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**LAW ON
THE PROTECTION AND THE PROMOTION
OF THE RIGHTS OF PERSONS WITH
DISABILITIES**

**ខែ កក្កដា ឆ្នាំ ២០០៩
July 2009**

Kingdom of Cambodia
Nation Religion King


LAW

ON

THE PROTECTION AND THE PROMOTION
OF THE RIGHTS OF PERSONS WITH
DISABILITIES

Translated by:

- Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY)
- Disability Action Council (DAC)
- Cambodia Trust (CT)
- Office of High Commission for Human Rights (OHCHR)
- Voluntary Service Overseas (VSO)

PREFACE

Cambodia has gone through a period of warfare and a genocide regime which has left behind many consequences, including a high number of people with disabilities. Along with this, there are landmine/explosive remnants of war survivors, traffic accidents, work accidents, malnutrition, diseases, and other causes that lead to high numbers of people with disabilities. According to the official data in 1999 2% of the total population have disabilities including 11.4% of disabilities caused by landmines, 10.8% of disabilities caused by war, 32.5% of disabilities caused by diseases, 5.5% of disabilities caused by traffic accidents, 7.2% of disabilities caused by other accidents, 20.5% of disabilities caused by birth, and 12% of disabilities caused by others. Follow the Socio Economic Survey of the National Institute of Statistics the rate of people with disabilities is 4%. The recent national census released in September 2009 found that only 1.4% of the total population has disabilities. The majority of people with disabilities are among the most poor and vulnerable in society.

The Royal Government of Cambodia is working hard to promote the welfare of people with disabilities by following the Constitution of the Kingdom of Cambodia, the policies and Rectangular Strategy of the Royal Government of Cambodia 4th Mandate and the Cambodian Millennium Development Goals. The Ministry of Social Affairs, Veterans and Youth Rehabilitation (MoSVY) has given priority to disability related work, as stated in the work platform of MoSVY, through the development of policies and other regulations to promote and extend the basic rights of people with disabilities. Veterans with disabilities and retired civil servants with disabilities get support from state; People with all kinds of disabilities get free of charge physical rehabilitation and vocational training services; Braille and sign languages have been developed for people with visual impaired and blind; Community Based

Rehabilitation helps to improve livelihood of people with disabilities and improved the exercise of right in participation into community activities; People with disabilities take more ownership through formation of self-help group of people with disabilities; Dissemination towards people with disabilities has been reduced; And legal rights of people with disabilities are protected and promoted.

For extension of these efforts the Law on the Protection and the Promotion of the Rights of Persons with Disabilities has been drafted since 2001. The process of the development of this law has gone through a process of wide consultation with development partners, civil society, relevant ministries and the following institutions: the Economic, Social and Cultural Observation Unit (OBSES); the Council of Jurists; etc. The law was declared by Royal Decree NS/RKM/0709/010 dated 3rd July 2009.

The Law on the Protection and the Promotion of Rights of Persons with Disabilities is very important in addressing the issues facing people with disabilities in society together with the implementation of other Royal Government Policies in promoting the welfare of people with disabilities. These include the National Strategic Plan and policies of other ministries, institutions and authorities at all levels. This law will protect and promote the basic rights of people with disabilities, reduce discrimination, provide equal opportunities for employment for

Phnom Penh on 12 August 2009
Minister

Signed and Sealed

Ith Sam Heng

Chapter I General Provisions

Article 1.

The goal of this law is to protect and promote the rights of persons with disabilities within the Kingdom of Cambodia.

Article 2.

The purposes of this law are as follow:

- 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 vocationally in order to ensure that persons with disabilities are able to participate fully and equally in activities within society.

Article 3.

The scope of this law applies to persons with disabilities and any activities related to persons with disabilities within the Kingdom of Cambodia.

Article 4.

Key terms used in this law are defined as follow:

- *Persons with disabilities*: refers to any persons who lack, lose, or damage any physical or mental functions, which result in a disturbance to their daily life or activities, such as physical, visual, hearing, intellectual impairments, mental disorders and any other types of disabilities toward the insurmountable end of the scale.
- *Public Place*: refers to any premises, location, building and means of transportation in either state, public or private ownership that are open to and provide services for the general public; for instance, ministries, institutions, departments, roads, leisure and cultural centres, sport centres, recreational resorts, educational establishments, hotels, hospitals, health centres, restaurants, and transportation networks.
- *Public Educational Establishment*: refers to public schools that provide education and training to students of all ages. Public Educational Establishment includes all levels of education from kindergarten upwards.

