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**Submission by Human Rights Watch to the Committee on the Rights of the Child  
Concerning Cambodia**

*89<sup>th</sup> Session, 2021*

This update submission relates to articles 2, 9, 23, 28, and 37 of the Convention on the Rights of the Child and focuses on access to education during the Covid-19 pandemic and shackling and discrimination against children with disabilities.

**Access to Education during Covid-19 Pandemic (Article 28)**

As of October 2021, schools in Cambodia have been fully closed for 40 weeks, and partially open (to certain ages or in certain areas) for 15 weeks, since the pandemic's start in 2020. In 2021, almost 3.5 million students were affected.<sup>1</sup>

Prime Minister Hun Sen presented the move to vaccinate children as young as 6 years old as part of the country's efforts to reopen all schools.<sup>2</sup> UNICEF Cambodia stressed that "schools do not drive the spread of COVID-19 in the community" and that "safe school reopening is possible through risk mitigation measures" such as wearing masks and maintaining social distance.<sup>3</sup>

On October 17, 2021, the Phnom Penh municipality issued Instructions (No. 028/21) to exempt children under the age of 18 from having to show vaccination cards to enter and exit public and private educational institutions and other places located in such institutions. Since mid-September, secondary schools and high schools have been gradually reopening.<sup>4</sup> Guidance issued by the Ministry of Education, Youth and Sport on September 27, regulating the

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<sup>1</sup> "Total duration of school closures," UNESCO Institute of Statistics, last updated September 31, 2021, <https://en.unesco.org/covid19/educationresponse#durationschoolclosures> (accessed November 4, 2021).

<sup>2</sup> "Cambodia starts coronavirus vaccinations for young children," *Reuters*, September 17, 2021, <https://www.reuters.com/business/healthcare-pharmaceuticals/cambodia-starts-coronavirus-vaccinations-young-children-2021-09-17/> (accessed November 8, 2021).

<sup>3</sup> UNICEF Cambodia, "In response to the many queries UNICEF has received about vaccinating children, we would like to share our response," September 16, 2021, <https://www.unicef.org/cambodia/press-releases/response-many-queries-unicef-has-received-about-vaccinating-children-we-would-share> (accessed November 8, 2021).

<sup>4</sup> "Feature: Schools in Cambodia reopen gradually after majority inoculated with Chinese vaccines," *Xinhua*, September 15, 2021, [http://www.news.cn/english/2021-09/15/c\\_1310189887.htm](http://www.news.cn/english/2021-09/15/c_1310189887.htm) (accessed November 8, 2021).

reopening of higher educational institutions, conditioned the return to in-person teaching on students' showing a vaccination card.<sup>5</sup>

### *Schools that Provided No Education during Early Lockdown*

Many children received no formal education of any kind during the early months of Covid-19 related school closures.

Human Rights Watch interviewed a woman from Banteay Meanchey province who said that after her 11-year-old son's school closed on March 15, 2020, they received no instruction or work from the school for two months.<sup>6</sup> A mother of two children, ages 13 and 15, in a village in Banteay Meanchey, said that following the closures in March, it took months for her children's education to resume. In mid-May her daughter was contacted by the school and told she had to go and collect exercises from the school or the teacher's house. In mid-July her son's school reached out as well and gave him similar instructions.<sup>7</sup>

An ethnic Cham woman in the Kampong Cham Province said two of her sons, ages 7 and 11, were enrolled in school. The school closed in mid-March and by August 2020 they were still not receiving any education: "I was not contacted by the school and I received no information about assignments to be completed by my sons... I cannot read or write, and I am very poor. I have always wanted a better life for my children... All I want is that my sons return to school... They always had good grades before the school closed. They deserve an education like all other kids."<sup>8</sup>

