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Universal Periodic Review (UPR) of the Kingdom of Cambodia

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Stakeholder's submission:

Children's Rights in the Kingdom of Cambodia

Submitted by:

Marist International Solidarity Foundation (FMSI)

(NGO in consultative status with ECOSOC)

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I Introduction

1. This stake-holder's report is a submission from the Marist International Solidarity Foundation (FMSI). FMSI is an NGO in special consultative status with UN ECOSOC and it has a focus on promoting and protecting the rights of children. This organisation was established in 2007 in Italy as a Not-for-Profit Organisation with a social purpose (FMSI-ONLUS) and has a presence in nearly eighty countries.
2. The concerns highlighted in this submission relate to **the rights of children** to quality, free and compulsory education, **especially those children with disabilities** in Cambodia.
3. Cambodia has a total population of 15.2 million¹. Children comprise over 50% of the total population. The literacy rate for males between 15 and 24 is 88% and the female literacy rate for the same age group is 86%. The Net enrolment ratio for secondary school participation was 45% for males and 44% for females in 2007-2008. While the primary school participation Net Attendance Ratio was relatively high, at 85% for both girls and boys from 2007 to 2011, FMSI is concerned about the quality of the education provided and the provision of education for all children, but especially for children with disabilities.
4. Cambodia has ratified the Convention on the Rights of Persons with Disabilities on the (20th of December 2012) has also ratified the ILO Convention No. 182 (The Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) and the Convention on the Rights of the Child, along with its Optional Protocols (1) involving children in armed conflict and (2) the sale of children, child prostitution and pornography. Cambodia has also ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children.
5. **Data collection on children with disabilities.** The General Population Census of Cambodia in 2009 reported that 8.1%² of the population had a disability. However, insufficient data has been collected on children with disabilities and collection mechanisms remain fragmented. Inadequate coordination between relevant ministries has prevented the creation of a comprehensive disaggregated database for children with disabilities³. Furthermore, it is estimated that 21% of all Cambodian children have one or more disabilities⁴. Of the 9 types of disabilities recognised in Cambodia⁵,

¹ Central Intelligence Agency (CIA), Cambodia, available at <https://www.cia.gov/library/publications/the-world-factbook/geos/cb.html> (last visited at 14 June 2012)

² <http://www.msc.st/Docs%20-%20updated%202013/HRBA-Disability-Cambodia-121031.pdf> (last visited at 17 June 2013)

³ Committee on the Rights of the Child fifty-seventh session, concluding observations, 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

⁴ Prevalence of children with disabilities, available at, <http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/521/18PacRimLPolyJ123.pdf?sequence=1> (last visited 19 June 2013)

⁵ Recognised disability-related categories in Cambodia: Seeing difficulties, hearing difficulties, speaking difficulties, moving difficulties, feeling difficulties, psychological difficulties, learning difficulties, people who have fits and 'other' disabilities (disfigurement/deformity, chronic illness, HIV/AIDS, dwarfism), available at, http://r4d.dfid.gov.uk/PDF/Outputs/Disability/PolicyProject_cambodia.pdf (last visited 20 June 2013)

eye-sight difficulties are the most common among both females (20.70%) and males (15.70%)⁶.

II Provision of education

6. **The Constitution of Cambodia** states that the government shall protect and improve citizens' rights to quality education at all levels, promising the equal provision of educational opportunity to all people (Article 66)⁷. Article 68 also stipulates that 'the state shall provide free education to all citizens in public schools. Citizens shall receive education for at least nine years'⁸. This Article was further reiterated in the Education Law of 2007 which states that 'every citizen has the right to access quality education of at least nine years' duration in public schools free of charge'⁹. While Cambodia has attempted to improve the provision of education through such domestic measures as the Education Law of 2007 and the Education Strategic Plan (2009-2013), the Committee on the Rights of the Child concluded in its review of Cambodia in 2011 that children with disabilities, ethnic minorities and indigenous children remain highly discriminated against in their access to education¹⁰. Furthermore, the Committee found that there is a lack of access to basic infrastructure in schools, such as toilets, drinking water and materials for teachers and students. Rural children are particularly disadvantaged in their ability to access education. Secondary schools are built in less than 10% of villages while only 2% of these villages have an upper secondary school¹¹. Finally, education is still not compulsory in Cambodia. As outlined by recommendations accepted by Cambodia at the 2009 UPR¹², it is essential that the Education Law of 2007 be immediately and fully implemented to ensure that education is both free and compulsory for all children for the first nine years of education.