- *Private Educational Establishment*: refers to any schools run by either private or any organisation authorized to provide education and training to students of all ages.

Chapter 2

Disability Action Council and Disability Rights Administration

Article 5.

The Disability Action Council shall be established with the abbreviation “DAC” as the national coordination and advisory mechanism on disability issues.

Article 6.

The Disability Action Council carries out the following duties:

- To provide technical advice on disability and rehabilitation issues;
- To assist the relevant ministries, institutions and organizations in developing policies, national plans and strategies related to disability and rehabilitation;
- To promote the implementation of policies, laws and other regulations related to disability and rehabilitation issues;
- To propose revisions, additional completion or amendment of policies, laws or other regulations related to disability issues;
- To monitor and evaluate the implementation of policies, national plans, laws and regulations related to disability issues;
- To communicate with national and international communities in order to exchange experiences and mobilize resources from both internal and external sources.

Article 7.

The Disability Action Council is composed of:

- The Minister in charge of Social Affairs or his/her representative as the Chairperson;
- Representatives of concerned ministries and institutions;
- Representatives of disabled people’s organizations;
- Representatives of organizations, employers, and non-governmental organizations providing services to persons with disabilities;

The organization and functioning of the Disability Action Council shall be determined by Sub-decree.

Article 8.

The Ministry in charge of Social Affairs shall establish the Disability Rights Administration, which is an entity under the Department of Rehabilitation.

Article 9.

The Ministry in charge of Social Affairs, in cooperation with concerned ministries, institutions and organizations, has a duty to organize the Cambodian Day for Persons with Disabilities and Cambodian Sports Day for Persons with Disabilities with the aim of raising public awareness on welfare of persons with disabilities and to encourage persons with disabilities to participate in economic, social, cultural and other activities.

The Cambodian Day for Persons with Disabilities and Cambodian Sports Day for Persons with Disabilities shall be organized together on the same day as the International Day for Persons with Disabilities which is held on 3rd December every year.

**Chapter 3
Livelihoods**

Article 10.

The State shall give due attention, as appropriate, to promoting livelihoods for persons with disabilities in conformity with the national economic situation.

Article 11.

The State shall take necessary measures to encourage citizens and philanthropists from the private sector and social organizations to participate in supporting persons with disabilities.

Article 12.

The State shall develop supportive policies and allocate an annual budget, in order to assist persons with disabilities who:

- have severe disabilities, are very poor and have no support, or
- are elderly, very poor and have no support, or

- have had serious accidents, are very poor and have no support.

The State shall have an annual budget in order to integrate persons with disabilities into communities.

Article 13.

The parents and guardians of persons with disabilities shall:

- Protect the legal rights and interests of persons with disabilities;
- Be responsible for taking good care of persons with disabilities;
- Encourage and assist persons with disabilities to live with hope in their lives.

Neglect, exploitation, and abandonment of persons with disabilities are prohibited.

Chapter 4

Physical and Mental Rehabilitation, Health Care and Prevention

Article 14.

The State shall develop programmes for physical and mental rehabilitation aiming at enabling persons with disabilities to fulfil their potential and to fully exercise their capacities and talents in society..

Article 15.

The State shall establish and encourage social organizations and the private sector to establish:

- Centres for physical and mental rehabilitation
- Schools for training prosthetists and orthotists
- Orthopedic component manufacturers to ensure adequate supply to meet the needs of physical rehabilitation centers in providing assistive devices for persons with disabilities.

The establishment of the centres for physical and mental rehabilitation and orthopaedic component manufacturers shall be determined by Prakas (ministerial order) of the Minister in charge of Social Affairs.

Article 16.

The Ministry in charge of Social Affairs in collaboration with the Ministry in charge of Health shall:

- Organize training programmes on physiotherapy and mental rehabilitation at the technical schools of medical care; and include these training programmes at every hospital in order to prevent patients from becoming disabled.
- Provide training to families whose members are disabled, persons with disabilities and volunteers on methodologies of care-taking and rehabilitation for specific types of disabilities to enable persons with disabilities and their families in the rehabilitation of persons with physical and mental disabilities.
- Expand community based rehabilitation services, consultation services and treatment for persons with mental and intellectual disabilities.

