

**Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III F, J, K, and P)**

Cambodia

I. BACKGROUND AND FRAMEWORK

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

I.1. Table:

<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>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Acceptance 28/11/1991			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratification 13/06/2006			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Accession 19/09/2007			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Normative Framework:

2. Constitutional framework: According to **Article 48** of the Constitution of Cambodia (1993)¹, the State shall protect the rights of the children as stipulated in the Convention on Children, included in particular the right to education and protect children from acts that are injurious to their education opportunities.

3. In addition, **Article 65** specifies that: “The State shall protect and upgrade **citizens’ rights to quality education** at all levels and shall take necessary steps for quality education to reach all citizens. The State shall respect physical education and sports for the welfare of all Khmer citizens.” Moreover, “The State shall establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom and quality to ensure that all citizens have equal opportunity to earn a living” (**Article 66**). It shall also adopt an educational programme according to the principle of modern pedagogy including technology and foreign languages, as well as control public and private schools and classrooms at all levels (**Article 67**).

4. According to **Article 68**, “The State shall provide **free primary and secondary education to all citizens in public schools**. Citizens shall receive education for at least nine years. The State shall disseminate and develop the Pali schools and the Buddhist Institute.”

5. Legislative framework: The Ministry of Education, Youth and Sports was established on the basis of the Law (*Kram*) dated 24 January 1996.²

6. There is no compulsory schooling in Cambodia. Nevertheless Article 31 of the **Law on Education of 2007**³ guarantees that: “Every citizen has the right to access qualitative education of at least 9 years in public schools free of charge. The Ministry in charge of education shall gradually prepare the policy and strategic plans to ensure that all citizens obtain qualitative education as stipulated by this law.” Furthermore Article 15 states that: “The state shall prepare a comprehensive and unique education system, which includes formal education, non-formal education, and informal education. Early childhood education is the preparatory study [level] of the education system. The education system of Cambodia is comprised of public and private education. The Ministry in charge of Education shall issue the regulation on education system.” Moreover Article 33 assures the respect of the rights and freedom of religious beliefs.

¹ <http://www.embassy.org/cambodia/government/constitution.htm>

² International Bureau of Education (IBE), Profile of the education system in Cambodia, August 2006, <http://www.ibe.unesco.org/fr/dans-le-monde/regions-de-lunesco/asie-et-pacifique/cambodge/profile-of-education.html>

³ http://planipolis.iiep.unesco.org/upload/Cambodia/Cambodia_Education_Law.pdf

7. Ministry of Education Letter No. 1621 dated 21 October 1992 deals with questions relating to the teaching of human rights, the crime of genocide, the abolition of all acts injurious to women, the rules of propriety, the highway code, health and nutrition. Letter No. 21 E. Relex of 12 October 1993 deals with teaching human rights in primary and secondary schools, upgrading the skills of teachers, and publishing works on human rights subjects.⁴

8. Compulsory education and school attendance: According to State Council Decree-Law no. 30, dated 20 November 1986, primary education establishments shall accept children from the age of 6 and shall encourage them to complete their schooling (Chapter 2, Article 3). Article 4 of this Decree-Law states that: “level 1 secondary education establishments shall provide training to students so that they may exercise a trade, be employable in industry, or be capable of continuing their studies at a Level 2 educational establishment, a special secondary school or a vocational training establishment.” Furthermore, the law equally establishes that “level 2 secondary education establishments shall provide training to students who have completed their Level 1 secondary studies so that they may acquire the knowledge and capability enabling them to continue their studies in the scientific and technical fields at higher educational establishments in accordance with the State Plan.”⁵

9. Non-discrimination and gender equality: Regarding the issue of inclusive education, Article 38 and 39 of the Constitution declare that the state encourages and promotes special education for disabled persons and for outstanding talented children. Equality of their rights is also pledged.