### *Fewer Hours of Instruction and Fewer Subjects*

Some parents interviewed by Human Rights Watch reported that teaching hours were considerably decreased, resulting in reduced curriculum. Frequently, entire subjects or activities were removed from students' studies, most consistently cultural, artistic, and physical education. "At school my son had five subjects," said a woman in Banteay Meanchey province. But during distance learning her son's teacher provided instruction only for mathematics and Khmer. "Now my son has only two to three hours class per week and only on two subjects, mathematics and Khmer class ... My son does not have enough classes to receive a proper education."<sup>9</sup> In Battambang province, a man said that his 10-year-old son only received directions to continue his Khmer studies. "He does not learn any other subjects," he

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<sup>5</sup> Cambodia Ministry of Education, Youth and Sport's Facebook page, <https://www.facebook.com/moeys.gov.kh/photos/pcb.5141946942498545/5142123769147529/> (accessed November 8, 2021).

<sup>6</sup> Human Rights Watch interview with mother, Teok Thla commune, Banteay Meanchey province, Cambodia, July 29, 2020.

<sup>7</sup> Human Rights Watch interview with mother, Sangkat Phniet, Krong Serei Saophoan commune, Banteay Meanchey Province, Cambodia, July 31, 2020.

<sup>8</sup> Human Rights Watch interview with mother, Kang Meas district, Kampong Cham Province, Cambodia, August 2, 2020.

<sup>9</sup> Human Rights Watch interview with mother, Keap, Teok Thla, Banteay Meanchey province, Cambodia, July 29, 2020.

said. “My son is definitely not making the same sort of progress in his studies as he was back in school. He used to learn at school, now I feel he does not learn anything.”<sup>10</sup>

#### *Restricted Resources Turned Previous or New Education Costs into Barriers*

The pandemic has disproportionately affected people with low incomes or living in or near poverty. They were more likely to lose their job or experience interruptions to incomes and remittances, depletion of savings, and diminished employment prospects.<sup>11</sup> As parents lost jobs or incomes, they were less able to cover expenses they had previously afforded for their children’s education and were less able to cover new expenses necessitated by distance learning.

A mother in a village in Banteay Meanchey province, who occasionally sells clothes in the market, said that around two months after her 11-year-old son’s school closed, his teacher came to their house. The mother had given her son her old smartphone, and the teacher asked for it. “On my son’s phone, the teacher connected him to a Facebook messenger group with his classmates. On my phone, the teacher added me to a Facebook messenger group with other parents in my son’s class. The teacher asked for 5,000 Cambodian riels [US\$1.25].” She said she also spends about \$12 a month for phone credit, as the family does not have Wi-Fi at home.<sup>12</sup> By comparison, a parent in Phnom Penh said he also pays about \$12 a month, but in the city this price provides unlimited internet access with connections being still very slow.<sup>13</sup>

A woman in Kampong Cham Province, said their family lives in extreme poverty and sometimes does not have enough to eat. Nevertheless, in July, she organized a private tutor on Cambodian Islam for her two school-age sons at a neighbor’s house. The woman, who supports her sons by selling breakfast outside her home, paid 400 riels (US\$0.10) for two to three hours per day of religious studies.<sup>14</sup>

#### *Loss of Entitlement to Free or Compulsory Education Due to Aging Out during Pandemic*

In Cambodia, compulsory education lasts only six years, and free education only nine years. As a result, each year of the pandemic, around 360,000 children “aged out” of compulsory primary education during Covid-19 related school closures and are at risk of leaving school without having received the minimum education they were entitled to under Cambodian law. Similarly, a similar number of children will have “aged out” of free education during Covid-19

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<sup>10</sup> Human Rights Watch interview with father, Koh Snay village, Battambang province, Cambodia, August 2, 2020.

<sup>11</sup> Nishant Yonzan et al., “The Impact of Covid-10 on global poverty under worsening growth and inequality,” World Bank Blogs, November 9, 2020; World Bank, “Poverty and Shared Prosperity 2020: Reversals of Fortune,” 2020; Jonathan D. Ostry et al., “The pandemic will leave the poor further disadvantaged—IMF,” World Economic Forum Covid Action Forum, May 18, 2020.

