

INTRODUCTION

1. Cambodian Disabled People's Organisation (CDPO) was established in 1994 as a movement of Cambodian persons with disabilities. CDPO is a membership based, non-governmental organisation, representing persons with disabilities in Cambodia and working towards becoming "The voice of persons with disabilities in Cambodia". CDPO represents 74 Disabled People's Organisations (DPOs) nationally and advocates for their rights and interests as well as assisting to build their rights awareness and capacity towards achieving a life with dignity for persons with disabilities.
2. In 2014, during the 2nd round of UPR, CDPO in collaboration with 20 disability related DPO's and NGO's submitted a joint stakeholder report comprising several recommendations.

Methodology

3. Due to different circumstances the disability movement was not invited during meetings held in the beginning of 2018 in Cambodia. Therefore, just before the deadline of submission to the UN Human Rights system, CDPO organised a consultative meeting on the 9th July 2018 attended by 23 participants from fourteen DPOs and NGOs representing a range of different types of disabilities. The short timeline meant that participating organisations were unable to gain formal approval to join the official submission. However, organisations like Humanity & Inclusion and Light for the World Cambodia endorse this report.
4. A range of important issues concerning improved outcomes for person with disability 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 UN Convention on the Rights of Persons with Disabilities (UNCRPD), and the National Disability Strategic Plan (NDSP) 2014 – 2018 in Cambodiaⁱ.

INTRODUCTION TO THE NATIONAL UPR CONTEXT

5. Cambodia has been previously reviewed twice – in 2009 and 2014. During the 18th Session of Cambodia's UPR in 2014, Cambodia received 205 recommendations from 76 delegations. Since a number of recommendations were repetitive, the Human Rights Committee of Cambodia responded as follows:
Accepted Recommendations: 163
Noted Recommendations: 38
Rejected Recommendations: 4
6. The observations from the UN Special Rapporteur on the situation of human rights in Cambodia related to persons with disabilities during her mission in October 2016, provides further context for the challenges facing persons with disability in Cambodia.
... "The Special Rapporteur is aware that persons with disabilities suffer many disadvantages in Cambodian society" ... "The many public statements on inclusivity made by government ministers, including the Prime Minister, are positive. Cambodia also has relevant laws, strategies and action plans. The current strategic plan includes objectives on reducing poverty, providing equal health services, ensuring full access to justice and preventing discrimination" ... "It is clear that more work needs to be done to better assess the situation of the rights of persons with disabilities in Cambodia" ...

ACCESS TO JUSTICE

7. Although the Royal Government of Cambodia (RGC) has adopted the recommendation regarding access to justice from the last UPR and a Memorandum of Understanding (MOU) between RGC and the UNDP has been signed recently, there is still a need for improvement in the awareness of key stakeholders in the legal system, law enforcement and prison system.ⁱⁱ

Recommendations

8. Recommendations are based on:
 - SDG 16.3
 - UNCRPD Article 13 Access to Justice
 - NDSP Strategic Objective 3 increase justice intervention services to reduce toward elimination, discrimination, abuse, violence and exploitation of persons with disabilities
9. Develop and implement disability specific training for at least 50% of all officials in justice system (courts, police and prisons) in the coming 4 years.
10. Develop and adopt national justice system guidelines to ensure equitable services for persons with disabilities (inclusive of all types of disability) in 2 years.
11. Develop and implement a system in 4 years, where persons with disabilities have pro bono legal representation in court proceedings especially those who are in prison awaiting trial.
12. Support mainstream family violence services to include women with disabilities in 4 years.

CLIMATE CHANGE / DISASTER RISK REDUCTION

13. Although in the last UPR disability inclusion was recommended to be included in the *Strategic National Action Plan for Disaster Risk Reduction 2008 – 2015*, disabilityⁱⁱⁱ remains to be included in the more recent *National Climate Change Strategic Plan*.