7. **Children with disabilities.** Cambodia has made some progress in regards to the provision of education for children with disabilities. The Law on the Protection and the Promotion of the Rights of Persons with Disabilities (PPRPD) was finally adopted

⁶Prevalence of types of disabilities, available at, http://r4d.dfid.gov.uk/PDF/Outputs/Disability/PolicyProject_cambodia.pdf (last visited 20 June 2013)

⁷ Constitution of Cambodia, Phnom Penh, 21 September 1993, available at, <http://www.constitution.org/cons/cambodia.htm> (last visited at 14 June 2013)

⁸ Constitution of Cambodia, Phnom Penh, 21 September 1993, available at, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Cambodia.pdf (last visited at 14 June 2013)

⁹ Education law, Article 31, December 2007, available at, http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Cambodia.pdf (last visited at 14 June 2013)

¹⁰ Committee on the Rights of the Child fifty-seventh session, concluding observations, (CRC/C/KHM/CO/2) 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

¹¹ Rural education, available at, <http://www.schools4cambodia.org/content/Thechallenges.aspx> (last visited at 14 June 2013)

¹² Recommendation No. 85. "Make primary education compulsory, and integrate the fight against illiteracy into the 'education strategic plan' of the Government" (Turkey). See UPR-info.org Report of the Working Group A/HRC/13/4 (1 December 2010), available at, http://www.upr-info.org/IMG/pdf/Recommendations_to_Cambodia_2009.pdf (last visited 20 June 2013)

in May 2009, 13 years after it was first drafted. Article 28 of the PPRPD says that ‘the state shall develop policies and national strategies for the education of pupils and students.’ Article 29 addresses the need to provide accessible facilities, study materials and equipment for children with disabilities¹³. Moreover, the right to education for children with disabilities is further highlighted in Article 39 of the Education Law, 2007.

8. The Ministry of Education, Youth and Sport also developed the Policy on Education for Children with Disabilities (ECWD) in March 2008 and adopted the Law on Promotion and Protection of the Rights of Persons with Disabilities in July 2009. As well, it is noted that people with disabilities generally belong to the poorest among the poor, thus disadvantaging them even more to access to resources, education, proper health care and employment. In addition, they are often seen as hopeless, lonely and as an isolated group without sufficient affection and support from family, the community and authority figures¹⁴. It is imperative that effective implementation of the Law on Promotion and Protection of the Rights of Persons with Disabilities and the ECWD be followed through by allocating the necessary human, technical and financial resources¹⁵. The implementation of these laws are critically urgent in rural areas where children with disabilities are extremely marginalised, are often rejected by their own families and suffer discrimination, especially regarding their access to education and healthcare¹⁶.

III Accessibility of education

9. Cambodia was ranked 157th in Transparency International’s 2012 Corruption Perceptions Index¹⁷. Driven by extremely low wages and a culture of bribery, teachers usually demand that students pay an extra fee to attend school – a fee that the majority cannot afford, especially the disabled and most vulnerable children¹⁸. A 2007 report by the Cambodian NGO Education Partnership (NEP) revealed that the inability to pay informal fees was the most common reason parents gave for their children dropping out of school¹⁹. Although the Ministry of Education banned informal payments and aimed to tackle the issue through its Education Strategic Plan for 2006 to 2010 and through the establishment of a Teacher Professional Code, the Committee

¹³ <http://www.cdpo.org/download/monitoring-report/MR2-April10-English.pdf> (last visited at 17 June 2013)

¹⁴ Sida, disability rights and experiences of disabled people, available at, <http://www.msc.st/Docs%20-%20updated%202013/HRBA-Disability-Cambodia-121031.pdf> (last visited 20 June 2013)

¹⁵ Committee on the Rights of the Child fifty-seventh session, concluding observations, recommendation E.52 (CRC/C/KHM/CO/2) 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

¹⁶ Committee on the Rights of the Child fifty-seventh session, concluding observations, recommendation E.51c (CRC/C/KHM/CO/2) 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

¹⁷ Transparency International corruption index 2012, available at, <http://cpi.transparency.org/cpi2012/results/> (last visited at 17 June 2013)

¹⁸ Corruption and supplementary education in Cambodia, available at, http://www.iias.nl/sites/default/files/IIAS_NL56_1819_0.pdf (last visited at 20 June 2013)