10. Inclusive education is also safeguarded by the Council of Ministers Decision no. 181 (20 December 1997) on the rehabilitation, vocational training and employment of disabled persons. It makes it incumbent upon general education and vocational training schools to accept disabled students in accordance with their possibilities and capacity. The newly-established Special Education Office is located in the Primary and Pre-School Department of the Ministry of Education and has the duty to promote and support education for children with disabilities, minorities, girls and other vulnerable groups.⁶

Policy measures:

11. Major policy measures: The early 1990s featured a growing emphasis on Government-led policy development, especially greater attention to basic needs provision and quality improvement through continued restoration of buildings, supply of textbooks, expanded teacher training and efforts to improve examinations, e.g. the Education for All Conference (1992) and the plan for the Rebuilding Quality Education and Training (1994). The Government prepared the first Socio-Economic Development Plan (SEDP I) 1996-2000 setting out broad education development policies, strategies and targets. Moreover, the Ministry of Education, Youth and

⁴ Ibid.

⁵ Initial Report of Cambodia submitted to the CRC in 1997, CRC/C/11/Add.16, <http://mineaction.org/hrtreaty/Cambodia%20CRC%20initial%20report.pdf>

⁶ Ibid.

Sports formulated the Education Investment Plan 1995-2000 detailing priority strategies, programs and investment requirements.

12. Since the early 1990s, Cambodia has made considerable progress in expanding basic education services. However, both quality and coverage still remain areas of great concern. There is a shortage of school buildings and learning centers, class sizes are often excessive, the number of actual instructional hours is inadequate, new curricula are not yet fully implemented, and there is a shortage of core and supplementary teaching materials. Teachers are often not sufficiently qualified and are ill motivated due to low salaries and poor working conditions. The socio-economic and professional status of teachers is poor. There are few incentives such as scholarships, training opportunities, career development, and transfer or public recognition.⁷

13. The National Plan for Education for All 2003-2015 sets out important strategic policies which include long-term economic development goals for the future of Cambodian society. This provides that Cambodian children and youth should have equal opportunities and access to formal education, and non-formal education regardless of their living standard, gender, geographical area, physical condition or ethnicity.⁸

14. In 2002, the Ministry prepared its first five-year Education Strategic Plan (ESP) and Education Sector Support Program (ESSP).⁹

15. In the period of ESP 2006-2010, the Ministry committed itself to achieving the existing priority policies, which were consistent with EFA 2003-2015, the Cambodia Millennium Development Goals 2015 and the National Strategic Development Plan 2006-2010. The priority policies in the ESP 2006-2010 were as follows: 1) ensuring equitable access to education; 2) increasing quality and efficiency of the education services; and 3) institutional development and capacity building for decentralization.¹⁰

16. The ESP 2006-2010 was emphatically pro-poor. The broad policy thrust was that the education poverty trap was to be eliminated. The Plan focused on a number of measures that begin to eliminate the cost barriers to education for poor families, while still assuring well-managed and relevant education. A key feature of the planning, implementation and monitoring systems for the ESP was that new forms of partnership in education at all levels were required.¹¹

17. Cambodia's Government is committed to enforce the education system in Cambodia. Thus a number of policies have been established throughout recent years¹²:

⁷ Ibid.

⁸ Cambodian National Report, UNESCO International Conference on Education, Inclusive Education: "the Way of the Future, November 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/cambodia_NR08.pdf (Accessed 3 November 2010)

⁹ Ibid.

¹⁰ Education Strategic Plan, December 2005,

<http://planipolis.iiep.unesco.org/upload/Cambodia/Cambodia%20Education%20Strategic%20Plan%202006-2010.pdf>

¹¹ International Bureau of Education (IBE), Profile of the education system in Cambodia, op. cit.