Recommendations

14. Recommendations are based on:
 - SDG 11.b
 - UNCRPD Article 11 Situations of risk and humanitarian emergencies
 - NDSP Strategic Objective 4 Strengthen and expand personal freedom and security and manage risks of humanitarian emergencies in disaster situations
15. Consider the needs of persons with disability and modify the environmental code to take account of those needs in the coming 2 years.
16. Develop and implement an early warning system in response to natural disasters whereby persons with disabilities are included in all phases of disaster management in the coming 4 years.
17. Implement the relevant sections of the SENDAI framework within 4 years.
18. Develop and implement a disability inclusion training for DRR stakeholders within 2 years.

SOCIAL PROTECTION – DISABILITY PENSION SCHEME

19. Although the RGC has developed and is implementing several schemes^{iv} to provide a safety net for the most vulnerable including persons with disabilities, there are still ways to improve social protection.

Recommendations

20. Recommendations are based on:

- SDG 1.3
- UNCRPD Article 28 Adequate standard of living and social protection
- NDSP Strategic Objective 1 Reduce poverty of persons with disabilities, through the promotion of increased work and appropriate employment for persons with disabilities, to ensure their improved livelihood and enhance independence

21. Increase the national budget in order that the National Social Protection Policy Framework 2016 – 2025 is fully funded within 7 years.

22. Ensure all persons with disabilities, including those working in the informal sector, have access to the National Social Security Fund (NSSF) in the coming 4 years.

23. Increase the level of the pension to \$50 USD per month for persons with a severe disability, and complete the implementation of the scheme across all of Cambodia within 2 years.

HEALTH CARE

24. Although several recommendations regarding access to health services were made during the last UPR and encouraging improvement have been made, there are still many barriers facing persons with disabilities when accessing health services^v.

Recommendations

25. Recommendations are based on:

- SDG 3.7
- SDG 3.8
- UNCRPD Article 25 Health
- NDSP Strategic Objective 2 provide persons with disabilities with equal access to quality health services as well as physical and mental rehabilitation

26. 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 within 4 years.

27. Develop and implement disability identification and prevention programs across all of Cambodia such as eye care, non-communicable diseases (NCD) and vaccinations, and ensure its integration in the national health guideline in 4 years.

28. Develop and implement gender specific health programs for all women and girls with different types of disability including sexual and reproductive health rights (SRHR) in the coming 4 years^{vi}.

EMPLOYMENT

29. Employment is a key priority as part of the alleviation of poverty amongst persons with disabilities and underpins inclusion of persons with disabilities in Cambodian society^{vii}. Although there were no specific recommendations in the previous UPR this area is still underdeveloped.

Recommendations

30. Recommendations are based on:

- SDG 4.5

- SDG 8.5
- SDG 10.2
- UNCRPD Article 27 Work and employment
- NDSP Strategic Objective 1 reduce poverty of persons with disabilities, through the promotion of increased work and appropriate employment for persons with disabilities, to ensure their improved livelihood and enhance independence

31. 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 in 2 years.
32. Strengthen the Disability Rights Administration office to monitor the quality of employment services in the coming year.
33. Ensure access to Technical Vocational Education and Training (TVET) programs for persons with disabilities through improved support and in all locations in Cambodia within 4 years
34. Ensure persons with disabilities receive the national standard minimum wage in 2 years' time.
35. Develop and implement a national system whereby employers and job seekers with a disability are matched within 4 years.

MENTAL HEALTH AND PSYCHOSOCIAL SUPPORT^{viii}

36. During the latest UPR report there was no specific recommendation related to mental health, but as stated in the report of the Special Rapporteur on Human Rights from 2017, the rights of persons with psychosocial or mental health conditions is particularly worrying.

Recommendations

37. Recommendations are based on:
 - SDG 3.4
 - UNCRPD Article 25 Health
 - NDSP Strategic Objective 2 Provide persons with disabilities with equal access to quality health services as well as physical and mental rehabilitation.
38. Develop and implement a mental health strategic plan to underpin the need for mental health services across Cambodia within the coming 2 years.
39. Initiate and support the development of an association representing person with a mental health condition to advocate for their rights.

