA	The International Lesbian, Gay, Bisexual, Trans and Intersex Association
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Social Economic and Cultural Rights
IOM	International Organization for Migration
LGBTIQ+	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
SOGIESC	Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
OHCHR	Office of the High Commissioner for Human Rights
RGC	Royal Government of Cambodia
RoCK	Rainbow Community Kampuchea
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Program
UPR	Universal Periodic Review

Introduction

The Universal Declaration of Human Rights (UDHR) affirms that “*all human beings are born free and equal in dignity and rights.*” The principles of equality and non-discrimination are enshrined in core international human rights treaties, and international human rights law recognizes sexual orientation and gender identity as protected grounds from discrimination.¹ Across the world, lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons have advocated to advance the recognition of their equal rights in order to live free from discrimination and violence based on sexual orientation, gender identity and expression, and sex characteristics (SOGIESC).²

In Cambodia, there have been some notable improvements in public awareness and acceptance of LGBTIQ+ people in recent years, including as a result of the awareness raising and advocacy work carried out by civil society organizations (CSOs) and LGBTIQ+ community activists. Nonetheless, while commendable progress has been made, LGBTIQ+ people in Cambodia continue to face various forms of legal and social discrimination because of their SOGIESC, including the impossibility to obtain the legal recognition of their marriage relationship, family violence and rejection, discrimination and bullying in education, discrimination in employment, barriers to accessing appropriate healthcare services, the impossibility to obtain legal gender recognition, and gender based violence.³ The heteronormative gender norms and limited understanding of diverse sexual orientation and gender identities contribute to stigma and discrimination towards LGBTIQ+ people in Cambodia. The legal system in Cambodia does not contain explicit legal protections against discrimination based on SOGIESC, furthermore, the current legal system does not yet recognize legal marriage equality for LGBTIQ+ couples, and there is no legislation allowing legal gender recognition for transgender people. While some measures have been taken by the Cambodian government to protect LGBTIQ+ from discrimination and violence based on SOGIESC, including statements by Cambodian government officials encouraging the public to refrain from discriminating against LGBTIQ+ persons, CSOs have highlighted that key legal and policy reforms are needed to protect equal rights for LGBTIQ+ Cambodians.⁴

The Universal Periodic Review (UPR) is a United Nations (UN) human rights mechanism, whereby UN Member States review other Member States' adherence to their human rights obligations, and make recommendations to improve the human rights situation.⁵ The stated objectives of the UPR include the improvement of human rights situation in each member state. The UPR assesses states' compliance with all their human rights obligations, addressing a wide range of human rights issues, including for instance freedom of expression, indigenous people's rights, women's rights, child rights, the protection of human rights defenders, as well as SOGIESC rights. Cambodia has already undergone three reviews under the UPR, with the first cycle in 2009, second cycle in 2014, and most recently Cambodia's third UPR cycle in 2019. In 2019 during its third UPR, Cambodia received and accepted for the first time nine UPR recommendations specifically focused on the protection of SOGIESC rights, in particular: enacting laws and policies guaranteeing non-discrimination on the basis of SOGIESC,

¹ See details in [section 1.2](#).

² See definitions and notes on terminologies about SOGIESC and LGBTIQ+ in [section 1.1](#).

³ See further details and references in [section 1.3](#).

⁴ See further details in [section 1.3](#). See also : Civil Society UPR Joint Submission: 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia', (2018) available at https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.

Joint Statement By Civil Society Organizations: Step Up Efforts To Protect The Rights Of Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) People In Cambodia, In Line With The Universal Periodic Review Recommendations Accepted By Cambodia. (27 September 2021)

<https://rockcambodia.org/joint-statement-upr-mtr-2021/>

⁵ See details in [section 2](#).

enabling marriage equality for same-sex couples, and introducing legal gender recognition for transgender persons.⁶

The acceptance of these recommendations took place while Cambodian CSOs working on SOGIESC rights have engaged with the UPR process as part of advocating for the protection of equal rights for LGBTIQ+ Cambodians.⁷ The acceptance of these UPR recommendations on SOGIESC marked a significant commitment by the Cambodian government in the framework of the UPR to advance on these legal and policy reforms to protect the equal rights of LGBTIQ+ persons in Cambodia. This fact sheet analyses the inclusion of SOGIESC rights in Cambodia's UPR, and further discusses the potentials of the UPR in contributing to the protection of SOGIESC rights in Cambodia, as well as the roles of key stakeholders in participating in the process to contribute to advancing on the protection of SOGIESC rights and human rights.

Aims and audiences of the fact sheet

This fact sheet presents relevant information and key resources on the UPR in relation to SOGIESC rights in Cambodia.⁸ It aims to constitute a reference for Cambodian university lecturers, researchers, university students, and other stakeholders to learn more on the topics. It also aims to be a key reference document supporting the work of CSOs engaging with the UPR process.

This fact sheet introduces perspectives on the roles and potentials of the UPR mechanism for the protection of human rights - and in particular SOGIESC rights - in Cambodia. The briefing also intends to provide key stakeholders with a better understanding of their potential roles in participating in and contributing to the UPR process.

The fact sheet is intended for several audiences:

- **University students**, including those in the fields of law, media, international relations and social sciences. This briefing is intended to provide a resource for university students to develop their understanding of these topics, and includes a clear accessible list of further resources students can look into if they are interested in learning more.
- **University lecturers**, including those in the fields of human rights, law, international relations and media. The briefing constitutes a resource to provide university lecturers with an overview of the topics, which could support them to consider preparing classes, seminars or academic projects on these topics.
- **Researchers**. The fact sheet provides an introduction to the topics and clear reference points from which to start researching in further depth these human rights issues, so that researchers in Cambodia could consider analyzing these topics further, and address knowledge gaps in existing research.
- **CSOs working on SOGIESC rights**. The briefing contains a detailed analysis of the inclusion of SOGIESC rights in all cycles of Cambodia's UPR, and thereby constitutes a useful resource and reference point for CSOs in their activities related to engaging with the UPR process, including preparing future reports in the framework of the UPR. The briefing notably includes a detailed overview of states which have referred to SOGIESC rights at Cambodia's UPR reviews, which may inform CSOs' future advocacy strategies.

The fact sheet may also be relevant to other audiences, including:

⁶ See details in [section 3.3](#).

⁷ See [section 3.4.2](#).

⁸ See definition of key concepts in [Section 1.1](#).

- **Journalists and media practitioners reporting on the UPR in Cambodia.** This fact sheet could also be a resource for media practitioners covering the UPR and SOGIESC rights in Cambodia, in particular around the UPR mid-term reporting period in January/February 2022, or the next UPR of Cambodia which will take place in 2024.
- **Recommending states.** Recommending states are important stakeholders in the UPR process. This briefing also contains relevant background information to inform their work and engagement in relation to the UPR and SOGIESC rights in Cambodia.

Outline of the fact sheet

The fact sheet first presents an introduction to the key concepts of SOGIESC rights, including key definitions, an overview of international human rights law and standards related to SOGIESC rights as well as an overview of the situation of SOGIESC rights in Cambodia ([Section 1](#)). The briefing then includes an introduction to the UPR as a mechanism for the protection of human rights ([Section 2](#)). The fact sheet then examines Cambodia's UPR specifically in relation to SOGIESC rights, and for each of the three cycles of Cambodia's UPR, the briefing presents a detailed analysis of the extent to which SOGIESC rights were included as part of the review process ([Section 3.1](#), [3.2](#), and [3.3](#)). Finally, the fact sheet outlines some of the potentials and ways forward for the role of the Universal Periodic Review (UPR) in contributing to the protection of SOGIESC rights in Cambodia. ([Section 3.4](#)).

1. Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) Rights

1.1. Glossary of Key Concepts on SOGIESC & LGBTIQ+

SOGIESC: Sexual Orientation, Gender Identity and Expression and Sex Characteristics⁹

- ▶ **Sexual orientation:** Each person's capacity for profound romantic, emotional and/or sexual attraction to individuals of a different gender, the same gender, or more than one gender.
- ▶ **Gender:** the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for men and women, or other genders.
- ▶ **Gender Identity:** each person's deeply felt internal experience of gender, which may or may not correspond to the sex they were assigned at birth.
- ▶ **Gender Expression:** An individual's external manifestation of gender, for instance expressed through behavior, chosen name and pronouns, voice, clothing, make-up.
- ▶ **Sex Characteristics** - Include primary sex characteristics (e.g., inner and outer genitalia and/or the chromosomal and hormonal structure) and secondary sex characteristics (e.g., muscle mass, hair distribution and stature).

