



Human Rights Council

Universal Periodic Review (UPR) of Cambodia 6th Session

Joint stakeholders' submission:

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Marist Foundation for International Solidarity (FMSI)**

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I. Introduction

1. This report focuses on the rights of children with disabilities in the educational system of the Kingdom of Cambodia. Young Cambodians with disabilities are among those least likely to be in school. The core subject of this report is access to education, the importance of human rights education, the promotion of the rights of disabled persons, including children and the inadequate remuneration of teachers and its impact on disabled children.

2. Any consideration of education in Cambodia should begin with the reminder that in the period 1975-79, under the Khmer Rouge, 75 percent of teachers, 96 percent of university students and 67 percent of primary and secondary school pupils were killed. Infrastructure and resources were destroyed and the importance of culture, tradition and scholarship diminished.¹ Following democratic elections in 1993, the re-constituted government faced the seemingly impossible task of re-building the education system.

A. Scope of international obligations

3. The Government of Cambodia is a signatory to all major legally binding UN Human Rights Treaties, including the Convention on the Rights of the Child. The government has yet to ratify the Convention on the Rights of Persons with Disabilities.

B. Constitutional and legislative framework

4. The Constitution recognizes the rights of persons with disabilities in Article 74. The National Assembly is presently considering the adoption of the national law on disabilities, first drafted in 2002. The *Education Law of the Kingdom of Cambodia* (2007) outlines in Article 39-*Rights of Disabled Learners*, the commitment of the government to provide education for all children and gives special consideration for students with disabilities. Article 31 asserts the provision of elementary schooling for all children, for school years 1-9.

C. Policy measures

5. A joint project between Cambodia and the World Bank, the *Education for All-Scale-Up Action Program* (ESSSUAP)² was launched in 2008 for a period of three years and a half. It aims at the expansion of pre-school and primary school components in order to reach the nation's most vulnerable groups of children. Its plan to increase professional and institutional capacity for services is intended for education administrators at all levels: district, provincial and national.

6. In 2008, the Cambodian Ministry of Education, Youth and Sport (MoEYS), published its *Policy on Education for Children with Disabilities*. This document, shaped by the *Child Friendly Schools Policy (2007)*, is currently being implemented throughout the country. It identifies what needs to be done to ensure the right of all children with disabilities to an education equal to that of non-disabled children. If implemented and adequately funded, it will result in schooling for children with disabilities comparable to worldwide standards.

7. The combination of both policies offers promising prospects in basic education for the nation's most vulnerable children, among them the poor and disabled children. There are however familiar and well-entrenched barriers to the successful realization of these goals as

¹ T. Clayton, 'Building the New Cambodia: Educational Destruction and Construction under the Khmer Rouge, 1975-1979, 38 (1) *History of Education Quarterly* 1998, p. 1-16.

² *Education for all- Fast Track Initiative*. Catalytic Fund Decision Memorandum, *Education Sector Support Scale-Up Action Program* (ESSSUAP), 2008.

explained below. Almost all are dependent on careful planning, adequate funding and robust and sustainable implementation.

II. Promotion and Protection of Human Rights on the Ground

1. Equality and non-discrimination

8. In a consultation made for this submission³, young people with disabilities indicated: 79 percent had been spoken to ‘critically’ because of their physical disability; 49 percent had been discouraged by someone from attending school because of their disability; 25 percent stated that due to shame and being looked down on by peers and others, they had not begun or continued their schooling in their own villages. Cultural notions and beliefs continue to shape the attitude of Cambodians on disabilities. Assumptions that having a disability also means being less able intellectually are common. More efforts are needed to provide information that overcomes the ignorance and misunderstanding underlying the attitudes of some Cambodians towards people with disabilities.

9. A further area of concern relates to the specific goal of achieving gender equality in primary and secondary education by 2015 (*Education For All*, Goal V). Fewer girls than boys are enrolled in elementary schools and girls account for more drop outs than boys. This takes place in a situation where the drop out rates are a cause for concern. Given the ambivalence of attitudes towards the education of ‘able-bodied’ girls it seems likely that girls with disabilities would face even more obstacles in their access to schooling. A reluctance to provide their scarce funds for the education of a disabled child—particularly girls—is evident in some families; notably, in remote and very poor areas.⁴

10. Both the ESSSUAP and MoEYS policy statements provide for improvements in this regard. The policy document aims to increase the enrolment of girls with disabilities (Strategy 4), to raise awareness and understanding of disability in the community (Strategy 5), and to ensure that the education system at every level is supportive of this program to improve schooling for children and young people with disabilities (Strategy 6).⁵