ACCESSIBILITY

40. In the UPR of 2014 accessibility is not highlighted as an important issue. Although progress has been made such as the introduction of the National Accessibility Guideline, there are many opportunities to build on these improvements. Physically accessibility was mentioned as a matter of concern in the report of the Special Rapporteur of Human Rights in 2017. *".. 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."*

Recommendations

41. Recommendations are based on:

- SDG 11.2
- UNCRPD Article 9 Accessibility
- NDSP Strategic Objective 8 develop and enhance access to the physical environment, public transportation, knowledge, information and communication for persons with disabilities

42. Adopt, implement and monitor progress according to the National Accessibility Guideline within the coming 4 years.

43. Ensure access to public transport including buses for persons with disabilities in the coming 2 years.

EDUCATION

44. In the recommendation from the previous UPR continued work on the National Plan 'Education for All' was noted. In reality we see still many factors which contribute to low enrolment rates of persons with disabilities in the educational system^{ix}. Of particular concern is the challenges facing girls with a disability in attending school.

Recommendations

45. Recommendations are based on:

- SDG 4.5
- UNCRPD Article 24 Education
- NDSP Strategic Objective 5 ensure persons with disabilities have equal access to quality education and vocational training services

46. Support the enrolment of children with disabilities at primary schools utilizing integrated and inclusion approaches through a system of financial incentives to teachers/schools in the coming 2 years.

47. Ensure inclusive education for higher education, such as high school and university level within the coming 4 years.

48. Include disability awareness training in teachers training curriculum nationally within 4 years.

REHABILITATION SERVICES

49. Rehabilitation Services was not specifically mentioned in the 2nd UPR. In 2008 the Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSAVY) and the International NGOs signed a three-year MOU 2008 – 2010 for the handover of the management of the physical rehabilitation services to the MoSAVY. Until now this handover has not fully accomplished.^x

Recommendations

50. Recommendations are based on:

- SDG 3.8
- UNCRPD Article 26 Habilitation and rehabilitation
- NDSP Strategic Objective 2 Provide persons with disabilities with equal access to quality health services as well as physical and mental rehabilitation.

51. Develop, implement and monitor a physical rehabilitation sector transition plan within 2 years.

52. Increase national budget allocations to facilitate implementation of rehabilitation sector transition plan including the provision of outreach services in 2 years.

53. Develop and disseminate organizational systems and tools to support the rehabilitation sector transition plan in 2 years.

DATA COLLECTION

54. Although there have been several research projects in specific disability areas and in specific provinces, in Cambodia there is still a gap of systematic, reliable and disaggregated data on persons with disabilities^{xi}.

Recommendations

55. Recommendations are based on:

- SDG 17.18
- UNCRPD Article 31 Statistics and data collection
- NDSP Strategic Objective 10 strengthen and expand cooperation at international, inter-regional, regional, sub regional, national and sub-national levels

56. Ensure the inclusion of disability related questions in the upcoming 2019 national census.

57. Create a health database system across all health facilities whereby disability is included within the coming 4 years.

INTELLECTUAL DISABILITY

58. This item was not discussed in the previous UPR. The issue of Intellectual Disability in the developing world has been largely overlooked. Similarly, this is the case in Cambodia^{xii}.

Recommendations

59. Recommendations are based on:

- SDG 3.8
- UNCRPD Article 25 Health
- NDSP Strategic Objective 2 Provide persons with disabilities with equal access to quality health services as well as physical and mental rehabilitation

60. Develop and implement a strategic plan for 'End-to-End' service provision for persons with intellectual disability in the coming 4 years.

61. Establish a specific budget for the implementation of the strategic plan according the timeline of the plan.

ACCESS TO WASH

62. Water, Sanitation and Hygiene (WASH) was not part of the previous UPR. The lack of accessible WASH facilities for persons with disabilities has significant impact on their inclusion in every live, such as attending school, social activities and work. This in turn limits the opportunities to earn a living and exacerbates poverty and poor health outcomes.

Recommendations

63. Recommendations are based on:

- SDG 6.1
- SDG 6.2
- UNCRPD Article 25 Health
- NDSP Strategic Objective 1 Reduce poverty of persons with disabilities, through enhanced work and appropriate employment for persons with disabilities, to ensure their improved livelihood and enhance independence

64. Implement the 'Final Draft National Guidelines^{xiii} on WASH for Persons with Disabilities and Older People' in 2 years.

