

Legal Gender Recognition in Cambodia

Transgender

The term 'transgender' refers to an individual whose gender identity is different from their sex assigned at birth.

A **transgender woman** is someone who identifies, feels, and typically lives as a woman but was assigned the male sex at birth.

A **transgender man** is someone who was assigned the female sex at birth, but who identifies, feels, and typically lives as a man.



Many states have introduced gender recognition laws, including Argentina, Colombia, Ireland, Malta, Denmark, Norway, & Viet Nam.

In Cambodia

→ There is **no legislation which explicitly enables transgender people to receive legal recognition of their self-defined gender identity**. However, there is **no specific legal provision prohibiting it, either**.

→ The lack of clarity leaves transgender Cambodians subject to the individual decision of public officials.

→ While some transgender Cambodians are issued with ID cards conforming to self-defined gender identity, most local officials deny such requests, for fear of breaking the law.



Legal Recognition of Gender Identity

Means that legislative and administrative procedures are put in place which enable transgender people's self-defined gender to be reflected on their official identification documents.



Why? To overcome the gap between the stated sex on official identification and a trans person's actual gender identity, by making self-defined gender official.



According to international human rights standards, gender reassignment surgery should **never** be a condition of legal gender recognition.

The lack of a law explicitly enabling legal gender recognition denies many transgender Cambodians their fundamental human rights.

International Standards



The right to legal gender recognition is not listed as a stand-alone right in any of the international human rights treaties. Nevertheless, its realization is required in order to fulfill a range of other fundamental human rights for transgender individuals, including:

- the right to be free from discrimination
- the right to recognition everywhere as a person before the law
- the right to free development of personality

Although nonbinding, Principle 31 of the **Yogyakarta Principles** outlines the scope of the right of legal gender recognition based on binding international human rights law: *"Everyone has the right to obtain identity documents, including birth certificates, regardless of sexual orientation, gender identity, gender expression or sex characteristics. Everyone has the right to change gendered information in such documents while gendered information is included in them"*

In order to fulfill all transgender Cambodian's right to legal gender recognition & related rights, we call on the Royal Government of Cambodia to:

Introduce a Gender Recognition Law guaranteeing every person the right to have their self-defined gender identity recognized on all official documents issued by the state (including ID cards, family books, passports, etc.) through a simple administrative procedure based on self-determination.

In January 2019, during the **Third Universal Periodic Review (UPR)** of Cambodia, several states raised a total of 9 recommendations specifically addressing the rights of LGBTIQ Cambodians.

→ Iceland recommended that Cambodia *"Introduce a gender recognition law"*.

The recommendations are being examined by the Cambodian government, who will announce whether it accepts them by June/July 2019.



April 2019

Find more details on Legal Gender Recognition in Cambodia through our factsheet available at: <https://cchrcambodia.org/>



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