<sup>12</sup> Human Rights Watch interview with mother, Teok Thla commune, Banteay Meanchey province, Cambodia, July 29, 2020.

<sup>13</sup> Human Rights Watch interview with father, Phnom Penh, Cambodia, August 1, 2020.

<sup>14</sup> Human Rights Watch interview with mother, Kang Meas district, Kampong Cham Province, Cambodia, August 2, 2020.

related school closures when most of these children likely did not fully benefit from the allotment of free education they were entitled to under law.

*Human Rights Watch recommends that the Committee ask the government of Cambodia:*

- How does the government plan to remedy learning time lost by children due to Covid-19 related school closures?
- What strategies are being adopted to mitigate the impacts of in-person school closures on children's learning, and the disproportionate impact of increased child-care and teaching responsibilities on parents at home?
- What steps are being taken to support teachers who had to teach from home while their own children also had to study at home?
- What measures are being adopted to provide affordable, reliable, quality, and accessible internet, including targeted measures to provide free, equitable access to the internet for educational content, and capable devices for every student?
- What remedy do children who have aged out of compulsory or free education during the pandemic have to benefit from their full entitlement to a right to education?

*Human Rights Watch recommends that the Committee call on the government of Cambodia to:*

- Prioritize continuing education for all children during and after temporary in-person school closures, and make it available and accessible to all, using all available technology, including radio and television broadcasts, telephones, computers, secure text and voice messaging services, and printed materials. These efforts should include adapted, accessible material, software, and communication strategies for children with different types of disabilities.
- Adopt measures to provide affordable, reliable, quality, and accessible internet, including targeted measures to provide free, equitable access to the internet for educational content, and capable devices for every student. Children most likely to be excluded or have inadequate access, including those from marginalized or vulnerable communities, living in rural areas, with disabilities, or living in families with multiple children, or due to their gender, should receive targeted support.
- Ensure that all children who aged out of compulsory or free education during the pandemic are able to access, at a minimum, additional free schooling sufficient to allow them to catch up on any backsliding in their education caused by being out of school, plus time equal to school disruptions and closures.
- Ensure that at least 12 years of primary and secondary education are free, and that at least nine years are compulsory.
- Explicitly allocate educational resources strategically to vulnerable and low-income groups, children traditionally at risk of exclusion from education, and those shown to have been particularly affected in their education during the pandemic.

## Shackling and Discrimination against Children with Disabilities (Articles 2, 9, 23, and 37)

In Cambodia, people with real or perceived psychosocial disabilities (mental health conditions), including children, can be shackled – chained or locked in confined spaces – due to prevalent stigma and a lack of mental health services.<sup>15</sup> Human Rights Watch and Amnesty International have also documented shackling in drug detention centers, where 1 in 10 detainees are children under 18: some may use drugs, while others are children who live on the streets but are arbitrarily detained following operations to “clean the streets.”<sup>16</sup>

In June 2020, the Interior Ministry proposed a draft Public Order Law, which will further entrench discrimination against children with psychosocial disabilities.<sup>17</sup> The draft law provides the authorities with unfettered powers to arbitrarily detain children with psychosocial disabilities in institutions.<sup>18</sup>

The draft Law on the Protection of the Rights of Persons with Disabilities purports to create a legal framework for the rights of people with disabilities, including children, but it fails to adopt a human rights-based approach. It uses language that reinforces stigma against children with disabilities rather than ensuring equal access to education, transportation, and social services. The draft law's definition of disability based on the outdated paradigm guided by a medical model of disability, and uses stigmatizing language such as “disorder,” “damaged,” and “malfunctioned,” implying that a disability needs to be “cured” or “fixed.” The draft law also sets out “levels of disability,” which is discriminatory because it creates a basis for excluding children with certain disabilities from accessing appropriate support.