ⁱ National Disability Strategic Plan 2014 – 2018

<https://dfat.gov.au/about-us/publications/Documents/cambodia-national-disability-strategic-plan-2014-18.pdf> (last accessed 11 July 2018)

ⁱⁱ Phun Vidjia, (30 June 2016), *Study on Access to Justice for Persons with Disabilities in Cambodia: Equal Rights, equal needs, equal treat*, The United Nations Development Programme, University of Pannasastra (PUC) and Cambodia Disabled People's Organisation (CDPO)

ⁱⁱⁱ CSO consultation on Gender and Human Rights in the context of Climate Change and Disaster Risk Reduction UN Women Programme on *Strengthening Human Rights and Gender Equality through Climate Change Action and Disaster Risk* 29th March 2018, Phnom Penh, Cambodia, Meeting Note

Monash University and the Cambodian Disabled People's Organisation, January 2018, *Disability and Disasters: Empowering people and building resilience to risk Women with disabilities experience of disasters in rural Cambodia*

^{iv} The Royal Government of Cambodia (August 2016), *National Social Protection Policy Framework 2016-2025 :July 2016*, RGC

^v Pauline Kleinitz, Fareen Walji, Kong Vichetra, Ouch Nimul, Priya Mannava, July 2012, *Barriers to and Facilitators of Health Services for People with Disabilities in Cambodia*, Univeristy of Melbourne and The Nossal Institute for Global Health World Health Organisation, (2017), *Health Care Utilization of Persons with Disabilities in Cambodia: Based on the Cambodia Demographic and Health Survey 2014*, WHO

^{vi} Jill Astbury and Fareen Walji , (January 2013), *Triple Jeopardy: Gender-based violence and human rights violations experienced by women with disabilities in Cambodia*, AusAID Research Working Paper 1

Alexandra Gartrell, (November 2015), *The intimate worlds of men and women with disabilities in Cambodia*, GIZ

^{vii} Alexandra Gartrell, Kevin Murfitt, Leakena Duong and Song Danik, (August, 2016) *EmployAbility Cambodia: Achieving Disability Inclusive Employment, FINAL REPORT*, Monash University, the Cambodian Disabled People's Organisation, Deakin University

Alexandra Gartrell (2010) 'A frog in a well': the exclusion of disabled people from work in Cambodia, *Disability & Society*, 25:3, 289-301

^{viii} Tanja Schunert, Sareth Khann, Sovandara Kao, Channika Pot, Laura Bebra Saupe, Sisokhom Sek, Hema Nhong, (2012) *Cambodian Mental Health Survey*, Royal University of Phnom Penh

<http://tpocambodia.org/wp-content/uploads/2015/09/Cambodian-Mental-Health-Survey-2012-RUPP.pdf> (last accessed on 12 July 2018)

^{ix} Mitch Kirby, Anne Hayes and Jennae Bulat (May 18, 2018) *Cambodia Situational Analysis of the Education of Children with Disabilities in Cambodia Report*, USAID/Cambodia Mission, Education Team

^x Sheree Bailey (August 2016), *Ensuring Sustainability of Physical Rehabilitation Services in Cambodia, Analysis of Transition process: final report*, WHO Cambodia and Disability Rights Initiative Cambodia

^{xi} M Q Hasan, (2014), *Disability Data Sources in Cambodia*, UNDP

^{xii} Jennifer Carter, *Preparing for the Journey A Cooperative Approach to Service Provision for Children with Intellectual Disabilities in Cambodia*

https://www.unicef.org/cambodia/Intellectual_Disabilities_Children_Report.pdf (last accessed on 12 July 2018)

Rene Ayala Moreira (2011) *Intellectual Disability in Rural Cambodia: Cultural Perceptions and Families Challenges – Study in Boribor District Kompong Chhnang Province*, New Humanity and MISEREOR

^{xiii} Ministry of Rural Development, (August 2016) *Final Draft National Guidelines on WASH for Persons with Disabilities and Older People*, Cambodia