Article 17.

The State shall establish programmes on disability prevention to all citizens through:

- Maternal healthcare during pregnancy;
- Following up and diagnosing diseases causing disabilities in a timely manner;
- Providing vaccinations and other medicines for disability prevention;
- Providing nutritional programmes;
- Providing education and training on the causes of disabilities;
- Medical treatment and physical rehabilitation in a timely manner.

Article 18.

The concerned competent ministries and institutions shall facilitate persons with disabilities to participate in the social, economic and cultural development plans that may affect the interests of persons with disabilities. The concerned ministries and institutions shall include the needs of persons with disabilities into their development programmes.

Article 19.

The policies on support, healthcare services, treatments and physical rehabilitation for persons with disabilities who have severe disabilities, are very poor and have no support shall be determined by Sub-decree.

Article 20.

The criteria for the types and gravity of disabilities shall be determined by an inter-ministerial Prakas by the Ministers in charge of Social Affairs and Health.

The determination of criteria for types and gravity of disabilities for the military veterans shall have the participation of the Ministry in charge of National Defence.

Chapter 5 Public Accessibilities

Article 21.

All public places shall be made accessible for persons with all types of disabilities for instance: ramps, accessory rails in bathrooms and signs.

Article 22.

The competent ministries authorizing construction plans, constructions and inspection of constructions of public places shall ensure the accessibility for persons with disabilities as stated in article 21 of this law.

Article 23.

The organization for public accessibilities or the means of transportation for persons with disabilities shall be determined by an inter-ministerial Prakas by the Ministers in charge of Social Affairs and other concerned ministries/institutions.

Article 24.

Persons with disabilities have the right to acquire a driving license. The capacity to drive, as well as the type of vehicles for persons with disabilities, shall be defined by an inter-ministerial Prakas by the Ministers in charge of Public Works and Transport and Health.

Article 25.

The Ministry in charge of Public Works and Transport shall issue a vehicle registration card and special driving license to persons with disabilities.

Persons with disabilities who drive a vehicle may display the driving license or the vehicle registration card inside the vehicle to be visible to others.

Persons with disabilities shall display this card in the vehicle when parking at a parking lot for persons with disabilities.

Fraudulent means, forgery and abuse of the process to obtain the rights and priorities are forbidden.

Article 26.

All public places with parking facilities shall arrange special parking spaces for persons with disabilities.

All public places with bathrooms shall arrange a bathroom for persons with disabilities.

The organization for parking spaces for persons with disabilities shall be determined by a Prakas of the Minister in charge of Public Works and Transport.

**Chapter 6
Education**

Article 27.

All pupils and students with disabilities have the right to enrolment in public and private educational establishments and also have the same right to receive scholarships as other pupils and students unless other contrary provisions apply.

Article 28.

The State shall develop policies and national strategies for the education of pupils and students with disabilities such as:

- Promoting inclusive education for pupils and students with disabilities to the utmost extent possible;
- Establishing special classes to respond to the needs of pupils and students with disabilities.

Article 29.

The Ministry in charge of Education shall develop programmes for educational establishments to provide accessible facilities for pupils and students with disabilities with regard to the following:

- buildings, classrooms and study places;
- sign language and Braille;
- educational techniques and pedagogy corresponding to the types of disabilities;
- study materials or other equipment to assist pupils and students with disabilities;
- Training and teaching materials for teachers or professors and others corresponding to the actual needs of each pupil and student with disabilities.

Article 30.

The Ministry in charge of Education shall pay special attention to the educational needs of pupils and students with disabilities.

Pupils and students with disabilities in poor families or military veterans with disabilities shall be entitled to receive free education at public educational establishments at all levels and have access to study books and materials.

Private educational establishments shall provide special discounts for school fees, study books and stationery for pupils and students with disabilities or military veterans with disabilities.

The discount of school fees and stationeries shall be determined by an inter-ministerial Prakas by the Ministers in charge of Social Affairs and Education.

Article 31.

The Ministry in charge of Education shall include into the mainstream education programmes sensitization to the causes of disabilities, disability prevention and the value of persons with disabilities.