"All human beings share a common characteristic: we all have a sexual orientation and a gender identity."¹⁰

LGBTIQ+: Lesbian, Gay, Bisexual, Transgender, Intersex and Queer¹¹

- ▶ **Lesbian** - Women who are romantically, erotically, and/or emotionally attracted to women.
- ▶ **Gay** - Men or women who are romantically, erotically, and/or emotionally attracted to people of the same gender.
- ▶ **Bisexual** - Individuals who are romantically, erotically, and/or emotionally attracted to individuals of more than one gender.
- ▶ **Trans/transgender** - Individuals whose gender identity is different from what is typically associated with their sex assigned at birth. (This is a gender identity, not a sexual orientation).
- ▶ **Intersex** - Individuals that are born with atypical sex characteristics that do not fit within the stereotypical binary definitions of a man or a woman. It includes a diverse range of hormonal anatomic, genetic and chromosomal variations.
- ▶ **Queer** – A self-descriptive term used by people who are not heterosexual or who do not see themselves as belonging to the socially accepted binary categories of sexual orientation and gender identity. Queer theory challenges heteronormative and cis-normative social norms concerning sexuality and gender, and claims that binary categories are social constructions. Traditionally a pejorative term, queer has been reclaimed by some LGBT+ people to describe themselves. Queer is also used by some as an umbrella term for LGBT+ people.
- ▶ **Gender Non-binary / Genderqueer** - Individuals whose gender identity and/or expression fall outside the gender binary of man and woman. These individuals may identify their gender somewhere between male or female or entirely outside those categories.

⁹ The following definitions are based on definitions contained in RoCK and Destination Justice, "Guide to human rights for LGBTIQ in Cambodia", 2015. <https://rockcambodia.org/wp-content/uploads/2021/08/HR-LGBT-Guide-FINAL-EN.pdf>. Some definitions have been edited to reflect current understanding and include additional terminology, based on consultation with Rainbow Community Kampuchea (RoCK), during preparation of sharing sessions in the framework of RWI project on the UPR and LGBTIQ+ rights in Cambodia in 2021.

¹⁰ RoCK and Destination Justice, "Guide to human rights for LGBTIQ in Cambodia", 2015. <https://rockcambodia.org/wp-content/uploads/2021/08/HR-LGBT-Guide-FINAL-EN.pdf> (English) and <https://rockcambodia.org/wp-content/uploads/2021/08/Guide-to-H.R-2nd-Edition.pdf> (Khmer).

¹¹ The following definitions are based on definitions contained in RoCK and Destination Justice, "Guide to human rights for LGBTIQ in Cambodia", 2015. <https://rockcambodia.org/wp-content/uploads/2021/08/HR-LGBT-Guide-FINAL-EN.pdf>. Some definitions have been edited to reflect current understanding and include additional terminology, based on consultation with Rainbow Community Kampuchea (RoCK), during preparation of sharing sessions in the framework of RWI project on the UPR and LGBTIQ+ rights in Cambodia in 2021.

Not all non-heterosexual or gender non-conforming people identify themselves as being Lesbian, Gay, Bisexual, Transgender, Intersex or Queer. Many cultures around the world, including many Indigenous Peoples, recognize sexual and gender identities that are unique to those cultures and which fall outside the LGBTIQ spectrum. The “+” sign in the “LGBTIQ+” acronym aims to represent a wider inclusion of persons with diverse SOGIESC as part of this acronym, and to reflect the broad spectrum of existing sexual orientations and gender identities and sex characteristics.

Different people and organizations may use variations of the acronym such as “LGBT+”, “LGBTI”, “LGBTQ” or “sexual and gender minorities”. The resources presented below further outline the appropriate terms in the context of Cambodia in Khmer language.

Additional resources on SOGIESC terminology and concepts in Khmer language.

- RoCK and Destination Justice, “Guide to human rights for LGBTIQ in Cambodia”, 2015. <https://rockcambodia.org/wp-content/uploads/2021/08/HR-LGBT-Guide-FINAL-EN.pdf> (English) and <https://rockcambodia.org/wp-content/uploads/2021/08/Guide-to-H.R-2nd-Edition.pdf> (Khmer).
- A presentation and discussion of terms in Khmer language related to SOGIESC and LGBTIQ+ people is included in RoCK (2015), “Research Report on Opinions, Attitudes, and Behavior toward the LGBT Population in Cambodia.” (Appendix 2) <https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>
- VIDEOS on SOGIESC (in Khmer language)
 - “Sexual Orientation, Gender Identity and Gender expression (SOGIE) Animation”, Rainbow Community Kampuchea (RoCK) <https://www.youtube.com/watch?v=19r4uvLoSqQ>
 - “Sexual Orientation, Gender Identity and Gender expression (SOGIE) Cup”, , Rainbow Community Kampuchea (RoCK) <https://www.youtube.com/watch?v=r5mgaktkTbk>
- Resources in Khmer language on why it is important to respect people’s preferred personal **pronouns**: <https://www.aptbody.org/pronouns>.

Additional resources on SOGIESC terminology and concepts in English language.

- Other terms and concepts are related to SOGIESC and may appear in discussions on SOGIESC rights. These include *inter alia* heterosexuality; heteronormativity; cisgender; cisnormativity; homophobia. The following resource includes a glossary of additional terms and concepts related to SOGIESC: International Organization for Migration (IOM), “SOGIESC Full Glossary of terms”, updated November 2020, <https://www.iom.int/sites/g/files/tmzbdl486/files/documents/IOM-SOGIESC-Glossary-of-Terms.pdf>.

1.2 SOGIESC Rights in International Human Rights Law

The right to non-discrimination is recognized in international human rights law and standards, and this includes the right to be free from discrimination on the basis of sexual orientation and gender identity.¹²

- ▶ The **right to equality and non-discrimination** are core principles of human rights, enshrined in the Universal Declaration of Human Rights (UDHR) and core international human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Social Economic and Cultural Rights (ICESCR).¹³
- ▶ Even though no United Nations human rights treaty directly mentions SOGIESC or LGBTIQ+ individuals, **United Nations human rights treaty bodies have confirmed that sexual orientation and gender identity are included among prohibited grounds of discrimination under international human rights law.**¹⁴ This position has been confirmed consistently in decisions and general guidance issued by several treaty bodies, such as the United Nations Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination against Women.¹⁵
- ▶ *“This means that it is unlawful to make any distinction of people’s rights based on the fact that they are lesbian, gay, bisexual or transgender (LGBT), just as it is unlawful to do so based on skin color, race, sex, religion or any other status.”*¹⁶

The Yogyakarta Principles

The 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**

¹² International law defines discrimination as any distinction, exclusion, restriction or preference or other differential treatment that is directly or indirectly based on a prohibited ground of discrimination and that has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of rights guaranteed under international law. UNOHCHR, ‘Born Free and Equal – Sexual orientation, gender identity and sex characteristics in International Human Rights Law’ Second Edition, 2019. Page 40. <https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

¹³ See Articles 2 and 7 of the Universal Declaration of Human Rights (UDHR). Articles 2(1) and 26 of the International Covenant on Civil and Political Rights (ICCPR). Article 2 of the International Covenant on Social Economic and Cultural Rights (ICESCR). Article 2 of the Convention on the Rights of the Child (CRC).

