

**Universal Periodic Review (32nd session, January-February 2019)  
Contribution of UNESCO**

**Cambodia**

**I. Background and framework**

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	28/11/1981 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	13/06/2006 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	19/09/2007 Ratification			Right to take part in cultural life

## Right to education

### II. Promotion and protection of human rights on the ground

1. The **Constitution of Cambodia (1993)**<sup>1</sup> enshrines the right to education: “the State shall protect the rights of the children as stipulated in the Convention on Children, in particular the **right to [...] education**” (Article 48) and protects children from acts that endanger their educational opportunities. It further specifies that: “The State shall protect and promote the right of the citizen to a quality education at all levels and shall take every measure to progressively make it available to all citizens” (Article 65). Moreover, “The State shall ensure for all citizens **free primary and secondary education** in public schools. Citizens **shall receive schooling for at least nine years**” (Article 68). The **Law on Education of 2007**<sup>2</sup> reflects the constitutional provisions and furthermore declares that the “enrolment of the children for grade 1 (one) of the formal general education program shall be set at an age of 6 (six) years or at least 70 (seventy) months on the date of the beginning of the school year” (Article 32).
2. In terms of reporting to UNESCO, Cambodia did not participate in the **9<sup>th</sup> Consultation** (2016-2017) of Member States on the measures taken to implement the UNESCO 1960 Recommendation against Discrimination in Education, nor within the framework of the **8<sup>th</sup> (2011-2013) Consultation**. While, Cambodia did not report on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and education relating to Human Rights and Fundamental Freedoms for the **5<sup>th</sup> (2012-2013) Consultation**, it submitted a report for the **6<sup>th</sup> (2016-2017) Consultation**.

## Freedom of opinion and expression

### ➤ Constitutional and Legislative Framework:

3. Article 41 of the Constitution guarantees freedom of expression of ideas, freedom of information, freedom of publication and freedom of assembly.<sup>3</sup>
4. A 1995 Press Law forbids pre-publication censorship<sup>4</sup>, but prohibits reports deemed threatening to political stability and public order.
5. No freedom of information law has been adopted in Cambodia.
6. Defamation, which includes written criticism of public officials or institutions, is a criminal offense punishable by large fines according to Article 305 of the Criminal Code of 2010.<sup>5</sup>

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<sup>1</sup> [http://www.ccc.gov.kh/detail\\_info\\_en.php?txtID=791](http://www.ccc.gov.kh/detail_info_en.php?txtID=791)

<sup>2</sup> <http://www.unesco.org/education/edurights/media/docs/9cb1ef01a5bcba1dd396832969c31342aacf87bb.pdf> (unofficial translation)

<sup>3</sup> [https://www.constituteproject.org/constitution/Cambodia\\_2008?lang=en](https://www.constituteproject.org/constitution/Cambodia_2008?lang=en)

<sup>4</sup> [https://www.wto.org/english/thewto\\_e/acc\\_e/khm\\_e/WTACCKHM3A3\\_LEG\\_36.pdf](https://www.wto.org/english/thewto_e/acc_e/khm_e/WTACCKHM3A3_LEG_36.pdf)

<sup>5</sup> <http://www.wipo.int/wipolex/en/details.jsp?id=8241>

➤ Implementation of legislation:

7. The Ministry of Information is the sole authority to officially allocate and revoke licenses of Broadcast Media in Cambodia.<sup>6</sup>

➤ Safety of journalists

8. Since 2008, UNESCO has condemned the killing of three journalists in Cambodia.<sup>7</sup> The Government has responded to UNESCO's requests as regards three of the cases, with no cases resolved according to UNESCO records.

### III. UPR Recommendations

9. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (March 2014)<sup>8</sup>:**

**118.** The recommendations formulated during the interactive dialogue and listed below enjoy the support of Cambodia:

**118.5** *Ensure the realization of the right to education to all children in Cambodia, including to the children of Vietnamese origin, and sign and ratify the Optional Protocols to ICESCR and to the Convention on the Rights of the Child on a communications procedure (Portugal);*

**118.11** *Take steps to ratify the UNESCO Convention against Discrimination in Education*

**118.42** *Continue its efforts for human rights education and training at all levels including for government functionaries*

**118.57** *Continue to combat discrimination suffered by the children of marginalized and vulnerable groups and eradicate gender-based stereotypes. Along these lines, ensure the continuation of the Strategic Education Plan 2009–2013, to offer the same opportunities to all children and youth regardless of race, colour, sex, language, belief, religion, political beliefs, circumstances of birth and social conditions*

**118.140** *Continue to take measures ensuring poverty eradication and access to health and education services*

**118.153** *Continue to adopt effective social policy regarding access to education and health services, in particular for women and children*

**118.158** *Boost activities and strategies aimed at achieving all Millennium Development Goals, especially those related to the rights to education and health care and the rights of vulnerable groups*

**118.159** *Further increase its national spending on the health and education sector to meet the targets of the MDGs*

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<sup>6</sup> <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&skip=0&query=&coi=KHM>