2. Right to education and to participate in the cultural life of the community

Need for improved statistics to reflect the number of children with disabilities and their needs

11. In March 2009, the Office of Special Education of MoEYS provided a figure of 70,870 for the number of children and young people with disabilities currently attending government schools throughout the country. That number represents the aggregate of eight categories⁶ in

³ For the purpose of this submission, a consultation was made with 142 young Cambodians with physical disabilities. Residents in an NGO supported program so as to be able to attend school or training, these students come from 17 of the country’s 24 provinces; are of a 10-27 age range; and have an average age of 15. 57 of them are female. Source: LaValla School for Children with Physical Disabilities and Youth with Disabilities Foundation for Education and Employment (Yodifée), March 2009.

⁴ Both these issues have been addressed by the Committee on Economic, Social and Cultural Rights in its List of Issues for consideration in Cambodia’s initial review, in May 2009. List of Issues, Initial Periodic Report of Cambodia, Committee on Economic, Social and Cultural Rights, 10 Dec 2008, UN Doc. E/C.12/KHM/Q/1, qs. 42-47.

⁵ Education for all, National Plan 2003-2015, Ministry of Education, Youth and Sport

⁶ The eight categories of difficulties comprise: seeing, hearing, speaking, moving, feeling (tactile), psychological, learning and fits (epilepsy or hypoglycaemia). A ninth category ‘other’ is used for persons who cannot be categorized elsewhere.

which children with disabilities have been identified and listed. Normally, teachers are instrumental in assessing students with any form of disability and categorizing them. The data passes from schools to districts and provinces and then to the central administration. This system excludes children with moderate and severe disabilities⁷ as well as those in remote areas, because they are not able to attend mainstream school.

12. Accurate and consistent figures of persons with disabilities are difficult to find. In the past, the Education Management Information Systems (EMIS) has rejected the figures provided by the Office of Special Education as unreliable, but no other similar data has been produced. In mid-2009, it is anticipated that statistics will be taken from the 2008 National Census and processed through EMIS. Although these would be the most reliable figures so far, they would be insufficient to inform the planning presupposed for the ESSUAP.⁸

13. Providing educational programs suited to the different needs will require better data collection and a far better nuanced appraisal. In 2007 MoEYS began a strategy of mapping communities in order to identify and represent children of school age.

Need for extensive human rights education

14. There is a need for extensive education programs to better inform ordinary citizens about their rights and the rights of others, notably those regarding persons with disabilities and basic and free education among other human rights and fundamental freedoms. People are not in a position to exercise their rights if they are not aware of those rights—thus making human rights education an essential requirement.

15. It must be acknowledged that government agencies together with local teachers and national and international organizations working with Cambodians with disabilities have a commendable record for public education initiatives. Anecdotal evidence suggests that there is a discernible change of attitudes towards disability among Cambodians, both the general population and among those in a position to shape policy. However, much remains to be done to inform people, especially in remote rural areas, about the need and value of education, the right to free schooling and the rights of people with disabilities.

Access to education and opportunities for families with disabled children

16. Families with intellectually disabled children are often overlooked. Many have little or no understanding of the nature of the disability and they cannot turn anywhere for help other than other than family and village community. They have vain hopes for health improvement, schooling and employment; and they are frequently condemned to even greater poverty because one or two potential income earners, usually the mother, must stay at home and care for the child.

17. A large number of families have no notion of what they might expect from the government by way of schooling and other services for their disabled children. As revealed in a survey, one in four parents interviewed are not aware of their child's right to a free, basic education.⁹ For those who are aware, the high costs related to "informal payments" (see p. 25 below) and travel costs of disabled children, represent a high burden which exacerbates their

⁷ The need of these children is not for "special education" where special education means formal education at a slower pace, but for an alternative program of life skills and pre-vocational training.

⁸ The ESSUAP document details a plan to finance the implementation of a two-phase methodology to identify and screen children for disabilities commencing with the 2009-10 school year.

⁹ The Impact of Informal School Fees on Family Expenditures, October 2007, NEP (NGO Partnership Study).

poverty. Parents interviewed in a study¹⁰ indicated costs were an inhibiting factor when considering schooling for their disabled children; some of them assuming that going to school or continuing at school was dependent on meeting all the associated costs.

18. Children who cannot afford these informal fees are at a higher risk of dropping out of school early.¹¹ 63 percent of those surveyed in the study¹² cited economic reasons for discontinuing their child's education. In the same survey, many parents reported that the success of their child at school depended on their ability to pay for extra tuition and that their inability to pay resulted in failure, repetition of grades, and a probable drop-out.

