



The Kingdom of Cambodia



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DRAFT LAW
on the Protection and the Promotion of
the Rights of Persons with Disabilities

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02/04/2009

Disability Action Council (DAC)

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1-Reasons for development of the law

a. Juridical Basis

- The Constitution of the Kingdom of Cambodia (article 31) states that “every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfil the same obligations regardless of race, colour, sex, ...”.
- Article 74- The state shall assist the disabled and the families of combatants who sacrificed their lives for the nation.

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The Reasons (cont)

b. General situation

- War, lack of social services, old age, disease, and accident caused by mine and UXO and traffic resulted approximate 4% of the total of population

c. Efforts to address the issues and challenges

- Cambodia has been involved in international movement and signed the UNESCAP's Proclamation on Full and Equal Participation of the Decade for Disabled Person in Asia and Pacific (1993-2002) and also signed the CRPD and its Optional Protocol. Therefore, the Cambodia committed to developing legislation

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2. Benefits of enacted and implemented the law

a. Nation:

- Fulfil obligation to implement international/ regional proclamations including UNESCO- Education for All and UNESCAP-
- Promote relationship with other ASEAN countries in comparison with similar and differences of each country disability legislation.
- Reduce national expenditure on care of PwD and promote economic activities with participation of PwD
- Enhance social welfare and preserve value of national tradition and culture.

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The benefits (cont)

b. Government:

- Promote the implementation of the government policy on poverty reduction.
- Clear division of roles and responsibilities between line ministries to address the disability issues.
- Easier to follow up, monitor and evaluation of the law enforcement and implementation of policies of government ministries and civil society on disability.

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The benefits (cont)

c. Society:

- Promote awareness on disability and disability prevention.
- Reduce discrimination and promote integration of people with disabilities into community.
- Reduce burden on care and support to people with disabilities.

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The benefits (cont)

d. Private:

- Incentive investment, tax deduction... and get quality and capable employees.
- Contribute to socio economic development by absorb potential productivity from PwD
- Promote vocational skill training for PwD.

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The benefits (cont)

e. People with disabilities:

- Confident in self-capacity and ability and receive incentive and support
- Use remaining potential to contribute to socio economic development.
- Access to quality and quantitative services
- Rights and benefits has been protected legally this help to promote standard living of person with disability, family, and society.
- Social equality and justice between PwDs and other citizen in society.

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3-The history of development process

- The initial draft legislation in 1996
- In February 2000, a Legislation Working Group was established to discuss and to review the draft legislation. The Working Group composed of MoSVY, MoJ; MOEYS; MOWA; DAC; CDPO; Japanese Advisor.
- January 2005, the document was finalized by the working group in close consultation with relevant stakeholders.
- February 2009- The legislation was approved by the Council of Ministers and is currently with the National Assembly.

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4-Brief summary of the draft law

The draft legislation consists of 14 Chapters with around 59 articles covered:

1. **General Provision:** The purposes of the law is to protect the rights and freedoms of persons with disabilities; to protect the interests of persons with disabilities; to prevent, reduce and eliminate discrimination against persons with disabilities; to rehabilitate physically, mentally and professionally in order to ensure that persons with disabilities are able to engage fully and equally in activities within society.
2. **Disability Action Council:** DAC is a mechanism of national coordination and consultation on disability and rehabilitation in Cambodia.
3. **Livelihoods:** The State shall take into account, as appropriate, the promotion of livelihoods for PwDs.

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Brief summary (cont)

4. **Rehabilitation, Health Care and Prevention:** The State shall organize programs for rehabilitation aiming at enabling the PwDs to fulfil their work and to exercise their capacity and skill in social life
5. **Public Accessibility:** All public places shall be made accessible for persons with all kinds of disabilities such as ramps; accessory rails in the bathroom, and signs.
6. **Education:** All students with disabilities are entitled to education in public and private educational establishments and also have the right to receive scholarships as other students.
7. **Employment and Vocational Training:** Persons with disabilities who have the qualifications and competence to carry out the duties, role and responsibilities have the right to work without discrimination including employment as civil servants.

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Brief summary (cont)

8. Incentives: The State shall give incentives to PwDs who run their own businesses by reducing taxes.
9. Elections: PwDs are entitled to vote or to be voted in accordance with the applicable electoral laws
10. Fund for Persons with Disabilities
11. Implementation of international conventions: the draft law states that upon ratification of any international law(s) designed to protect and promote the rights of persons with disabilities; it becomes the applicable and preferential law in Cambodia
12. Penalty Provisions
13. Transitional Provisions
14. Final Provisions

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5-The challenges

- Lack of understanding of the disability issues and benefits of mainstreaming of disability in the development.
- The draft law was discussed and reviewed many times before submitting to the Council of Ministers and at the National Assembly.
- Disability and social issues related legislation is always competitive to economic and infrastructure development.
- Weakness direct advocacy and voice from people with disabilities to claim for their right and opportunities.

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6-Conclusion

The adoption and implementation of Legislation on the Right of People with Disability in Cambodia is very important to promote and ensure sustainability of national welfare for people with disabilities. The law will contribute to promotion of the successful implementation of government policy on poverty reduction. It also reflects the attention and consideration on present and future wellbeing of people with disabilities.

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THANKS FOR UR ATTENTION!!



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