The Ministry in charge of Education shall have pedagogical programmes to train teachers and professors to develop their knowledge on disability and teaching methodology on teaching pupils and students with disabilities.

Article 32.

The Ministry in charge of Information shall, free of charge, disseminate information through state-run media to raise public awareness about disabilities and the rights of persons with disabilities in order to strengthen solidarity, understanding and compliance with the rights of the persons with disabilities.

The private media networks shall have special promotion items contributing actively to the above activities.

Chapter 7
Employment and Vocational Training

Article 33.

Persons with disabilities who have the required qualifications and competence to carry out the duties, role and responsibilities of a particular position have the right to be employed without discrimination, including employment as civil servants, workers, employees, apprentices or interns.

Article 34.

Legal entities that recruit workers and employees to be employed shall employ persons with disabilities as stated in article 33 of this law, in accordance with the appropriate set quota.

The set quota shall be determined by Sub-decree as proposed by the Ministers in charge of Social Affairs, Labour and the Council for Development of Cambodia.

Article 35.

Ministries and state institutions that recruit civil servants to be employed, shall employ persons with disabilities as stated in article 33 of this law, in accordance with the appropriate set quota.

The set quota and recruitment process shall be determined by Sub-decree.

Article 36.

Legal entities shall regularly report to the Ministries in charge of Social Affairs and Labour the total number of their workers/employees and workers/employees with disabilities in accordance with the appropriate set quota.

Article 37.

Legal entities that are not able to fulfil this obligation as stated in article 34 of this law shall pay a charge to the Persons with Disabilities Fund.

The rate of the charge shall be determined by Sub-decree proposed by the Ministers in charge of Social Affairs, Economy and Finance and the Council for Development of Cambodia.

Article 38.

Legal entities shall arrange a reasonable accommodation for persons with disabilities who apply for employment as workers, employees, apprentices or interns except where such accommodation constitutes an excessive burden.

Article 39.

The State shall give due attention to establish vocational training institutions for persons with disabilities.

The educational, training, technical, and vocational establishments of state, private or other organizations shall provide either training to persons with disabilities in accordance with the appropriate set quota or provide free training to poor persons with disabilities or military veterans with disabilities.

The set quota shall be determined by an inter-ministerial Prakas by the Ministers in charge of Social Affairs and Vocational Training.

Article 40.

The educational, training, technical, and vocational establishments of state, private or other organizations shall arrange a reasonable accommodation for persons with disabilities who are applicants, trainees or interns, unless such accommodation causes excessive burden.

Article 41.

The educational, training, technical, and vocational establishments of state, private or other organizations shall have a formal detailed training curriculum and will then disseminate to persons with disabilities in advance. The curriculum shall be submitted to the competent institution to ensure effective implementation.

**Chapter 8
Incentives**

Article 42.

The State shall encourage persons with disabilities who own individual, family, collective, occupations, businesses and craft-workshops through the provision of tax reductions and other legal incentives.

Article 43.

The State shall provide tax and other legal incentives, to employers, educational, training, technical and vocational establishments who employ or accept, at an appropriate set quota or above, persons with disabilities as stated in Chapter 7 of this law.

**Chapter 9
Elections**

Article 44.

All persons with disabilities have the right to vote or to be a candidate to be elected in accordance to the Constitution of the Kingdom of Cambodia and applicable Election Law. .

Article 45.

Stigmatization and discrimination against candidates with disabilities shall be prohibited.

Chapter 10

Persons with Disabilities Fund

Article 46.

The Persons with Disabilities Fund shall be established as a public administrative establishment with the following purposes:

1. To provide funding for implementing programmes which assist persons with disabilities and support to institutions and establishments which provide services to persons with disabilities such as health, rehabilitation, education, vocational training and job placement.
2. To promote and enhance the welfare of persons with disabilities, especially:
 - The poor persons with disabilities and military veterans with disabilities who have not received rehabilitation services.
 - The poor families of persons with disabilities and military veterans with disabilities who are dependent on persons with disabilities.
 - The poor persons with disabilities and military veterans with disabilities who have received rehabilitation services or those persons with disabilities who have skills but have no employment yet.
3. To provide loans and credits for reasonable accommodation.

Article 47.

The organization and functioning of the Persons with Disabilities Fund shall be determined by Sub-decree.

Article 48.