¹⁴ United Nations human rights treaty bodies are committees of independent experts which monitor implementation of the core international human rights treaties by State parties. UN treaty bodies perform country reviews (examines the situation in particular countries), prepares general comments (authoritative interpretations of particular rights or concepts in the Convention) and makes decisions on individual communications (complaints brought by individuals against states for violating the Covenant). More Information on UN Treaty Bodies: OHCHR, ‘Human Rights Bodies’ [webpage] [https://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx#:~:text=Treaty%2Dbased%20bodies&text=Committee%20on%20Economic%2C%20Social%20and%20Committee%20against%20Torture%20\(CAT\)](https://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx#:~:text=Treaty%2Dbased%20bodies&text=Committee%20on%20Economic%2C%20Social%20and%20Committee%20against%20Torture%20(CAT)) ; ISHR video with explanation of UN Treaty Bodies <https://www.youtube.com/watch?v=h2KV59JW318&list=PLdexkKNXSQRmug4rMq1QSGjfyJPZ19ny&index=7> (ISHR video)

¹⁵ UNOHCHR, ‘Born Free and Equal – Sexual orientation, gender identity and sex characteristics in International Human Rights Law’, Second Edition, 2019. Pp 38-45 <https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>

Committee on Economic, Social and Cultural Rights – See for instance: 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) Para 32 available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F20&Lang=en ;

United Nations Human Rights Committee - See for instance: UN Human Rights Committee, Toonen v Australia, Communication No 488/1992, 31 March 1994, CCPR/C/50/D/488/1992, para 8.7, available at: <http://hrlibrary.umn.edu/undocs/html/vws488.htm>. See also: CCPR/C/USA/CO/3, at para. 25.

Committee on the Elimination of Discrimination against Women - See for instance: CEDAW: General Recommendation No. 28 on the core obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women. (CEDAW/GC/28), 16 Dec. 2010, para. 18.

Committee on the Rights of the Child See for instance: United Nations (UN) Committee on the Rights of the Child (1989), ‘General Comment No. 4 ‘Adolescent Health and Development in the Context of the Convention on the Rights of the Child’’, at para. 2; United Nations (UN) Committee on the Rights of the Child (1989), ‘General Comments No. 3 ‘HIV/AIDS and the Rights of the Child’’, at para. 8; United Nations (UN) Committee on the Rights of the Child (1989), ‘General Comment No. 13 ‘The Right of the Child to Freedom from All Forms of Violence’’, at paras. 60 and 72(g) (stressing that States parties must address discrimination against vulnerable or marginalized groups of children, including children who are lesbian, gay, transgender or transsexual)’; United Nations (UN) Committee on the Rights of the Child (CRC) (1989), ‘General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health’’, Article 24, para. 8.

¹⁶ UN Free and Equal Factsheet on International Human Rights Law and Sexual Orientation & Gender Identity. <https://www.unfe.org/wp-content/uploads/2018/10/International-Human-Rights-Law-English.pdf>

identity and expression.¹⁷ 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.¹⁸

More information on **SOGIESC rights and international human rights law:**

- UN Office of the High Commissioner for Human Rights (OHCHR), “Born Free and Equal – Sexual orientation, gender identity and sex characteristics in International Human Rights Law”, Second Edition, 2019. <https://www.ohchr.org/Documents/Publications/BornFreeAndEqualLowRes.pdf>
- UN Free and Equal’s website: <https://www.unfe.org/learn-more/>
- UN Free and Equal Factsheets:
 - LGBTI Equality FAQ: <https://www.unfe.org/wp-content/uploads/2018/10/FAQs-English.pdf>
 - International Human Rights Law and Sexual Orientation & Gender Identity: <https://www.unfe.org/wp-content/uploads/2018/10/International-Human-Rights-Law-English.pdf>

1.3 Overview of the situation of SOGIESC rights in Cambodia

In recent years, there have been notable improvements in public awareness and acceptance of LGBTIQ+ people in Cambodia. Statements by Cambodian government officials encouraging the public to refrain from discriminating against LGBTIQ+ persons, and the awareness raising work carried out by CSOs and community activists have contributed partially to these improvements in public awareness and acceptance.¹⁹ Nonetheless, while commendable progress has been made, LGBTIQ+ people in Cambodia continue to face various forms of legal and social discrimination because of their SOGIESC, including the impossibility to obtain the legal recognition of their marriage relationship, family violence and rejection, discrimination and bullying in education, discrimination in employment, barriers to accessing adequate healthcare, the impossibility to obtain legal gender recognition,²⁰ and gender based violence.²¹

Article 31 of the Cambodian Constitution guarantees equal rights to all Cambodians regardless of personal characteristics, and guarantees respect for human rights as stipulated in the UN Charter, the UDHR and other international covenants and conventions related to human rights that Cambodia has

¹⁷ 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.

The Yogyakarta Principles, are a set of guidelines drafted by international human rights experts in 2006. They were complemented in 2017 by the “Yogyakarta Principles plus 10”. http://yogyakartaprinciples.org/wp-content/uploads/2017/11/A5_yogyakartaWEB-2.pdf

¹⁸ Paula L Eitelbrick and Alia Trabucco Zerán, “The Impact of the Yogyakarta Principles on International Human Rights Law Development: A study of November 2007-June 2010” (2010), pp. 13-24. https://apf-prod.s3.amazonaws.com/media/resource_file/Yogyakarta_Principles_Impact_Human_Rights_Law.pdf?AWSAccessKeyId=AKIA57J6V557ISASX34R&Signature=pPUzPd2b8GBs9stBhckjNYMypA%3D&Expires=1643083643

¹⁹ Joint Statement by Civil Society Organizations: Step Up Efforts To Protect The Rights Of Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) People In Cambodia, In Line With The Universal Periodic Review Recommendations Accepted By Cambodia. (27 September 2021) <https://rockcambodia.org/joint-statement-upr-mtr-2021/>.

²⁰ 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 (gender markers and/or names) recognized on official identity documents.

²¹ See in particular: Civil Society UPR Joint Submission: ‘Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia’, (2018) available at https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf. 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-lgbti-rights-report-2021>. See also detailed research reports presented in the table below.

ratified, including the ICCPR and ICESCR.²² The Cambodian legal framework does not criminalize same-sex relations, however, currently there are no explicit legal protections against discrimination on the basis of SOGIESC. Under the current legal system, same-sex couples are excluded from being able to marry under the law and obtain legal recognition of their marriage relationship. Furthermore, there are no laws or policies that allow legal gender recognition for transgender people.²³

The research publications presented in the table below discuss in details the situation of LGBTIQ+ people's rights and SOGIESC rights in Cambodia.

Further resources on the situation of SOGIESC rights in Cambodia

Overviews of the situation of SOGIESC rights in Cambodia:

- Civil Society UPR Joint Submission: "Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia", (2018), available at: https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf. Factsheets based on this report can be found at: <https://rockcambodia.org/cambodia-3rd-cycle-of-universal-periodic-review-upr-on-sogiesc-srhr/>
- 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-lgbtqi-rights-report-2021>.
- UNDP & USAID, "Being LGBT in Asia: Cambodia Country Report", (2014) available at: <https://www.refworld.org/docid/54ed86304.html>.

Specific aspects of the situations of LGBTIQ+ people's rights and SOGIESC rights in Cambodia can be found in the following research publications:

Marriage, adoption and legal gender recognition rights for LGBTIQ+ people in Cambodia:

- Cambodian Center for Human Rights (CCHR), "Cambodia's Rainbow Families: Marriage, Adoption & Gender Recognition Rights in the Kingdom", (2017), available at: http://cchrcambodia.org/admin/media/report/report/english/2017-11-22-CCHR-Report-Cambodia-Rainbow-Families_ENG.pdf

Violence in the family sphere family experienced by LBT people:

- RoCK, "Family violence towards Lesbian, Bisexual, and Transgender (LBT) people in Cambodia", (2019), available at: <https://rockcambodia.org/i-married-a-man-to-satisfy-my-parents-2019/>

The right to non-discrimination on the basis of SOGIESC in employment:

- 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://cchrcambodia.org/index_old.php?url=media/media.php&p=report_detail.php&reid=139&id=5

Economic inclusion of LGBT+ people:

²² Constitution of the Kingdom Cambodia (1993).

²³ Civil Society UPR Joint Submission: 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia', (2018) available at https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf. 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>.