19. The ESSSUAP aims to enable greater community involvement at all stages of education in order to increase the understanding of the importance of education. It intends to raise community awareness of age-appropriate enrolment and stimulate the demand for education, through the availability of scholarships and increased parent-teacher contacts. Collaborative projects whereby NGOs assist with specialized training of teachers in government schools in Braille and sign language are already in place.

3. Right to work and to just and favourable conditions of work

Adequate conditions of work for teachers

20. There are around 50,000 primary school teachers and 25,000 secondary school teachers in government schools.¹³ The Government is well within reach of having a primary school in every village and a lower secondary and upper secondary school in every district. The primary school net enrolment ratio for 2007-08 was 93.3 percent.¹⁴ There continues to be a struggle to meet the demand for education at every level. In primary schools, the pupil-teacher ratio is 51:1, and many schools operate on a two-shift per day schedule. In lower secondary schools, the ratio is almost 32:1. Recruiting and appointing teachers to the most remote parts of the country poses a particular challenge.

21. For teachers in Cambodia conditions of service are demanding and remuneration is poor. Elementary school teachers are often under pressure to work a double shift to cope with the demand on schools. A teacher's take home salary, including overtime, is approximately USD 60 per month, but often less. The *Teaching in Cambodia* report indicates that three quarters of the teachers interviewed state that their salaries are subject to "facilitation fees", 55 percent have never received their full salary and 80 percent report delays in receiving salaries.¹⁵

22. Families where the teacher is the sole income-earner are likely to live in poverty if they only rely on their salary. The *Teaching in Cambodia* report indicated that 68 percent of teachers work on second jobs, essential for supplementing their income. Community perceptions of the biggest problems facing schools, in the Socio-Economic Survey of 2004, listed the low living standards of teachers as the first of 10 problems.¹⁶

¹⁰ Towards a Cooperative Approach: A study on the situation of children with intellectual disabilities in Cambodia, Carter J. et al, 2008.

¹¹ Why Children Drop Out of School in Kampot, Voluntary Service Overseas (VSO), Roberts K., 2006

¹² The Impact of Informal School Fees on Family Expenditure, 2007, p. vi

¹³ Benveniste L, Marshall J, Caridad Araujo M, *Teaching in Cambodia*, World Bank- Royal Government of Cambodia, 2008, p. 18 (*Teaching in Cambodia*)

¹⁴ Supra ref. 12

¹⁵ *Teaching in Cambodia*, 2008, p. 18

¹⁶ Cambodia Socio-Economic Survey 2004

23. The preferred second job for many teachers is to provide tutoring to pupils in their own classes. Fees thus collected can amount to the equivalent of two thirds of an average base salary with allowances.¹⁷ As a 1998 UNICEF study highlighted, this is problematic for students who cannot afford private tutoring as teachers may reserve real teaching for private sessions after the end of the official school day.¹⁸

24. Instances of money being paid to teachers for a range of dishonest reasons persist nowadays. Those who cannot meet these costs are disadvantaged and the likelihood of failure or of dropping out of school is heightened. The 2008 target set by the *Education for All Strategic Plan 2006-2010*, was to abolish “informal payments” by parents in grades 1-9, while simultaneously increasing school operational budgets and teachers’ remuneration. However, there have been no discernible changes to date. The Government should work towards eliminating this practice and set a new time line for doing so.

III. Recommendations

1. Ensure adequate attention is given to special education needs of students with disabilities enrolled in mainstream education by *inter alia* ensuring adequate training and support is given to teachers and trainers working with children with disabilities.
2. Foster an attitude of respect for the rights of persons with disabilities at all levels of society and the education system, including at the early stages.
3. Implement a specialized program to promote the full enjoyment of human rights and freedoms of children with disabilities on an equal basis with other children. Special attention should be given to the promotion of the rights of girls, particularly those with disabilities.
4. Promote human rights education and awareness raising campaigns regarding the rights of children to education, with a focus on children with disabilities. Equally promote the Convention on Persons with Disabilities and the rights therein.
5. Ensure that the national budget on education provides significant funds for the education and provision of alternative program of life skills and prevocational training for disabled children. The national budget should also prioritise the provision of an adequate remuneration for teachers.
6. Fully ratify the Convention on the Rights of Persons with Disabilities, and ensure the successful and prompt adoption of the National Law on Disabilities.

¹⁷ *Teaching in Cambodia*, 2008, p 18

¹⁸ *The Private Costs of Public Schooling*, Bray M. UNICEF, 1998, p 19.