Sources of incomes of the Persons with Disabilities Fund will come from support and donations by the Royal Government, institutions, establishments, national and international organizations, philanthropists and charges levied in accordance with Article 37 of this law.

Chapter 11 Implementation of International Treaties

Article 49.

All provisions of international treaties relating to the laws on the protection and the promotion of the rights of persons with disabilities to which the Kingdom of Cambodia is a party shall be implemented together with this national law.

In case of any provisions that contradict the provisions of this law, the provisions of those international treaties shall be considered as the principle provisions.

Chapter 12 Penalty Provisions

Article 50.

Any acts affecting the free exercise of the right to vote or affecting election regulations for persons with disabilities by using violence, coercion, threats or fraudulent actions shall be punishable by imprisonment for 1 (one) to 3 (three) years and liable to a fine ranging from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.

Any offences committed with the use of weapons shall be punishable by imprisonment for 2 (two) to 5 (five) years and liable to a fine ranging from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.

Article 51.

Any acts by person(s) with a duty of care and who intentionally and inhumanely abandon persons with disabilities under their care shall be punishable by imprisonment for 1 (one) to 5 (five) years and liable to a fine ranging from 2,000,000 (two million) Riels to 10,000,000 (ten million) Riels if this abandonment causes damage to the health and security of the person with disability concerned.

Article 52.

Any acts by person(s) with authority for a person with disability and who do not provide food or care causing damage to the health of the person with disability shall be punishable by imprisonment for 2 (two) to 5 (five) years and liable to a fine ranging from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.

Article 53.

Any acts to intentionally gain benefits by abusing the naivety or vulnerability of persons due to their disabilities, by forcing those persons to commit or not to commit any acts that cause serious damage to them shall be punishable by imprisonment for 1 (one) to 3 (three) years and liable to a fine ranging from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.

Article 54.

Legal entities that do not pay their charge to the Persons with Disabilities Fund in accordance with article 37 of this law, without any reasonable justification, shall be liable to a interim fine ranging from 100,000 (one hundred thousands) Riels to 1,000,000 (one million) Riels.

The interim fine ranging from 100,000 (one hundred thousands) Riels to 1,000,000 (one million) Riels will be imposed on the person who is in charge of the state institution who does not implement article 35 of this law without any reasonable justification.

This interim fine is under the authority of the Ministry in charge of Social Affairs

Article 55.

The forgery of a vehicle registration card or special driving licence for persons with disabilities or dishonest acts to acquire the rights and privileges, as stated in article 25 of this law, shall result in imprisonment for 2 (two) to 5 (five) years and liable to a fine ranging from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.

Article 56.

Any illegal interference with a duty implemented by the person with the legal rights within his/her public function for exercising this duty among other duties, shall result in imprisonment for 1 (one) to 3 (three) years and liable to a fine ranging from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels.

Chapter 13
Transitional Provisions

Article 57.

All public places built before this law enters into force, which are capable of being improved for accessibility, shall be adapted within a period of a maximum of 5 (five) years in order to allow access for persons with disabilities.

In case of non-compliance with the above paragraph a fine ranging from 100,000 (one hundred thousands) Riels to 1,000,000 (one million) Riels shall be liable.

Article 58.

All public places built before this law enters into force, which have not been adapted in accordance with article 26 of this law and which are capable of being adapted, shall be adapted within a period of a maximum of 5 (five) years.

In case of non-compliance with the above paragraph a fine ranging from 100,000 (one hundred thousands) Riels to 1,000,000 (one million) Riels shall be liable.

Article 59.

Ministries, state institutions and legal entities who employ persons with disabilities in accordance with articles 34 and 35 above shall implement this law within 1 (one) year after this law enters into force.

Chapter 14
Final Provisions

Article 60.

All provisions contrary to this law shall be abrogated.

Done in the Royal Palace, Phnom Penh on 03 July 2009
Signed and Sealed

P.R.L 0907.721

Norodom Sihamony

Have submitted to the King
for Royal Signature
Prime Minister
Signature

Samdech Akak Mohasena Padey Techou HUN SEN

Have informed Samdech Akak Mohasena Padey Techou HUN SEN
Prime Minister of the Kingdom of Cambodia
Minister of Ministry of Social Affairs, Veterans and Youth Rehabilitation
Signature

Ith Sam Heng

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(Signed and sealed)

Khun Chin Ken