¹² <http://www.moeys.gov.kh/> (Accessed 03/11/2010)

- Policy on Education for Children with Disabilities (2008)¹³
- Policy on Child friendly schools (2007)¹⁴
- Policy for Curriculum Development (2005-2009)
- National Policy of Non-Formal Education

18. Vocational and technical education: Another priority of the Education Sector Support Program 2006-2010 was to take early and urgent action to expand education and training opportunities for the number of young people aged between 12 and 24 years who currently are school dropouts or have limited access to post- primary education and training opportunities.¹⁵

19. Language of instruction: The official language is Khmer according to Article 24: “The Khmer Language is the official language and a subject of the fundamental curriculum’s at public schools providing general education.”

20. Pilot bilingual literacy programs have been put in place. Moreover, the Ministry is undertaking a number of initiatives with support from a new taskforce on bilingual education including representatives from the Ministry, the Royal Academy and NGO groups.¹⁶

23. **Cooperation**: Cambodia is not party to 1960 UNESCO Convention against Discrimination in Education. It did not report on the Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (covering the period 1994-1999)
- Seventh Consultation of Member States (covering the period 2000-2005)
- Eight Consultation of Member States (covering the period 2006-2011)

24. Cambodia did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

25. Cambodia reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

26. Cambodia is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

¹³ <http://www.moeys.gov.kh/Includes/Contents/Education/Policy%20on%20Education%20for%20children%20with%20Disabilities.pdf> (Accessed 03/11/2010)

¹⁴ <http://www.moeys.gov.kh/Includes/Contents/Education/NationalPoliciesEducation/PolicyonChildFriendlySchools.pdf> (Accessed 03/11/2010)

¹⁵ Education Strategic Plan, December 2005, op. cit.

¹⁶ Cambodian National Report, UNESCO International Conference on Education, Inclusive Education: “the Way of the Future, November 2008, op. cit.

Freedom of opinion and expression

27. Constitutional and Legislative Framework: Freedom of expression is guaranteed under Article 41 of the Constitution of the Kingdom of Cambodia (1993).

28. The protection of freedom of expression and the press is further elaborated in Article 1 of the Press Law (1995). However, the Press Law imposes content restrictions in relation to anything which “may affect the public order by inciting directly one or more persons to commit violence” (Article 11), which “may cause harm to the national security and political stability” (Article 12) or which affects “the good custom of society” (Article 14).

29. Defamation remains criminalized in Cambodia under the Penal Code 2009. Article 62 of the 1992 Provisions Relating to the Judiciary and Criminal Law and Procedure also contains prison terms up to 3 years for information published in “bad faith and malicious intent” or is “likely to disturb public peace”

30. A freedom of information law does not currently exist in Cambodia.

31. Media Self-Regulation: Media self-regulation does not exist in Cambodia despite efforts of local NGOs such as the Cambodia Centre for Independent Media (since 2007) through the support of UNESCO.

32. Media content is monitored by the Cambodian authorities. Article 13 of the Press Law is used to justify censorship of news content.

33. Safety of Journalists: UNESCO’s Director-General condemned the killing of the Cambodian journalist, Hang Serei Oudom in 2012¹⁷. The Director-General of UNESCO condemned the killing and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO¹⁸.

Right to development and environmental issues¹⁹

34. Cambodia is extremely rich in natural diversity and biodiversity. Its surface is still covered by a lot of forests and it has one of the most unique river systems in South East Asia including the Mekong and Tonle Sap Lake, which is the largest natural freshwater lake in south-

¹⁷ UNESCO’s Director-General’s public statements of killings of journalists
(www.unesco.org/webworld/condemnation)

¹⁸ Decision on the Safety of Journalists and the Issue of Impunity. Adopted by the IPDC Intergovernmental Council at its 27th Session (available at
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf)

¹⁹ <http://unesdoc.unesco.org/images/0018/001865/186552E.pdf>.

east Asia. However, recent economic and urban development is changing the traditional picture. Gradually but steadily the forests have been shrinking and a lot of species have become endemic, one of the most famous examples being the Irawaddi or Mekong (sweet water) dolphin.