<sup>7</sup> [https://en.unesco.org/sites/default/files/unesco\\_condemns\\_killing\\_of\\_journalists\\_cambodia\\_en.pdf](https://en.unesco.org/sites/default/files/unesco_condemns_killing_of_journalists_cambodia_en.pdf)

<sup>8</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/KHIndex.aspx>

**118.160** *Promote access to free education and health-care services, especially in rural areas, including through enhanced cooperation with neighbouring countries and development partners*

**118.161** *Ensure that basic education is compulsory and step up its efforts to address the issue of high drop-out rates in schools and in promoting the right of girls to education*

**118.162** *Continue efforts to achieve universal primary education in line with the vision of the National Plan of “Education for All”*

**118.163** *Continue implementing measures aimed at improving the coverage and quality of education services, particularly in remote areas*

**118.164** *In cooperation with UNDP and UNESCO, continue to improve its education system and vocational training for its people*

**118.165** *Continue to promote free-of-charge school enrolment*

**118.166** *Continue its efforts to transform its progress on the level of macroeconomic indicators into enhanced measures of social justice and elevated degrees of human development, particularly by ensuring universal, compulsory and free basic education*

**118.167** *Continue working on its National Plan “Education for All” so that all Cambodian children and youth further enjoy an equitable education service*

**118.168** *Continue to promote programmes for access to education for all, in particular in primary education*

**118.171** *Continue its efforts on health, the social service system and education in order to help the vulnerable and disabled, particularly women and children*

**119.** The following recommendations will be examined by Cambodia which will provide responses in due time, but no later than the twenty-sixth session of the Human Rights Council in June 2014:

**119.34** *Make education compulsory by law and take the necessary measures to combat corruption in the educational system*

#### **IV. Review and specific recommendations**

10. During the previous UPR cycle, recommendation was made with regard to ratifying the **UNESCO Convention against Discrimination in Education**. It should be noted that ratifying the Convention would provide Cambodia with a supportive legal environment for all efforts made towards achieving SDG4<sup>9</sup>. Cambodia should be encouraged to engage now actively in the process of ratification of this standards-setting instrument and to seek UNESCO’s assistance if required.
11. Regarding education legislation, during the previous UPR cycle, Cambodia was repeatedly recommended to ensure universal, compulsory and free basic education. While the Constitution ensures the right to education, it could be encouraged to state explicitly that it is compulsory. The reference to the quality of education in the Law on Education of 2007 is valuable and should be welcomed. It guarantees that every citizen has “the right to access qualitative education of at least 9 years in public schools free of charge”<sup>10</sup>. However, recalling SDG4 and the Framework for Action,<sup>11</sup> **the length of free education** should be progressively extended to 12 years. Furthermore, Cambodia

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<sup>9</sup> See: Education 2030 – Incheon Declaration and Framework for Action : <http://unesdoc.unesco.org/images/0024/002456/245656E.pdf>

<sup>10</sup> Article 31 of the Law on Education, 2007, accessible at: <http://www.unesco.org/education/edurights/media/docs/9cb1ef01a5bcba1dd396832969c31342aacf87bb.pdf> (Accessed 20/04/2018), unofficial translation

<sup>11</sup> See: Education 2030 – Incheon Declaration and Framework for Action, para. 12.

- should adopt legal measures to ensure progressively that at least **1 year of pre-primary education** is provided on a **compulsory** basis and **free** of charge.
12. The Law on the Protection and Promotion of the Rights of Persons with Disabilities<sup>12</sup>, includes the “right to enrolment in public and private educational establishments” and provides that the State shall: “Promot[e] inclusive education”. However, there are specific provisions, such as the establishment of special classes for persons with disabilities, which move away from an **inclusive approach to education**.
  13. Regarding policies, the Ministry of Education, Youth and Sport (MoEYS) adopted the **National Strategic Development Plan for 2014-2018**<sup>13</sup> which makes education a priority spending sector by increasing its budget. Cambodia should therefore be recommended to increase education expenditure.
  14. The **Education Strategic Plan (ESP) 2014-2018**<sup>14</sup> is designed to reflect the clear relationship between national policy and education policy. This plan focuses on the following policies: 1) “Ensuring equitable access for all to education services”; 2) “Enhancing the quality and relevance of learning”; 3) “Ensuring effective leadership and management of education staff.”<sup>15</sup>
  15. Several plans to address different education levels have been established. The **National Action Plan on Early Childhood Development 2014-2018**<sup>16</sup>, is a welcome measure. It includes the formulation of legal framework and mechanisms, improvement of monitoring and evaluation mechanisms, capacity development, expansion of health education and care services to women and young children. The **Master Plan for Technical Education at Upper Secondary Level (2015-2019)**,<sup>17</sup> aims to successfully enhance the quality of education and expand general and technical high schools. The **Policy on Higher Education Vision 2030**<sup>18</sup>, aims “[t]o [...] ensure qualified students have an opportunity to access quality higher education programs which respond to the needs of socio-economic development and labour market”.
  16. The “Multilingual Education National Action Plan” (MENAP) was adopted in 2015. The MENAP is a detailed four-year plan on **multilingual education** implementation increasing the role of the government in its delivery. However, the MENAP falls short of strengthening the Cambodian multilingual education model and is unclear about the expansion of such education provision to new languages.<sup>19</sup>
  17. Assessing the extent of disability in the population and its impact on educational disadvantage is essential. The government should be encouraged to ensure that they collect information on people with disabilities and provide adequate measures to ensure their right to education.
  18. The **magnitude of child labour** in the country, needs to be addressed. Cambodia should therefore be encouraged to adopt special and positive measures facilitating their reinsertion into the education system.