- APCOM and Micro Rainbow International Foundation Cambodia, *“The State of LGBTQI’s People Economic Inclusion: Cambodia”*, (2020), available at: https://www.apcom.org/wp-content/uploads/2020/12/2020-11-12_Report_APCOM_Financelnc_Cambodia-withLogos.pdf

LGBT bullying in education:

- Cambodian Center for Human Rights (CCHR), *“LGBT bullying in Cambodia’s schools”*, (2015), 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)

Access to holistic health services for transgender people:

- RoCK and Dr. Vic Salas, *“Report Findings and Recommendations, Feasibility Study for a Transgender Project”*, January 2018, available at: https://www.rockcambodia.org/wp-content/uploads/2020/05/Findings_and_Recommendations-on-LGBT-health.pdf

Discrimination experienced by transgender women:

- 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

Public attitudes and behaviors toward LGBT+ people:

- RoCK & TNS, *“Research Report on Opinions, Attitudes, and Behavior toward the LGBT Population in Cambodia”*, (2015), available at: <https://www.rockcambodia.org/wp-content/uploads/2020/07/TNS-Research-Report-on-Opinions-Attitudes-and-Behavior-toward-the-LGBT-Population-in-Cambodia.pdf>

Overview of human rights for LGBT+ people:

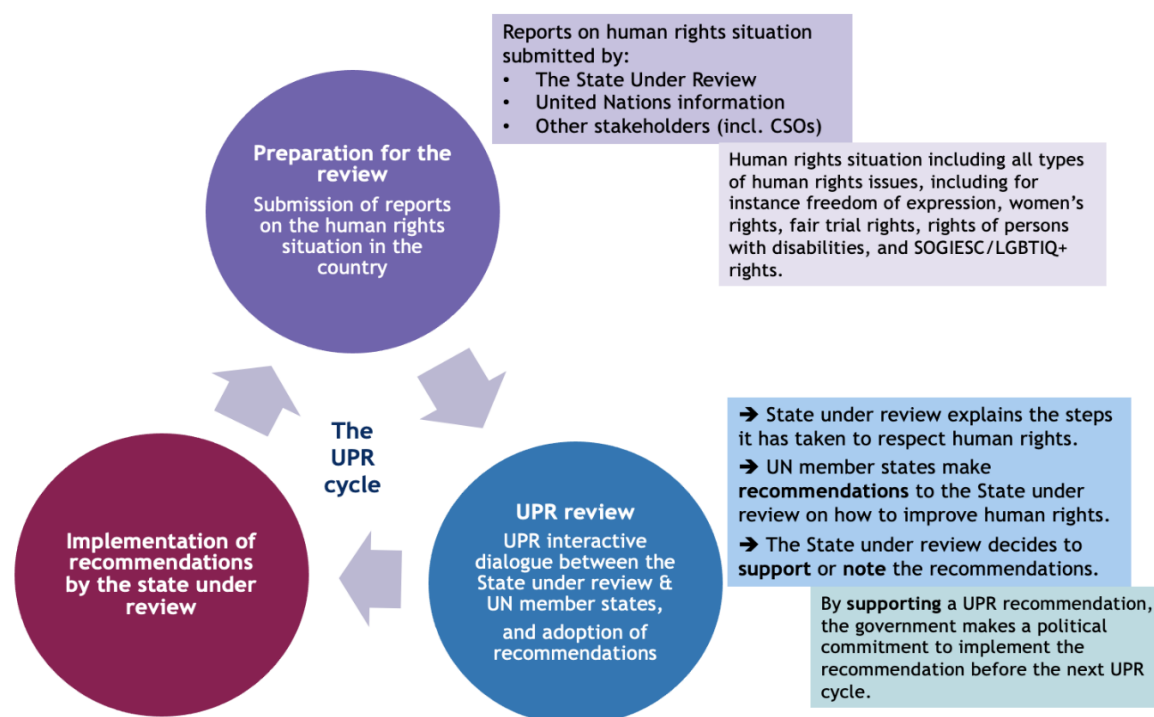
- Rock and Destination Justice, *“Guide to human rights for LGBTQ in Cambodia”*, (2015), available at: <https://docs.google.com/viewer?a=v&pid=sites&srcid=ZGVzdGluYXRpb25qdXN0aWNlM9yZ3xjaGJhYi1uZXQtZW58Z3g6YzU4Nzk1ZGQwMjBkOTUx>

Access to legal aid for LGBT+ people:

- Destination Justice, *“Access to Legal Aid services by the LGBTIQ community in Cambodia”*, (March 2019), available at: <https://destinationjustice.org/wp-content/uploads/2019/03/Final-EN-Report-Rainbow-Legal-Aid.pdf>

2. Overview of the Universal Periodic Review (UPR) mechanism

- ▶ The **Universal Periodic Review (UPR)** is a United Nations (UN) mechanism whereby UN Member States review other Member States' adherence to their human rights obligations.²⁴ The objectives of the UPR include:
 - ➔ The improvement of the human rights situation in each member state;
 - ➔ The fulfilment of the State's human rights obligations and commitments, and assessment of positive developments and challenges faced by the State.²⁵
- ▶ During the interactive dialogue of the UPR, the State under review explains the steps it has taken to respect human rights. Other UN Member States ("Recommending States") then give **recommendations** on how the State under review could improve its human rights situation.
- ▶ The process takes place for each country approximately every five years, on a cyclical basis.



Some specific features of the UPR as a mechanism for the protection of human rights:

- The UPR reviews the human rights situation of all UN Member States, it aims to “ensure universal coverage and equal treatment of all States”.²⁶
- The UPR assesses state's compliance with **all human rights obligations**; and addresses **all human rights issues**, including those relating to sexual orientation, gender identity and expression, and sex characteristics (SOGIESC).²⁷

²⁴ Human Rights Council, Resolution 5/1, A/HRC/RES/5/1 (June 2007).

²⁵ Human Rights Council, Resolution 5/1, A/HRC/RES/5/1 (2007). “The objectives of the review are: (a) The improvement of the human rights situation on the ground; (b) The fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State”.

²⁶ Human Rights Council, Resolution 5/1, A/HRC/RES/5/1 (June 2007). Para 3(c)

²⁷ A/HRC/RES/5/1 para 3(a) Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;

- The UPR aims to be a cooperative mechanism,²⁸ with a process of constructive and interactive State peer-review on human rights issues.
- The UPR provides for the participation of all relevant stakeholders in the review process, including non-governmental organizations and national human rights institutions.²⁹

The UPR review is based on three key documents:

- ▶ **National Report:** Information prepared by the State under review on the human rights situation in the country, explains the steps it has taken to respect human rights.³⁰
- ▶ **Compilation of UN Information:** A compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents.³¹
- ▶ **Summary of stakeholders' information:** A compilation of information provided by other relevant stakeholders to the universal periodic review, including **non-governmental organizations** and national human rights institutions.³²

Toolkits for civil society to engage with the UPR mechanism:

- UPR Info, The Civil Society Compendium A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review (2017), https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_cso_compendium_en.pdf
- The International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA World), SOGIESC UPR Advocacy Toolkit, "A guide for defenders working on sexual orientation, gender identity and expression and sex characteristics" (2017)https://ilga.org/downloads/SOGIESC_UPR_Advocacy_Toolkit.pdf .

Further resources on the UPR mechanisms

- Miloon Kothari, Study on emerging Good Practices from the Universal Periodic Review (UPR), (2021). https://www.upr-info.org/sites/default/files/general-document/pdf/emerging_upr_goodpractices.pdf
 - *"The study, focusing primarily on institutional, participatory and procedural aspects, illustrates that the lasting benefit of engagement of all national actors with the UPR is an increase in transparency regarding compliance by States with their human rights obligations and the increase of opportunities to learn from, and engage actively with the UN human rights system – with the aim to improve the human rights situation on the ground and to realize the rights of all people in society, beginning with the most vulnerable, marginalized and discriminated."*
- J. Gomez and R. Ramcharan, The Universal Periodic Review of Southeast Asia: Civil Society Perspectives, Palgrave-McMillan, 2018. <https://asiacentre.org/the-universal-periodic-review-of-southeast-asia-civil-society-perspectives/>

²⁸ A/HRC/RES/5/1 para 3(b)

²⁹ A/HRC/RES/5/1 para 3(m)

³⁰ A/HRC/RES/5/1. Para 15(a).