¹⁹ <http://www.irinnews.org/report/81825/cambodia-children-miss-out-on-school-because-of-corruption> (last visited at 17 June 2013)

on the Rights of the Child found in 2011 that overall corruption was still a serious issue in the education sector and that teacher salaries remained significantly low²⁰. In 2011 the average primary school teacher earned US \$60 a month while lower secondary teachers earned US \$75-80 and high school teachers earned between US \$100 and \$110 per month²¹. However, according to a World Bank report it is estimated that a teacher would need a minimum salary of US \$150 per month to support a typical Cambodian family with five members²². As a result, teachers who rely solely on their salary to provide for a family can often be pushed below the poverty line²³. Teacher salaries should be at a level that dignifies the teaching profession and attracts the most capable to enter this noble profession.

10. **National budget.** Cambodia has enjoyed rapid economic development over the past decade. Despite the 2008 economic crises, Cambodia's GDP growth in 2012 reached 7.3%²⁴, while Net Foreign Direct Investment (FDI) inflows into Cambodia jumped by a massive 75% in 2012, to \$1.5 billion U.S. dollars²⁵. However, the Committee on the Rights of the Child observed in 2011 that education expenditure had dropped since 2007 while in 2010 the percentage of GDP spent on education was only 2.6%²⁶. Comparatively, according to data from the World Bank, the international average of GDP spent on education was 5.0% in 2010²⁷, nearly double the amount that Cambodia spent on education. The internationally accepted figure for governments' GDP allocation towards education currently stands at 6%.

11. **Access to education for children with disabilities.** Children with disabilities are less likely to attend school when compared to their peers, particularly disabled girls and children with intellectual disabilities. In 2010 the Leonard Cheshire Disability and Inclusive Development Centre (UCL) established that 45% of school aged children with disabilities had never attended school²⁸. Issues preventing such children from

²⁰ Committee on the Rights of the Child fifty-seventh session, concluding observations, recommendation F.65d (CRC/C/KHM/CO/2) 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx>

²¹ Council for Administrative Reform, Civil Servants Handbook 2010, Royal Government of Cambodia, CITA available at, [http://www.cita.org.kh/File/Education/CITA%20submission%20to%20CEART%20\(ILO-UNESCO\)%20August%202012.pdf](http://www.cita.org.kh/File/Education/CITA%20submission%20to%20CEART%20(ILO-UNESCO)%20August%202012.pdf) (last visited 20 June 2013)

²² World Bank report on teacher salaries in Cambodia, CITA, available at, [http://www.cita.org.kh/File/Education/CITA%20submission%20to%20CEART%20\(ILO-UNESCO\)%20August%202012.pdf](http://www.cita.org.kh/File/Education/CITA%20submission%20to%20CEART%20(ILO-UNESCO)%20August%202012.pdf) (last visited 20 June 2013)

²³ Teacher salaries in Cambodia, CITA, available at, [http://www.cita.org.kh/File/Education/CITA%20submission%20to%20CEART%20\(ILO-UNESCO\)%20August%202012.pdf](http://www.cita.org.kh/File/Education/CITA%20submission%20to%20CEART%20(ILO-UNESCO)%20August%202012.pdf) (last visited 20 June 2013)

²⁴ <http://data.worldbank.org/country/cambodia> (last visited at 18 June 2013)

²⁵ <http://www.globalpost.com/dispatch/news/asianet/130411/cambodias-economy-grow-72-2013-stronger-2014-adb> (last visited at 18 June 2013)

²⁶ UNESCO economic and development statistics, available at http://stats.uis.unesco.org/unesco/TableViewer/document.aspx?ReportId=121&IF_Language=en&BR_Country=4060 (last visited 20 June 2013)

²⁷ World Bank, international average of GDP spent on education, available at, <http://data.worldbank.org/indicator/SE.XPD.TOTL.GD.ZS/countries/1W-KH?display=graph> (last visited 20 June 2013)

²⁸ Report by the Leonard Cheshire Disability and Inclusive Development Centre, available at <http://www.ucl.ac.uk/lc->

attending school range from social discrimination, lack of transport, lack of assistive devices and teachers' lack of skills in appropriate teaching methodologies. However, in 2010 the Cambodian Ministry of Education, Youth, and Sport (MoEYS), in conjunction with the NGO Global Partnership for Education (GPE) began to gather data on out-of-school children and children with disabilities between 2 and 17 years of age. This study revealed that a significant number of 'disabled' children were simply suffering from easily treatable ailments such as ear infections rather than serious hearing loss, while 5% of children with poor eyesight only needed glasses to read²⁹. Consequently, it is essential that the government increase the availability, accessibility, quality and utilisation of health services, especially in remote areas. As the Committee on the Rights of the Child outlined in 2011, the government still needs to take urgent action to address preventable health problems and ensure that the most vulnerable children are provided with free access to basic health services³⁰.