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<sup>12</sup> Law on the Protection and Promotion of the Rights of Persons with Disabilities was adopted in 2009 by the Royal Kram NS/RKM/0709/010, accessible at: [http://www.ilo.org/dyn/natlex/natlex4.detail?p\\_lang=en&p\\_isn=86089](http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=86089)

<sup>13</sup> National Strategic Development Plan for 2014-2018, accessible at: <http://planipolis.iiep.unesco.org/en/2014/national-strategic-development-plan-2014-2018-nsdp-6252>

<sup>14</sup> Accessible at: <http://www.moeys.gov.kh/en/policies-and-strategies/559.html#.Wt3lmlhua9l>

<sup>15</sup> Royal Government of Cambodia, National Strategic Development Plan 2014-2018, p.177.

<sup>16</sup> National Action Plan on Early Childhood Development 2014-2018, August 2014, accessible at: <http://www.moeys.gov.kh/en/policies-and-strategies/838.html#.Wt3llohua9l>

<sup>17</sup> Master Plan for Technical Education at Upper Secondary Level, February 2015, accessible at: <http://www.moeys.gov.kh/en/policies-and-strategies/1749.html#.Wt2zlohua9l>

<sup>18</sup> Policy on Higher Education Vision 2030, April 2014, accessible at: <http://www.moeys.gov.kh/en/policies-and-strategies/policy-on-higher-education-2030.html#.Wt3D1ohua9l>

<sup>19</sup> *Ibid.*

19. With regard to **teachers**, a matter of concern is that studies of private tutoring discussed private tutoring by teachers not as opportunistic but as a strategy to cope with low salaries and inadequate instruction time.<sup>20</sup> A further commendable measure is the **Teacher Policy Action Plan**,<sup>21</sup> covering the period 2015-2020, which reforms the national teacher recruitment and training system. Cambodia should be encouraged to continue efforts to increase teacher salaries, increase the effectiveness of induction and mentoring programmes.
20. With regard to the **school environment**, access to clean water is unevenly distributed in schools across the country. Furthermore, not all schools meet all regulations. The ESP 2014-2018 envisages to improve this.
21. Lastly, a noteworthy measure is the integration of comprehensive sexuality education across primary and secondary education.<sup>22</sup>

➤ **Specific recommendations:**

1. Cambodia should be strongly encouraged to ratify the Convention against Discrimination in Education.
2. Cambodia should be encouraged to ensure universal, compulsory and free basic education by taking effective targeted inclusive measures for vulnerable groups such as persons with disabilities and child labourers; and progressively realize 12 years of free education.
3. Cambodia should be encouraged to adopt legal measures to ensure progressively that at least 1 year of quality pre-primary education is provided on a compulsory basis and free of charge.
4. Cambodia should be encouraged to increase the budget for education in accordance with the National Strategic Development Plan 2014-2018 and continue its efforts in increasing the quality of the school environment through appropriate infrastructure;
5. Cambodia should be encouraged to collect information on people with disabilities and provide adequate and inclusive measures to ensure their right to education.
6. Cambodia should be encouraged to continue its efforts in providing adequate pre-service and in-service training, and competitive salaries for teachers.
7. Cambodia should be encouraged to continue to submit state reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
8. Cambodia should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education<sup>23</sup>.

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### **Freedom of opinion and expression**

22. The Government is encouraged to introduce a freedom of information law in accordance with international standards.
23. The Government is further recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.

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<sup>20</sup> Accountability in education: Meeting our commitments, GEM report 2017/8, p.110.

<sup>21</sup> Teacher Policy Action Plan, January 2015, available at: <http://www.moeys.gov.kh/en/policies-and-strategies/1442.html#.Wt2ohlhua9I>

<sup>22</sup> Education for people and planet: creating sustainable futures for all, GEM report, 2016, p.291.

<sup>23</sup> <http://www.unesco.org/education/edurights/index.php?action=&lng=en&>

24. The Government is encouraged to assess the system for issuing broadcast licenses in order to ensure that this process is transparent and independent.
25. The Government is urged to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

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### **Right to culture**

26. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>24</sup>, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>25</sup> and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)<sup>26</sup>, Cambodia is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Cambodia is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

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### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

27. Cambodia has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Cambodia is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.

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<sup>24</sup> Periodic Report available at: <http://whc.unesco.org/document/116967>

<sup>25</sup> Periodic Report available at: <http://ich.unesco.org/doc/download.php?versionID=26298>

<sup>26</sup> Periodic Report available at: <http://en.unesco.org/creativity/governance/periodic-reports/cambodia-2016-report>