35. In recognition of the importance of Tonle Sap Lake it was designated by the Cambodian Government as a Multiple Use Area under the 1993 Royal Decree on Protected Areas. In October 1997, UNESCO accepted the nomination of the Tonle Sap as a Natural Biosphere Reserve. Three Core Areas: Prek Toal; Boeng Chmar and Stoeng Sen were confirmed in April 2001 by the passage of a specific Royal Decree implementing the Tonle Sap Biosphere Reserve. The Biosphere Reserve is managed through an inter-ministerial Tonle Sap Biosphere Reserve Secretariat which includes representatives from the Ministry of Environment, Ministry of Agriculture, Forestry and Fisheries and Ministry of Water Resources and Meteorology. The Lake is of great economic and cultural value to the people of Cambodia. The great temple complex at Angkor Wat is the most prominent cultural feature associated with Tonle Sap Great Lake. However, the lake and its inundation zone are already showing the impacts of over-exploitation of resources which is reducing both the biodiversity value and its potential to support livelihoods. Many of the pressures presently impacting the lake are likely to greatly increase in the short term, including population growth, especially around Siem Reap, fishing pressure and hydrological changes. Despite the inherent richness of this region (representing about 50% of Cambodia's total freshwater capture fisheries production), most poverty indicators in the lake's bordering provinces are worse than those of the rest of the national population. To tackle this problem, UNESCO is actively supporting the Ministry of Tourism and the Tonlé Sap Authority in various fields: organizing and attending national and international seminars on Sustainable Tourism and on developing biosphere reserves as learning laboratories for sustainable development.

36. As the sustainable development factor gains weight in the conservation and presentation policy at the World Heritage Site of Angkor, issues related to the environment have grown an unprecedented interest at the Angkor International Coordinating Committee. Special attention is being paid to the Siem Reap region as a whole in regards to its sustainable development. UNESCO, in close cooperation with the relevant ministries and institutions, is working to bring together a group of experts in order to identify, quantify and improve the critical inter-relationships between water, biota and social systems in the context of Cambodia's sustainable development. Part of this exercise is the creation of the Siem Reap Water Working Group to protect urban and rural areas from floods and/or droughts, and conserve water resources and associated ecosystems. Due to the overlapping areas of the Tonlé Sap Biosphere Reserve and the World Heritage site of Angkor, UNESCO's support to local authorities will be focused on the efficient management of natural resources and the environment in a pro-poor sustainable economic growth approach of the whole region.

37. UNESCO, with the Ministry of Tourism and the University of Queensland, is working together in the development of the Tourism Master Plan for the Management of the Tonle Sap Biosphere Reserve. This Master plan is being developed at the same time as the Management Plan for the World Heritage Site of Angkor. Both plans draw upon each other for the benefit of the local population in the province of Siem Reap.

38. UNESCO co-operates with the National Committee on Science and Technology (NCOST) in the area of drafting the National Policy on Science and Technology (NPSTI) for

Cambodia, the first draft of which was already discussed at the 1st National Consultative Workshop. This process proves the commitment of the Cambodian national authorities to prepare the country for its engagement with the ASEAN in 2015, as well as shows the understanding that “ensuring equitable and sustainable economic growth requires that Cambodia has an ability to acquire and utilize knowledge and innovation based on science and technology”.

Cultural rights

39. Normative Framework: The Cambodian constitution protects the right to participate in cultural life in its article 35 (Citizens “of either sex shall have the right to participate actively in the cultural life of the nation”) and article 41 (Citizens “shall have freedom of expression, publication and assembly”). In addition, the State must “preserve and promote national culture,” “protect and promote the Khmer language as required,” and “preserve ancient monuments and artifacts and restore historic sites” (Article 69). The constitution also criminalizes “[a]ny offense affecting artistic cultural heritage” (Article 70) and declares the perimeter of national and world heritage sites to be “neutral zones where there shall be no military activity” (Article 71). Further, the Cambodian monarchy has promulgated royal decrees and sub-decrees related to cultural life, such as the 1995 decree establishing APSARA for the protection and management of Angkor and the 1996 Law on the Protection of Cultural Heritage.