12. A survey of 500 children with disabilities conducted by UCL³¹ has revealed that 48% of children who had difficulty moving did not use any type of assistive device. Furthermore, most services for children with disabilities are provided by NGOs³². Thus, as the Committee on the Rights of the Child highlighted noted in its 2011 report, the government must ensure that basic services, particularly access to education and healthcare for children with disabilities, are provided as a state priority.

13. **Access to education for children with intellectual disabilities.** Children with intellectual disabilities often experience severe discrimination, abuse and exclusion, particularly in rural areas³³. It is essential that community leaders, teachers and parents become better educated in how to provide education opportunities for children with intellectual disabilities whilst ensuring that these children are free from persecution, violence and abuse, particularly girls with an intellectually disability.

14. A lack of health services and medicines, limited community education, poverty, unavailability of carers, and a lack of assistive devices and transport, severely limit children with intellectual disabilities from accessing education. We urge the

[ccr/centrepublishings/workingpapers/WP11 Increasing inclusion of persons with disabilities.pdf](http://www.ccr/centrepublishings/workingpapers/WP11_Increasing_inclusion_of_persons_with_disabilities.pdf) (last visited at 18 June 2013)

²⁹ <http://www.globalpartnership.org/our-work/areas-of-focus/children-with-disabilities/> (last visited at 18 June 2013)

³⁰ Committee on the Rights of the Child fifty-seventh session, concluding observations, recommendation E.53 and E.53d (CRC/C/KHM/CO/2) 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx> (last visited 20 June 2013)

³¹ Report by the Leonard Cheshire Disability and Inclusive Development Centre, available at <http://www.ucl.ac.uk/lc->

[ccr/centrepublishings/workingpapers/WP11 Increasing inclusion of persons with disabilities.pdf](http://www.ccr/centrepublishings/workingpapers/WP11_Increasing_inclusion_of_persons_with_disabilities.pdf) (last visited at 18 June 2013)

³¹ Report by the Leonard Cheshire Disability and Inclusive Development Centre, available at <http://www.ucl.ac.uk/lc->

[ccr/centrepublishings/workingpapers/WP11 Increasing inclusion of persons with disabilities.pdf](http://www.ccr/centrepublishings/workingpapers/WP11_Increasing_inclusion_of_persons_with_disabilities.pdf) (last visited at 18 June 2013)

³³ Committee on the Rights of the Child fifty-seventh session, concluding observations, recommendation E.51c (CRC/C/KHM/CO/2) 20 June 2011, Geneva, available at, <http://www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx> (last visited 20 June 2013)

Cambodian Government to respect the rights of children with intellectual disabilities and maximise their opportunities at national, provincial and municipal levels. Community-Based Rehabilitation programs must continue to be implemented nationwide³⁴, with an aim to cooperate with NGOs, local communities and most importantly the children themselves.

IV Recommendations from FMSI

FMSI recommends the Government of Cambodia to

- a) Implement fully Article 68 of Cambodia's National Constitution by providing free education for the first 9 years of education, make primary education compulsory, and allocate additional resources for the provision of education in rural and remote areas.
- b) Increase the national education budget to 5% of GDP and increase its health care budget to help to reduce preventable health problems among children, especially children with disabilities and children in remote areas.
- c) Establish a comprehensive collection data system for children with disabilities, disaggregated by age, sex, type of disabilities, geographic location, ethnicity and socio-economic background and use such data in analysing the causes of disabilities, ability to access education and to prevent discrimination.
- d) Improve the quality of mainstream and special education, and further develop regular teacher training adapted to different types of disability to ensure that basic education services for children with disabilities are provided as a state responsibility.
- e) Undertake effective steps to combat discrimination against marginalised children, particularly girls, children with disabilities, indigenous children, ethnic minorities and children living in remote areas.
- f) Significantly increase the salaries of teachers so as to eliminate the practice of supplementary tutoring, and improve their working conditions and ensure that all teachers are adequately trained.

³⁴ UNICEF report, Community-based Rehabilitation, available at http://www.unicef.org/cambodia/Intellectual_Disabilities_Children_Report.pdf (last visited 20 June 2013)