



KINGDOM OF CAMBODIA
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**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organisations at Geneva**

No. 2021/04/288

VERY URGENT

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the Joint Communication No. OL KHM 5/2021 dated 22 April 2021 of the Special Procedures, has the honour to transmit to the latter herewith a letter of H.E. Mr. AN SOKKHOEURN, Ambassador and Permanent Representative of the Kingdom of Cambodia, addressed to the Special Rapporteurs.

The Permanent Mission of Cambodia would be grateful if the said letter could be forwarded to its high destinations.

The Permanent Mission of the Kingdom of Cambodia to the United Nations Office and other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights of its highest consideration.

Geneva, 23 April 2021



Office of the High Commissioner for Human Rights
Geneva



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**Permanent Mission of the Kingdom of Cambodia
to the United Nations Office and other
International Organisations at Geneva**

Geneva, 23 April 2021

Dear Special Rapporteurs,

I would like to refer to your Joint Communication dated 22 April 2021 [Ref: No. OL KHM 5/2021], inquiring about the Draft Law on the Protection of the Rights of Persons with Disabilities (LPRD).

At your request, the said letter has been transmitted to Cambodian authorities concerned. Pending their reply to be provided in due course, I wish to draw your attention to preliminary details as to certain issues raised in your file.

1. Overview

Inclusive and equal participation in all spheres of society and the creation of enabling environments by, for, and with persons with disabilities (PWD) is a priority of Cambodian government. As a state party to the Convention on the Rights of Persons with Disabilities (CRPD) in 2012, Cambodia has made strong progress in pursuit of a disability-inclusive society by instituting legal frameworks, increasing national budget, and taking sweeping steps that enable them to enjoy their rights at workplace, community and society.

Besides the Law on the Protection and Promotion of the Rights of Persons with Disabilities promulgated in 2009 (2009 Disabilities Law), Cambodian government launched the second National Disability Strategic Plan 2019-2023 with a view to eliminating all forms of exploitation and discrimination against them. Disability issues are also embedded into the National Strategic Development Plan 2019-2023 and the National Mine Action Strategy 2018-2025.

Professor Rhona Smith
Special Rapporteur on the situation of
human rights in Cambodia

Professor Gerard Quinn
Special Rapporteur on the rights of
persons with disabilities

Cambodian Prime Minister inaugurated in 2011 a Special School for Blind and Deaf Children, seeking to better promote education for disabled children. Braille and sign language are included in the educational and IT programs. Sign language is displayed on some TV channels to guarantee the rights to information of the PWD.

Employment of disabled people in public institutions accounts for almost 2%, a target set by the government, while it constitutes nearly 3% in the private sector.

The government has recently started digitalizing the number of PWD nationwide and issuing an identification card to them in order to ensure their enjoyment of benefits from various public and private support services. Additionally, the government has decided to issue a driving license to PWD, providing that they meet the set requirements.

Finally, during the Covid-19 pandemic, Cambodia has rolled out several rounds of a “Cash Transfer Scheme” benefiting about 710,000 impoverished and vulnerable households, accounting for more than 2.8 million individuals inclusive of at least 60,000 PWD, to help them meet their basic needs, namely food, water and healthcare.

2. Draft Law on Protection of the Rights of Persons with Disabilities (LPRD)

Cambodia cherishes the plurality of voices. As a result, the present bill has enjoyed two years of comprehensive and extensive consultations with all relevant stakeholders, including civil society, local and international organizations of persons with disabilities, foreign embassies and Phnom Penh-based UN agencies. The overwhelming majority of them are satisfied with this open, inclusive and transparent approach that the government has taken and the wide-ranging substance of the draft law.

The draft LPRD builds upon the existing 2009 Disabilities Law, CRPD and Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific. Many key principles of the CRPD were integrated. Below are the highlights.

- Overall, it seeks to promote and protect the rights of PWD, reduce discrimination and strengthen the capacity for PWD by providing equal opportunities, creating jobs, increasing employment, raising income, facilitating mobile travel and enhancing access to education, health, social work, participation in political activities and social development.
- The draft LPRD offers clear definitions as to the degree and categories of disabilities, which facilitate the work of entities in this vital field. The new law requires all ministries and institutions to ensure disability-inclusive policy along with the allocated budget for effective implementation.

- While the existing law sets the employment rate of PWD in public and private sectors, the new one emphasizes the importance of their accessibility and equal remuneration. More importantly, it requires the National Social Security Fund to prioritize the PWD when offering benefits to the target groups. It also encourages the PWD to participate in political, social, economic and religious life without any discrimination.

As for the penalty, the bill does not aim to castigate but encourages responsible and inclusive participation of everyone in the pursuit of guaranteeing the rights of PWD and improving their quality of life. A law must prescribe sanctions for non-compliance if we are to ensure its effective enforcement. The present draft text will be further consulted with the Ministry of Justice and reviewed by the Council of Ministers before it is forwarded to the bicameral parliament for debates and adoption.

In conclusion, Cambodia remains committed to promoting the rights of PWD through removing negative attitudes and social exclusion against disabilities and empowering them for inclusive, equitable and sustainable development.

3. A Short Deadline for the Government's Response

I draw your attention to Paragraph 24 of the Operational Manual of the Special Procedure Mandate Holders, stressing "Appropriate opportunities should be provided for Government representatives to comment on allegations made against them..." I note with utter dismay the present Joint Communication deviates from this protocol. The imposition of a hasty deadline of 48 hours for the government's response is neither practical nor professional given the fact that certain inputs from line ministries concerned are warranted. While the term "appropriate" is subjective, it must at least be measured against practicality and proportionality, especially in the context of the Covid-19 pandemic during which everyone is preoccupied with a more urgent mission of lifesaving and suppression of community transmission.

Please accept, Special Rapporteurs, the assurances of my highest consideration.



SOKKHOEURN AN

Ambassador and Permanent Representative