40. Institutional framework: The Ministry of Culture and Fine Arts is the governmental entity responsible for all cultural activities. It is supported by UNESCO Phnom Penh Office and the Cambodian National Commission, which serves as a liaison between the government and UNESCO. These bodies work with APSARA, and the International Coordinating Committee established by UNESCO to implement Cambodian cultural policies and programmes at the Angkor World Heritage Site. Two expert bodies have been created under the Ministry authority to contribute to the implementation of the 1972 World Heritage Convention and 2003 Convention for the Safeguarding of the Intangible Cultural Heritage: the National Committee for World Heritage and the one for the Intangible Cultural Heritage. The implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions is monitored by a working group.

41. Policy measures: Much of the policy work has focused on tangible heritage conservation. However, work has recently begun on other aspects of culture, such as the commercialization of cultural goods that is supported by the newly created Cultural Industry Support Program. This initiative promotes the cultural heritage of minority communities and helps them attain more sustainable livelihoods. Henceforth, efforts and resources will concentrate on art education and creative industries areas.

42. Work with civil society: Cooperation undertaken with civil society focuses on minorities, including the training and support of indigenous communities in their artwork. Civil society has contributed to inscribing the Royal Ballet and Lkhoan Sbek Thom (shadow puppetry) on the Representative List of the Intangible Cultural Heritage. However, a larger popular access to cultural performances remains low as the entire production is driven by the tourism industry. Very little training opportunities are offered in art education for young people, which hampers the appreciation of traditional arts and artistic creativity by Cambodians.

III. RECOMMENDATIONS

Right to education

43. Cambodia should be encouraged to ratify UNESCO's Convention against Discrimination in Education.
44. Cambodia should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
45. Cambodia could be encouraged to strengthen its efforts to improve the quality of special education and to further develop non-formal education programmes as well as comprehensive and regular teacher trainings adapted to the different types of disabilities.
46. Cambodia should be encouraged to intensify its efforts to create an inclusive educational system welcoming children with disabilities as well as children from all minorities.
47. Cambodia could be encouraged to intensify its efforts to make basic education compulsory and to address drop-out and repetition rates, especially in regions with high minority population.
48. Cambodia could be encouraged to pursue its efforts to promote the quality of education and to further expand bilingual education for non-Khmer speakers.

Freedom of opinion and expression

49. Cambodia is encouraged to undertake reforms to bring Cambodia's laws and practices in line with the existing international standards in the area of press freedom and freedom of opinion and expression.
50. Cambodia is encouraged to initiate the introduction of a freedom of information law, in accordance with the international standards.
51. Cambodia is encouraged to decriminalize defamation, libel and disinformation in the Penal Code and amend the Press Law in accordance with the international standards.
52. Cambodia is encouraged to establish an independent and transparent regulatory body responsible for promoting pluralist broadcasting media and distributing radio and television licenses according to the international standards for freedom of expression and the media.
53. Cambodia must ensure that journalists and media workers are able to practice their profession in a free and safe environment as part of their fundamental human rights and is called upon to investigate all attacks on journalists and media workers.
54. UNESCO encourages initiatives aiming at developing self-regulation mechanisms of the media in Cambodia.

Right to development and environmental issues

55. Effective governance systems in Cambodia are essential to mitigate the existing significant threat to the biodiversity of the Tonle Sap Lake. UNESCO encourages further strengthening of co-operation from a range of government agencies, as well as the relationships between government official and civil society, the people in the basin, to reach this purpose.

56. With regard to contribution of science and technology to development, Cambodia is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.

Cultural rights

57. Cambodia is encouraged to introduce art education in the school curriculum and to encourage cultural productions for the Cambodian public.