³¹ This compilation of UN information is prepared by the Office of the High Commissioner for Human Rights (OHCHR). A/HRC/RES/5/1. Para 15(b).

³² A/HRC/RES/5/1. Para 15(c). The Office of the High Commissioner for Human Rights prepares a summary of such information.

3. Cambodia's UPR: An Analysis of Sexual and Reproductive Health Rights and Sexual Orientation, Gender Identity and Expression, and Sex Characteristics

The UPR assesses states' compliance with all their human rights obligations, and addresses a wide range of human rights issues. For example, the UPR recommendations received by Cambodia at its third UPR focused on a wide range of human rights issues, including women's rights, press freedom, land rights, fair trial rights, the protection of human rights defenders, child rights, the rights of persons with disabilities, indigenous people's rights and also SOGIESC rights. Although the UPR examines a wide range of human rights issues, this research briefing focuses specifically on how SOGIESC rights have featured in Cambodia's UPR.

Cambodia has already undergone three cycle of reviews under the UPR:

- Cambodia's first cycle of UPR (2009)
- Cambodia's second cycle of UPR (2014)
- Cambodia's third cycle of UPR (2019)

More information on the UPR & Cambodia:

Useful Infographics on the UPR of Cambodia: <https://www.sithi.org/upr>
OHCHR page UPR Cambodia: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/KHindex.aspx>

3.1 SOGIESC rights at Cambodia's First Cycle of UPR (2009)

Cambodia's First UPR cycle

- 01 December 2009: Review in the UPR Working Group.
- Total 138 Recommendations received from 47 countries.
 - Accepted: 138 on a wide range of human rights issues.
 - Not Supported: none.

SOGIESC issues during Cambodia's first UPR review

- Stakeholders submissions (civil society submissions):
 - A total of 23 Stakeholders Submissions were submitted on a wide range of human rights issues,³³ but **none directly on SOGIESC rights**.³⁴
- National report: no mention of SOGIESC rights.³⁵
- UN information: no mention of SOGIESC rights.³⁶

³³ Cambodia First Cycle UPR. Summary of stakeholders information
https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KH/A_HRC_WG6_6_KHM_3_E.pdf

³⁴ The compilation of stakeholders information does not refer to SOGIESC rights of LGBT+ people's rights. One of the joint submission (J56) refers to sexual reproductive health and rights but with no direct reference to LGBTIQ+ people's rights.
https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KH/A_HRC_WG6_6_KHM_3_E.pdf

³⁵ Cambodia First Cycle UPR. National Report. https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KH/A_HRC_WG6_6_KHM_1_E.pdf

³⁶ https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KH/A_HRC_WG6_6_KHM_2_E.pdf

- Working group discussions: no mention of SOGIESC rights.³⁷
- Recommendations: no mention of SOGIESC rights.³⁸

The first UPR cycle & SOGIESC rights globally

➔ 502 recommendations on SOGIESC rights were made globally by 35 countries to 135 countries.³⁹

3.2 SOGIESC rights at Cambodia's Second Cycle of UPR (2014)

Cambodia's Second UPR cycle

- 28 January 2014: Review in the UPR Working Group.
- Total 205 Recommendations received from 76 countries:
 - Accepted: 163 on a wide range of human rights issues.
 - Not Supported: Noted 38, "Rejected" 4.⁴⁰

SOGIESC ISSUES DURING Cambodia's Second UPR REVIEW

- Stakeholders submissions (Civil society submissions):
 - A total of 37 Stakeholders Submissions on a wide range of human rights issues were submitted,⁴¹ including **two civil society submission focusing on LGBT+ rights.**⁴²
- National report: no mention of SOGIESC rights.⁴³
- UN information: no mention of SOGIESC rights.⁴⁴
- Working group discussions: no mention of SOGIESC rights.
- Recommendations:
 - **No recommendation directly on SOGIESC rights.**
 - Some general recommendations on sexual and reproductive health and rights (SRHR), on eliminating discrimination against women, and on the right to health of vulnerable groups – even if they did not make direct reference to the rights of LGBTIQ+ people and SOGIESC rights.⁴⁵

³⁷ https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KH/A_HRC_13_4_KHM_E.pdf

³⁸ https://lib.ohchr.org/HRBodies/UPR/Documents/Session6/KH/A_HRC_13_4_KHM_E.pdf

³⁹ Source: UPR Info Database on UPR recommendations. Online. [Accessed 19.12.2021] [https://upr-info-database.uwazi.io/en/library/table/?q=\(allAggregations:lf,filters:\(cycle:\(values:\(%273eec3a87-0825-4a8f-a37d-6ca7b03715e4%27\)\)\),issues:\(values:\(%276e415998-2b91-42a8-94a5-a21859de6cdd%27\)\)\),from:90,includeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:\(%275d8ce04361cde0408222e9a8%27\),unpublished:lf\)](https://upr-info-database.uwazi.io/en/library/table/?q=(allAggregations:lf,filters:(cycle:(values:(%273eec3a87-0825-4a8f-a37d-6ca7b03715e4%27))),issues:(values:(%276e415998-2b91-42a8-94a5-a21859de6cdd%27))),from:90,includeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:(%275d8ce04361cde0408222e9a8%27),unpublished:lf))

⁴⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/066/09/PDF/G1406609.pdf?OpenElement>

⁴¹ Summary of stakeholders information <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/184/24/PDF/G1318424.pdf?OpenElement>.

⁴² JS 14 by 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). See: Summary of stakeholders information <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/184/24/PDF/G1318424.pdf?OpenElement>. JS 14 can be downloaded via: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRKHStakeholdersInfoS18.aspx>.

JS 16 by Cambodian Center for Human Rights (CCHR), Asia-Pacific Network of People Living with HIV/AIDS (APN+) and Sexual Rights Initiative (SRI). See: Summary of stakeholders information <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/184/24/PDF/G1318424.pdf?OpenElement>. JS 16 can be downloaded via:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRKHStakeholdersInfoS18.aspx>.

⁴³ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/187/29/PDF/G1318729.pdf?OpenElement>

⁴⁴ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G13/184/59/PDF/G1318459.pdf?OpenElement>

⁴⁵ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/127/27/PDF/G1412727.pdf?OpenElement>

The second UPR cycle & SOGIESC rights globally

→ 958 recommendations on SOGIESC rights were made globally by 51 countries to 158 countries.⁴⁶

3.3 SOGIESC rights at Cambodia's Third Cycle of UPR (2019)

Cambodia's Third UPR cycle

- 30 January 2019: Review in the Working Group
- Total 198 Recommendations received from 73 countries⁴⁷
 - Accepted: 173, on a wide range of human rights issues.⁴⁸
 - Not Supported: 25

Video recording of the Review of Cambodia on 30 January 2019 by the Working Group on the Universal Periodic Review, available at : <https://sithi.org/upr/universal-periodic-review-third-cycle-cambodia>.

SOGIESC ISSUES DURING CAMBODIA'S Third UPR REVIEW

- Stakeholders submissions (Civil society submissions):⁴⁹
 - A total of 31 Stakeholders Submissions on a wide range of human rights issues were submitted, including:⁵⁰
 - **One** civil society submission focusing on SOGIESC rights:
 - 'Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia', available at: https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.⁵¹
 - And LGBTIQ+ persons' rights were also mentioned in two other civil society submissions, on access to justice and on public health.⁵²
 - National report: No direct mention of SOGIESC or LGBTIQ+ persons' rights.⁵³
 - Compilation of UN information: Included SOGIESC rights.⁵⁴

⁴⁶ Source = UPR Info Database on UPR recommendations. Online. Accessed 19.12.2021. [https://upr-info-database.uwazi.io/en/library/?q=\(allAggregations:lf,filters:\(cycle:\(values:!\(b237423c-6c85-4329-b3b0-acd1ceae04ed\)\),issues:\(values:!\(%276e415998-2b91-42a8-94a5-a21859de6cdd%27\)\)\),from:0,includeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:!\(%275d8ce04361cde0408222e9a8%27\),unpublished:lf\)](https://upr-info-database.uwazi.io/en/library/?q=(allAggregations:lf,filters:(cycle:(values:!(b237423c-6c85-4329-b3b0-acd1ceae04ed)),issues:(values:!(%276e415998-2b91-42a8-94a5-a21859de6cdd%27))),from:0,includeUnpublished:lf,limit:30,order:desc,sort:creationDate,types:!(%275d8ce04361cde0408222e9a8%27),unpublished:lf))

⁴⁷ Report of the working group <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>
5 July 2019 : Adoption in the Plenary

⁴⁸ Addendum 1 Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review <https://daccess-ods.un.org/tmp/7925950.88481903.html>

⁴⁹ Summary of stakeholders information, para 12-13. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/333/54/PDF/G1833354.pdf?OpenElement>

⁵⁰ Including 17 joint-submissions and 14 individual submissions. Summary of stakeholders information. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/333/54/PDF/G1833354.pdf?OpenElement>

⁵¹ CCHR, RoCK, Destination Justice, Micro Rainbow International, the Reproductive Health Association of Cambodia, the International Lesbian, Gay, Bisexual, Trans and Intersex Association, ILGA Asia, ASC, RFSU, ActionAid Cambodia, DCA, and CamASEAN, '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.