Furthermore, instead of providing for inclusive quality education for all children, the draft bill foresees segregation through classes for “persons with disabilities who cannot attend an inclusive class.”<sup>19</sup>

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<sup>15</sup> Human Rights Watch, “Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide,” October 6, 2020, [https://www.hrw.org/sites/default/files/media\\_2020/10/global\\_shackling1020\\_web\\_2.pdf](https://www.hrw.org/sites/default/files/media_2020/10/global_shackling1020_web_2.pdf) (accessed November 18, 2021); *The Phnom Penh Post*, “Chained up, out of sight: Desperate families often keep mentally ill relatives in squalid conditions,” March 10, 2017, <https://www.phnompenhpost.com/national-post-depth/chained-out-sight-desperate-families-often-keep-mentally-ill-relatives-squalid> (accessed November 18, 2021); *Channel 4 News*, “Caged and chained: Cambodia's mentally ill,” December 19, 2014, <https://www.youtube.com/watch?v=dxq-busFi8M> (accessed November 18, 2021).

<sup>16</sup> Human Rights Watch, “They Treat Us Like Animals: Mistreatment of Drug Users and “Undesirables” in Cambodia’s Drug Detention Centers,” December 8, 2013, [https://www.hrw.org/sites/default/files/reports/cambodia1213\\_ForUpload\\_1.pdf](https://www.hrw.org/sites/default/files/reports/cambodia1213_ForUpload_1.pdf) (accessed November 18, 2021); *Amnesty International*, “Substance abuses: The human cost of Cambodia’s anti-drug campaign,” May 12, 2020, <https://www.amnesty.org/en/wp-content/uploads/2021/05/ASA2322202020ENGLISH.pdf> (accessed November 18, 2021).

<sup>17</sup> Human Rights Watch, Submission to the Committee on Economic, Social and Cultural Rights for Cambodia, January 12, 2021, <https://www.hrw.org/news/2021/01/12/submission-committee-economic-social-and-cultural-rights-cambodia> (accessed November 18, 2021).

<sup>18</sup> Human Rights Watch (joint statement), “Civil Society Organizations Call for the Draft Law on Public Order to be Immediately Discarded,” August 13, 2020, <https://www.hrw.org/news/2020/08/13/civil-society-organizations-call-draft-law-public-order-be-immediately-discarded> (accessed November 18, 2021).

<sup>19</sup> Human Rights Watch, “Cambodia: Revise Flawed Disability Bill,” April 27, 2021, <https://www.hrw.org/news/2021/04/27/cambodia-revise-flawed-disability-bill> (accessed November 18, 2021).

*Human Rights Watch recommends that the Committee ask the government of Cambodia:*

- Is there official data on the number of people who are or have been subjected to shackling in Cambodia?
- What steps has the government taken to eliminate the practice of shackling of people with psychosocial disabilities?
- How does the government track the number of children with disabilities who have been or are currently being detained in state-run or private institutions and drug detention centers?
- What concrete steps has the government taken to ensure children with disabilities are not arbitrarily detained in state-run or private institutions and drug detention centers?
- What steps has the government taken to develop adequate, quality, and voluntary community-based mental health services?

*Human Rights Watch recommends that the Committee call on the government of Cambodia to:*

- Ban shackling of children with real or perceived psychosocial disabilities in law and in policy and develop a time-bound plan to shift progressively to voluntary community-based support including mental health and independent living services.
- Discard the draft Public Order Law as it restricts Cambodians' right to free expression and peaceful assembly and incorporates provisions that violate the rights of children with real or perceived psychosocial or developmental disabilities.
- Revise the draft Law on the Protection of the Rights of Persons with Disabilities to meet international standards in line with the UN Convention on the Rights of Persons with Disabilities.
- Conduct public information campaigns to raise awareness about mental health and the rights of children with disabilities, in collaboration with representative organizations of people with disabilities.
- Conduct regular, unannounced monitoring visits to government and private institutions where children with disabilities are detained, with unhindered and confidential interaction with both staff and residents. Findings of these visits, redacted to protect privacy rights, should be publicly reported.