



FACTSHEET – UPR 2018 – Cambodia

3rd CYCLE UNIVERSAL PERIODIC REVIEW

Rights of Persons with Disabilities

This factsheet was prepared by the Cambodian Disabled Peoples Organisation (CDPO), which represents 74 Disabled Peoples’ Organisations across Cambodia, following consultation with a range of its members and other disability organisations.

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Cambodia has been reviewed on two previous occasions – in 2009 and 2014. During the 18th Session of Cambodia’s UPR in 2014, Cambodia received 205 recommendations from 76 delegations. Of these, four recommendations were directly concerned with persons with disabilities.

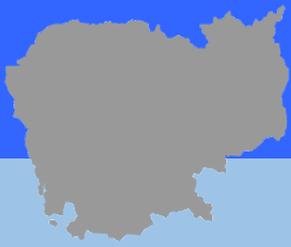
A range of important issues concerning improved outcomes for persons with disabilities were discussed. These are highlighted below and are elaborated on in this report, along with recommendations. These recommendations are linked to the Sustainable Development Goals (SDG’s), the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the Cambodian National Disability Strategic Plan (NDSP) 2014 – 2018.

The observations from the UN Special Rapporteur on the situation of human rights in Cambodia (referred to hereafter as the UN Special Rapporteur) concerning persons with disabilities since October 2016 and most recently in its Annual Report 2017-2018, provides further context for the challenges facing persons with disabilities in Cambodia.

NATIONAL FRAMEWORK

The Cambodian Constitution in Article 74 obliges the State to assist the disabled and the families of combatants who sacrificed their lives for the nation. Cambodia signed the UNCRPD in 2007 and ratified it in December 2012. In 2009, the Royal Government of Cambodia (RGC) adopted “Law on the Protection and the Promotion of the Rights of Persons with Disabilities.” It is a progressive law including non-discrimination in employment and a quota for employing persons with disabilities, accessibility, inclusive education and the right to vote. Ratification of the UNCRPD and adoption of the disabilities rights law are certainly significant milestones for protecting and promoting the rights of persons with disabilities in Cambodia. The challenge, however, lies in the effective implementation of these disability rights instruments. The RGC through its National Disability Strategic Plan 2019-2023 has the key leadership, coordinating and regulatory role in the implementation phase.

CHALLENGES	IMPACT
1. Access to Justice	Although the RGC has adopted a recommendation regarding access to justice from the last UPR process and a Memorandum of Understanding (MOU) between RGC and the United Nations Development Program (UNDP) has been signed, there is still a need for improvement in the awareness of key stakeholders in the legal system, law enforcement and the prison system.
2. Climate Change / Disaster Risk Reduction (DRR)	During the 2014 UPR process, the Cambodian disability sector had recommended that disability inclusion be included in the Strategic National Action Plan for Disaster Risk Reduction 2008–2015, disability remains to be included in the National Climate Change Strategic Plan 2014-2023.
3. Social Protection – Disabilities Pension Scheme	Steady progress has been made by RGC on the development and implementation of several schemes to provide a safety net for the most vulnerable including persons with disabilities; there are opportunities to further improve social protection.
4. Health Care	Although several recommendations regarding access to health services were made during the 2014 UPR process and encouraging improvement has been made, there are barriers facing persons with disabilities when accessing health services. In the 2018 Annual Report, the Special Rapporteur noted reports of discrimination at health centres and the lack of centralized data and the lack of documentation certifying that they are persons with disabilities often hamper their access to some specific services including health.
5. Employment	Employment is a key to the alleviation of poverty among persons with disabilities and underpins their inclusion in Cambodian society. Although there were no specific recommendations in the previous UPR, this area is still underdeveloped with great potential.



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CHALLENGES	IMPACT
6. Accessibility	During the UPR process of 2014, accessibility was not highlighted as an important issue. Although progress has been made such as the initiative to develop the National Accessibility Guideline, there are many opportunities to build on these improvements. Physical accessibility was mentioned as a matter of concern in the report of the Special Rapporteur of Human Rights in 2017, specifically “... during discussions with ministries and through field visits it has become apparent that many public services, including health and education, as well as polling stations, are not physically accessible.”
7. Education	In a recommendation from the previous UPR process, continued work on the National Plan ‘Education for All’ was noted. In reality there are still many factors which contribute to low enrolment rates of persons with disabilities in the education system, particularly girls. In the 2018 Annual Report, the Special Rapporteur noted reports of discrimination against children with disabilities at schools.
8. Mental Health and Intellectual Disability	These items were not discussed in the previous UPR process in 2014. The report of the Special Rapporteur from 2017, stated concern regarding the rights of persons with psychosocial or mental health conditions and then noted the welcome development of a psychosocial rehabilitation centre in its 2018 report. The issue of Intellectual Disability in the developing world has been largely overlooked; this is the case in Cambodia.
9. Data Collection	The Special Rapporteur noted issues of lack of data and documentation caused service access problems. There has been progress with improved data collection and identification, though there are still gaps in systematic, reliable and disaggregated data on persons with disabilities.

RECOMMENDATIONS

General

1. Support the implementation of the National Disability Strategic Plan 2019-2023.

Justice

2. Develop and adopt national justice system guidelines to ensure fairness and equitable access to services for persons with disabilities (inclusive of all types of disabilities).

Climate Change and Disaster Risk Reduction

3. Implement the relevant sections of the SENDAI Framework for Disaster Risk Reduction 2015-2030.

Social Protection

4. Implement the National Social Protection Policy Framework 2016 -2025.

5. Ensure all persons with disabilities, including those working in the informal sector, have access to the National Social Security Fund (NSSF).

Health

6. Ensure all existing health staff are trained in the area of disability and that disability is included as part of the curriculum of training for all new health staff.

7. Develop and implement comprehensive disability identification and prevention programs across Cambodia such as eye care, non-communicable diseases and vaccinations, as part of the implementation of the Ministry of Health’s Strategic Plan 2016-2020.

Employment

8. Assist the private sector to comply with the Cambodian law related to the employment quota system, through a system including tax exemption, training and support.

9. Ensure access to Technical Vocational Education and Training (TVET) programs for persons with disabilities through improved support and in all locations in Cambodia.

Accessibility

10. Adopt, implement and monitor progress according to the prospective National Accessibility Guideline.

Education

11. Support the enrolment of children with disabilities at primary schools utilizing integrated and inclusion approaches.

12. Include disability as part of the national teachers training curriculum.

Mental Health and Intellectual Disability

13. Implement the strategic objectives from the Ministry of Health’s Strategic Plan 2016-2020 concerning mental health.

14. Develop an action plan for people with an intellectual disability to address their specific needs.

Data Collection

15. Create a centralised database across all health facilities where identification of disability can be included.