⁵² Joint-Submission on Access to Justice, by Cambodian Center for Human Rights ("CCHR"), Destination Justice ("DJ") and The Cambodian Human Rights and Development Association ("ADHOC"), and endorsed by Advocacy and Policy Institute ("API"), Transparency International Cambodia ("TIC"), and International Freedom of Expression Exchange ("IFEX"). Direct mention of LGBTIQ+ persons rights in Para 12 and 30.

Joint Submission on Public Health in Cambodia, by Social Action for Community and Development ("SADC"), Women's Network for Unity ("WNU"), Rainbow Community Kampuchea ("RoCK"), and Health Action Coordination Committee ("HACC"), in para Xiii and 25.

⁵³ National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. Cambodia. 15 November 2018.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/341/00/PDF/G1834100.pdf?OpenElement>

⁵⁴ Para 11. "The same Committee (Human Rights Committee) was also concerned about reports of discrimination against lesbian, gay, bisexual and transgender persons, in particular in employment and health-care settings. It noted with concern the lack of legislation expressly prohibiting discrimination on the grounds of sexual orientation or gender identity." Compilation of UN information: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/337/25/PDF/G1833725.pdf?OpenElement>

- Questions submitted in advance: Yes, questions by four states on SOGIESC rights (Sweden, United States of America, Belgium, Spain).⁵⁵
- Working group discussions: Yes, direct mention of SOGIESC:
 - The delegation of Cambodia mentioned the actions taken by the government of Cambodia towards eliminating discrimination against LGBT community in Cambodia⁵⁶
 - During the working group review, four UN states made remarks on the situation of SOGIESC/LGBTIQ+ rights.⁵⁷
- Recommendations:
 - **9 recommendations** specifically on SOGIESC rights **received** and **accepted**.⁵⁸ (see table below).

⁵⁵ Sweden: "Sweden acknowledges steps taken towards a new "life skills" curriculum for grades 5-12 offering inclusive education on sexual orientation, sexuality education and gender-based violence. When can this new important curriculum be introduced and how will the Kingdom of Cambodia ensure that all teachers receive comprehensive training on SRHR, including LGBTI-persons' full enjoyment of human rights?"

United States of America: "One nongovernmental organization reported more than 100 incidents of violence or abuse against LGBTI persons in Cambodia, including domestic violence by family members. What steps is the government taking to protect these persons from such violence?"

Belgium: "How is the government of Cambodia protecting LGBTI persons from stigma and discrimination? Does the government consider introducing specific anti-discrimination legislation?"

Spain: "What measures have been taken by the Government to effectively implement the existing laws in order to improve the integration of the LGBTI community into the society?"

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/KHindex.aspx>

⁵⁶ The delegation of Cambodia Intervention made during the Working Group Review interactive dialogue, on 30 January 2019:

"82. Even though there was no policy or legal framework governing the rights of the lesbian, gay, bisexual and transgender community, the Government had taken action to eliminate discrimination against that community by organizing public awareness campaigns, disseminated via the media and in the context of formal and informal education. While civil law still did not recognize the legitimacy of homosexual marriage and registration, it did not actually criminalize such marriage and practices. Homosexual marriage was in fact very common in Cambodian society, in traditional and cultural practices. Approximately 1,000 same-sex couple had already married with a traditional party and ceremony." <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>

See also: video recording of the Working Group Session Third UPR of Cambodia, 30 January 2019, available at: <https://sithi.org/upr/universal-periodic-review-third-cycle-cambodia> - Full unofficial transcription of speech by Cambodia Delegation (1hour46minutes to 1hour50minutes of the video recording). Unofficial transcription by ILGA World <https://ilga.org/downloads/32st-UPR-Working-Group-Session-SOGIESC-recommendations.pdf> "Related to sexual orientation, sexuality education and gender based violence, the Royal Government has made significant effort to eliminate discrimination against women and to promote gender equality and equity in Cambodia through the development and implementation of legal framework, policy, action-plan and education program to address and respond to discrimination, violence against women and girls, to promote equality between men and women in the society. According to regulation strategy phase four the Government has clear plan to promote gender equality, sexual orientation, sexuality education, to eliminate discrimination and gender based violence as following; implement gender equality in policy framework and national development plan, reducing gender gap in education, vocational training and the civil service, widening women entrepreneurship initiative, reducing domestic violence and sexual abuse against women and children, uplifting social morality, women's dignity and Cambodian family, improving legal services for women and children, put in place and implement the social protection policy framework 2016 to 2025." "Related to LGBT, even though there is a lack of policy and legal framework governing the right of LGBT people, the Government has been taking some action eliminating discrimination against LGBT community in Cambodia through promoting the public awareness on this issue and the dissemination program via media, formal and informal communication. Regard with legal awareness the civil law of Cambodia not yet recognize the legitimacy of homosexual marriage and registration, however the law not either criminalize such marriage and practice like some other countries. Such homosexual marriage is okay and very common in Cambodian society through traditional and cultural practices, as is found that approximately one thousand same-sex couples have already been married with traditional party and ceremony. In reality the LGBT people in Cambodia are exercising their rights and freedom without restriction from the Government and are doing a lot of advocacy campaign locally and internationally to promote their rights and freedom with full support and participation from the Government, particularly the CHRC. And also Prime Minister sent a message to the LGBT community through CHRC President, that the Government must take the lead in promoting LGBT rights and eliminating all form of discrimination against this community in Cambodia. However, to amend the civil law in order to legalize such practice there need to be more advocacy and promotion of public awareness so that it is more acceptable from society and community, so the cultural resistance becomes less and as a result the law will then be amended accordingly."

⁵⁷ **Remarks of States during the review of the working group:**

- Greece: "We would like to note Cambodia's progress in respect of LGBTIQ inclusion, as well as the development of a safety net for the most vulnerable, including persons with disabilities."

- Latvia: "Latvia notes received visits from the Special Rapporteur on the situation of human rights in Cambodia and accepted visit requests by the Special Rapporteur on the rights of persons with disabilities and Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity."

- Netherlands: "The Netherlands commends Cambodia for its commitment to inclusive instruction on sexual orientation issues, sexual education, gender based-violence for grades 5 to 12."

- Sweden: "Sweden welcomes Cambodia's participation in the UPR process and acknowledges steps towards a strengthening of LGBTI persons' full enjoyment of human rights."

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement>

⁵⁸ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/098/90/PDF/G1909890.pdf?OpenElement> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/110/92/PDF/G1911092.pdf?OpenElement>

Recommendations on SOGIESC rights received & accepted by Cambodia during its third UPR	
Recommendations	Recommending State
Enactment of laws and policies guaranteeing non-discrimination on the basis of SOGIESC	
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. (110.45)	Iceland
Adopt, in consultation with civil society organizations, comprehensive legislation and policies against discrimination and violence based on sexual orientation or gender identity, and guarantee their implementation through all public entities, in particular in the education, health and labor sectors. (110.50)	Mexico
Introduce new legislation that guarantees equality and explicitly prohibits discrimination against lesbian, gay, bisexual, transgender and intersex persons. (110.52)	Sweden
Adopt effective measures to combat and punish discrimination and violence motivated by sexual orientation or gender identity. (110.53)	Uruguay
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. (110.54)	Australia
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
Legal Gender Recognition for trans people	
Introduce a gender recognition law. (110.54)	Iceland

The third UPR cycle & SOGIESC rights globally

→ The third cycle of the UPR is still ongoing.⁵⁹ Based on data available so far on the third cycle (data available up to November 2020), there had already been **1198** recommendations on SOGIESC rights made globally by **63** countries to **135** countries.⁶⁰

At a glance... SOGIESC rights at the UPR globally			
UPR cycles	Recommendations on SOGIESC rights made globally	Made by ... recommending states	To ... States under review
First cycle 2008-2012	502	35	135
Second cycle 2012-2016	958	51	158
Third cycle 2017-2021	1198*	63*	135*

A study on SOGIESC rights at the first two cycles of the UPR by ILGA, ARC International and the International Bar Association's Human Rights Institute (IBAHRI) in 2016 analyzed the role played by the UPR in shaping the protection of the human rights of LGBTIQ+ persons, and noted: *"From a civil*

⁵⁹ <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>

⁶⁰ Source : UPR Info Database on UPR recommendations. Online. [Accessed 19.12.2021] [https://upr-info-database.uwazi.io/en/library/table/?q=\(allAggregations:!f,filters:\(cycle:\(values:\(!%27567eec7b-d5ab-4c36-a712-57c38fae9124%27\)\)\),issues:\(values:\(!%276e415998-2b91-42a8-94a5-a21859de6cdd%27\)\)\),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,types:\(!%275d8ce04361cde0408222e9a8%27\),unpublished:!f\)](https://upr-info-database.uwazi.io/en/library/table/?q=(allAggregations:!f,filters:(cycle:(values:(!%27567eec7b-d5ab-4c36-a712-57c38fae9124%27))),issues:(values:(!%276e415998-2b91-42a8-94a5-a21859de6cdd%27))),from:0,includeUnpublished:!f,limit:30,order:desc,sort:creationDate,types:(!%275d8ce04361cde0408222e9a8%27),unpublished:!f))

society perspective, the UPR has been a crucial platform to make visible a wide array of human rights violations against LGBTI persons worldwide and to hold states to account. Civil society has claimed space for SOGIESC issues by making submissions, presenting oral interventions, advocating with governments, embassies and missions.”⁶¹

3.4 Ways forward for the role of the Universal Periodic Review (UPR) in contributing to the protection of SOGIESC rights in Cambodia

3.4.1 Upcoming phases of Cambodia’s UPR process



IMPLEMENTATION PHASES AND MIDTERM REPORTING PERIOD

- The period ranging from the third UPR of Cambodia in 2019, up to the next review scheduled in 2024 marks the **implementation phase** of Cambodia’s third UPR cycle, during which Cambodia should implement the accepted recommendations.
- The **UPR voluntary mid-term reporting** is a voluntary process that allows States under review and other UPR stakeholders (including civil society) to provide a mid-term update on follow-up implementation of accepted recommendations.⁶² There is no specific date for the voluntary mid-term reporting period, but it generally corresponds to the time halfway between the reviews, which for Cambodia corresponds to late 2021-early 2022.
- The voluntary mid-term reports constitute “an important source of information on progress, or lack thereof, in relation to implementation of recommendations during the five years between reviews.”⁶³
 - The voluntary mid-term reports for Cambodia’s UPR which can be submitted by UPR stakeholders on a voluntary basis, including States under Review and civil society organizations will be available on OHCHR’s website: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>.

⁶¹ International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), in collaboration with ARC International and the International Bar Association's Human Rights Institute (IBAHRI), *Sexual Orientation, Gender Identity and Expression, and Sex Characteristics at the Universal Periodic Review*. (November 2016) <https://ilga.org/new-report-finds-upr-crucial-to-protect-human-rights-of-lgbti-persons-worldwide> .

⁶² In 2011, the Human Rights Council, while evaluating the UPR process five years after its creation, recognized the need for strengthened follow-up measures, and institutionalised mid-term reporting as a voluntary important component of the UPR process. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations. (A/HRC/RES/16/21). UN Resolution A/RES/16/21, “Review of the work and functioning of the Human Rights Council” (12 April 2011). https://www.upr-info.org/sites/default/files/general-document/pdf/a_hrc_res_16_21_hrc_review_e.pdf

⁶³ For more information on UPR mid-term reporting, see: UPRInfo, “UPR Mid-term reporting: Optimizing sustainable implementation, Good practices for UPR stakeholders. (2018) https://www.upr-info.org/sites/default/files/general-document/pdf/upr_midterm_report_web_v1_high.pdf See also : The Geneva Academy of International Humanitarian Law and Human Rights, “The Universal Periodic Review Mid-Term Reporting Process: Lessons For The Treaty Bodies” (2019): <https://www.geneva-academy.ch/joomlafiles-files/docman-files/The%20Universal%20Periodic%20Review%20.pdf>

- In relation to **SOGIESC rights** specifically, civil society organizations working on the protection of SOGIESC in Cambodia have published a joint-statement on the occasion of Cambodia’s UPR mid-term reporting period in September 2021.⁶⁴

Toolkit for civil society on UPR mid-term reporting:

- UPR Mid-term reporting: Optimizing sustainable implementation, Good practices for UPR stakeholders. (2018) https://www.upr-info.org/sites/default/files/general-document/pdf/upr_midterm_report_web_v1_high.pdf.

NEXT UPR REVIEW OF CAMBODIA (FOURTH CYCLE)

- In preparation for the next UPR review of Cambodia, the deadline for civil society submissions is set tentatively on September/October 2023.⁶⁵
- The next UPR review of Cambodia in the fourth UPR cycle is scheduled to take place in **May 2024**.⁶⁶

3.4.2 Potential of the UPR to contribute to the protection of SOGIESC rights in Cambodia

This sections shares some perspectives on the potentials and roles of the engagement with the UPR process to contribute to the protection of SOGIESC rights in Cambodia.

In his August 2021 report on the situation of human rights in Cambodia, the United Nations Special Rapporteur on the situation of human rights in Cambodia, Professor Vitit Muntarbhorn, recognized the role of Cambodia’s involvement with the UPR process in “open[ing] the door” to reforms protecting LGBTI people’s rights.

Report of the Special Rapporteur on the situation of human rights in Cambodia, Professor Vitit Muntarbhorn, August 2021, <https://undocs.org/A/HRC/48/79>

“Lesbian, gay, bisexual, transgender and intersex individuals

63. The atmosphere in the country is relatively open on lesbian, gay, bisexual, transgender and intersex issues. However, there are some instances of discrimination and violence, for example bullying from a young age. **The country’s involvement with the universal periodic review has also opened the door to some potentially constructive reforms.** First, there is the possibility of enacting an anti-discrimination law which would be inclusive of sexual orientation and gender identity and help to protect the rights of lesbian, gay, bisexual, transgender and intersex individuals. Second, there is space to explore the possibility of a law to recognize same-sex marriage. These orientations need fuller consultation in the country, with the informed participation of the groups concerned.

[...]

79. Some activities can be undertaken [...]can invite cooperation: [...] (c) Follow-up on various recommendations accepted by the country at the most recent universal periodic review, in particular the adoption of an anti-discrimination law which will protect lesbian, gay, bisexual, transgender and intersex persons and a law to recognize same-sex marriage.”

⁶⁴ Joint Statement by Civil Society Organizations: Step Up Efforts To Protect The Rights Of Lesbian, Gay, Bisexual, Transgender, Intersex, Queer (LGBTIQ) People In Cambodia, In Line With The Universal Periodic Review Recommendations Accepted By Cambodia. (27 September 2021) <https://rockcambodia.org/joint-statement-upr-mtr-2021/>.

⁶⁵ See UPR Info timeline for Cambodia <https://www.upr-info.org/en/review/Cambodia>

⁶⁶ <https://www.upr-info.org/en/review/Cambodia>

Cambodian civil society organizations have been actively engaged with the third cycle UPR of Cambodia on a wide range of human rights issues, including on SOGIESC rights. In particular, a coalition of CSOs working on SOGIESC rights and SRHR has actively engaged with the UPR process through the preparation of a joint-submission in 2018,⁶⁷ and advocacy towards all relevant stakeholders ahead of the review, as well as after the review in supporting and encouraging the process of implementation of the UPR recommendations on SOGIESC-SRHR accepted by Cambodia. Rainbow Community Kampuchea (RoCK) team members reflected upon this experience and shared their perspectives on the potentials and roles of the engagement with the UPR process in contributing to the protection of SOGIESC rights in Cambodia.

LY Pisey, HENG Chey Leaphy and Sally Low, “Advocating for the Rainbow Family in Cambodia”, *Australian Journal of Asian Law*, 2019, Vol 20 No 1, Article 12: 151-163, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3489681

“ [...] in late 2018, RoCK decided to participate in writing a civil society submission on the Situation of SOGIESC and SRHR in Cambodia, to the third Universal Periodic Review of Cambodia by the UN Human Rights Council. This was the first Universal Periodic Review of Cambodia to specifically consider LGBTIQ rights. RoCK therefore felt it was important to participate and to build solidarity with other civil society organisations (CSOs) who were willing to raise LGBTIQ issues and to make LGBTIQ issues more visible. Moreover, the Universal Periodic Review is promoted as a peer-to-peer, and state-to-state process that aims to encourage and assist states to improve their performance (UPR, <www.upr-info.org>). In order to build trust, mutual understanding and transparency, the co-authors of the CSO report agreed to share it with the government’s Cambodian Human Rights Committee before it was submitted. The joint submission raises the lack of legal protection for LGBTIQ people as a shortcoming in LGBTIQ human rights (CSO coalition, 2018)

For RoCK, the Universal Periodic Review was not an end in itself but a means of raising awareness and building alliances. Internal reflections on the process led to the following conclusions:

First, RoCK members were impressed to learn that rather than being a one-way process of external criticism aimed at Cambodia, there is reciprocity in the Universal Periodic Review so that states under review will at other times be able to make recommendations on other states (OHCHR, <www.ohchr.org>).

Second, more than 80 LGBTIQ people from RoCK’s network had the opportunity to participate in a consultative process where their voices were heard and respected. They learnt about the Universal Periodic Review process and experienced the solidarity and empowerment of joint advocacy, when it is led and owned by LGBTIQ communities.

Third, the process of producing the report encouraged better understanding and discussion of the intersection of LGBTIQ and women’s rights and the right to health. As a result, some women’s rights groups endorsed LGBTIQ rights.

Finally, the parallel government-led national consultations, organised by the government’s Cambodian Human Rights Committee, provided a forum to network with and lobby representatives of some government ministries, and to expand its contacts with government institutions.

RoCK found the process created a space for civil society to raise some concerns and make recommendations. It also provided an opportunity for participants to hear the RGC’s plans and its proposed procedure in dealing with LGBTIQ rights under its inclusive and sustainable development goals (RGC, 2014).”

⁶⁷ Civil Society UPR Joint Submission: ‘Joint Submission to the UN Human Rights Council for the Third Universal Periodic Review of the Kingdom of Cambodia. SOGIESC & SRHR in Cambodia’, (2018) available at https://ilga.org/downloads/stakeholdersreport_CAMBODIA_UPR32.pdf.

3.4.3 Roles of each stakeholders to support the implementation of UPR recommendations

Although the State under review holds the main responsibility to implement the UPR recommendations accepted at the review to improve the human rights situation in the country, a variety of stakeholders can also play a role to support the implementation of UPR recommendations. The participation and involvement of all these stakeholders in the implementation phase is key to support the effective implementation of UPR recommendations and thereby contributing to positive change in the human rights situation in the country, including in relation to SOGIESC rights.

Roles of UPR stakeholders to support the implementation of UPR recommendations	
State under Review (Cambodia)	<ul style="list-style-type: none"> The State under review holds the main responsibility to implement recommendations accepted at the UPR,⁶⁸ including through policy making and developing legislation, and based on regular, inclusive and meaningful consultations with civil society. Good practices for the implementation of UPR recommendations by the State under Review include: <ul style="list-style-type: none"> Establishing a National Mechanism for Reporting and Follow-Up (NMRF) Permanent and cross-ministerial to coordinate and consult with all stakeholders (CSOs, UN agencies, Parliament and the judiciary). Developing a Human Rights Action Plan to identify the ministries responsible for implementation and develop indicators to measure implementation.⁶⁹ Government institutions at all levels can take part in implementation of UPR recommendations. Good practices have notably highlighted the role of parliamentarians.⁷⁰
Recommending States (States who made the recommendations to Cambodia)	<p>The international community including recommending states can assist in implementing UPR recommendations.⁷¹</p> <ul style="list-style-type: none"> Recommending states can continue bilateral dialogue with the state under review, including request further details on UPR implementation plans. They can also offer technical assistance to the state under review to implement UPR recommendations They can support civil society in efforts contributing to implementation of recommendations.
United Nations Agencies	<p>United Nations agencies are encouraged to integrate the implementation of UPR recommendations in their work at the country level.⁷²</p>

⁶⁸ A/HRC/RES/5/1. Para 33. “The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders.”

⁶⁹ UPR Info, The Butterfly Effect - Spreading good practices of UPR implementation, (2016) https://www.upr-info.org/sites/default/files/general-document/pdf/2016_the_butterfly_effect.pdf

⁷⁰ Miloon Kothari, Study on emerging Good Practices from the Universal Periodic Review (UPR), (2021). https://www.upr-info.org/sites/default/files/general-document/pdf/emerging_upr_goodpractices.pdf Page 15-16.

⁷¹ A/HRC/RES/5/1. Para 36. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned.

⁷² Miloon Kothari, Study on emerging Good Practices from the Universal Periodic Review (UPR), (2021). https://www.upr-info.org/sites/default/files/general-document/pdf/emerging_upr_goodpractices.pdf Page 17-18.

See also: OHCHR, Maximizing the use of Universal Periodic Review at Country Level: Practical Guidance https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf

	<ul style="list-style-type: none"> • United Nations agencies can notably offer technical support to the government for mechanisms to implement UPR recommendations, and emphasize the importance of consulting civil society.⁷³
<p>CSOs, grassroots organizations, human rights defenders</p>	<p>CSOs are important stakeholders in the UPR process that can contribute to the implementation of UPR recommendations.⁷⁴</p> <ul style="list-style-type: none"> • CSOs can cooperate with all stakeholders to support the implementation of recommendations, and can monitor and report on the implementation of recommendations.
<p>Journalists and media actors</p>	<p>Journalists and media actors can play a role in the implementation of UPR recommendations, including:</p> <ul style="list-style-type: none"> • Provide timely information to the public on government commitments made during the UPR, including producing various media contents such as written, audio, visual, to inform the public about the topics. • Monitor implementation progress as well as meaningful inclusion of civil society in the UPR process, and reporting on both success stories and shortcomings of all UPR stakeholders.⁷⁵
<p>Academics</p>	<p>To support the implementation of UPR recommendations, academics (including researchers, university lecturers and students) can:</p> <ul style="list-style-type: none"> • Conduct research on the human rights improvements resulting from implemented UPR recommendations to assess the successes of the mechanisms, and identify shortfalls – as well as ensuring that research findings are shared in a variety of mediums to increase the public’s knowledge of the UPR. • Include discussions of the UPR mechanism as part of human rights classes at universities.⁷⁶
<p>General public</p>	<p>The general public can also learn about the UPR process and recommendations accepted by their government, through following media reporting or engaging in consultations. The public can engage in public debate around the UPR process, the recommendations and the human rights issues underlying them.</p>

⁷³ UPR Info, The Butterfly Effect - Spreading good practices of UPR implementation, (2016) https://www.upr-info.org/sites/default/files/general-document/pdf/2016_the_butterfly_effect.pdf

⁷⁴ A/HRC/RES/5/1. Para 33

⁷⁵ https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_cso_compendium_en.pdf page 35.

⁷⁶ UPR Info, The Butterfly Effect - Spreading good practices of UPR implementation, (2016) https://www.upr-info.org/sites/default/files/general-document/pdf/2016_the_butterfly_effect.pdf page 41.