

# Multi-Country Study on Inclusive Education (MCSIE)

## Cambodia Policy Review

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## Abbreviations

ASEAN	Association of Southeast Asian Nations
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Covenant on Economic, Social, and Cultural Rights
CIPS	Cambodia Inter-Censal Population Survey
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
GPE	Global Partnership for Education
HDI	Human Development Index
IDEA	Individuals with Disabilities Education Act
IDP	Inclusive Development Partners
IP	Implementing Partner
LASER PULSE	Long-Term Assistance and Services for Research Partners for University-Led Solutions Engine
LMIC	Low- and Middle-Income Country
LPPRPD	Law on Protection and the Promotion of the Rights of Persons with Disabilities
MCSIE	Multi-Country Study on Inclusive Education
MoEYS	Ministry of Education, Youth, and Sport
SDG	Sustainable Development Goal
SED	Special Education Department
UNDP	United Nations Development Program
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
WHO	World Health Organization
WIPO	World Intellectual Property Organization

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## 1. Executive Summary

Educational policies define and clarify a government's commitments, rules, and procedures with regard to how students will be educated within the country. The understanding of existing laws and policies within a country is essential context in conducting in-country programming, including evaluations. The United States Agency for International Development (USAID) is supporting the Multi-Country Study on Inclusive Education (MCSIE), funding it to review three of its largest inclusive-education projects, namely, those in Cambodia, Malawi, and Nepal. The purpose of the review is to secure a clear understanding of what works and how best to support inclusive education globally in the future. Inclusive Development Partners (IDP), a woman-owned small business working to improve the rights of persons with disabilities worldwide, is implementing the MCSIE.

As part of the MCSIE, IDP conducted an analysis of policies, statutes, guidelines and strategies in each of the three study countries. This document represents the review of Cambodia's policies and IDP's findings. Each analysis assessed the degree to which a national normative framework promoting and protecting the right to education for children with disabilities is in place and what legislative gaps remain to be filled (if any). Findings from this analysis are useful to inform the development of interview guides and other research instruments designed to address the core research questions listed below. The policy analysis also complements the comprehensive literature review conducted for each country and identifies policy areas in which the three countries all exhibit progress as well as potential gaps towards fulfilling the country's international commitments.

This report analyzes the legal framework for inclusive education currently in effect in Cambodia. The main finding of this report is that recent policies including the Policy on Inclusive Education (2018) and its supporting Action Plan on Inclusive Education (2019-2023) demonstrate that the country is making positive strides in progressively realizing inclusive education in the country. Moving forward, additional clarity to provide further details on areas of support and preferred educational settings would help strengthen the policies and strategies. In addition, there are older policies still in place despite being developed before Cambodia ratified the CRPD, which may need to be updated to show full alignment with Cambodia's international commitments related to inclusive education.

In this report, the key findings and analyses are listed both by type of legislation (such as anti-discrimination, education, or special/inclusive education) as well as thematic issues that are relevant to MCSIE. These findings include 1) conceptual understanding of inclusive education/educational setting; 2) identification of students with disabilities; 3) teacher training; 4) instructional approaches; 5) accommodations; 6) sign language and deaf education; 7) gender and the intersectionality of disability; and 8) recognizing the heterogeneity of disability. See sections 7.2 and 7.3 for additional information on these findings.

All of these findings will help better inform MCSIE research and data collection methods. Below are some of the considerations that MCSIE will examine throughout the evaluation. These core elements were selected as they either directly relate to MCSIE's evaluation questions or are core cross-cutting elements of programming within the three countries. These findings include:

- **Conceptual Understanding of Inclusive Education/Educational Settings.** Cambodian law allows for students with disabilities to be educated in either an inclusive or segregated setting. As there is not a clear conceptual framework on inclusive education that is aligned with the CRPD, it is feasible that the concept of inclusive education may be understood very differently amongst stakeholders. Therefore, MCSIE evaluators should clearly articulate their use of “inclusive education” in accordance with the CRPD, while simultaneously endeavoring to capture stakeholders’ and participants’ own conceptualizations of this term, even if they differ.
- **Identification of Students with Disabilities.** The need to identify students with disabilities is referenced in several Cambodian policies (see Policy on Education for Children with Disabilities [2008] and Policy on Inclusive Education [2018]), but without details on the protocols and tools that should be used. The MCSIE should endeavor to capture the consequences that ensue from an unclear policy stance on identification of disability.
- **Teacher Training.** Teacher training is mandated within Cambodia’s legal framework but with little information on how this will be achieved and with poor articulation of the need for general educators to receive training on inclusive education. MCSIE evaluators should endeavor to capture the practical impact of a policy landscape which does not clearly articulate the need for educators to be trained in special or inclusive education.
- **Instructional Approach.** MCSIE evaluators should endeavor to capture the practical impact through supports, accommodations, and diversification of curriculum. The Cambodian Government has yet to provide guidance on how that will be accomplished within the country.
- **Accommodations.** Accommodations, such as the right to braille materials and other accommodations, are mandated by law, but the application of these laws in practice remains unclear, and details on the types of accommodations that should be provided remain somewhat vague. MCSIE evaluators should attempt to capture the extent and quality to which legally prescribed educational accommodations for people with disabilities, such as braille, are provided in school settings.
- **Sign Language and Deaf Education.** Very little information is present about the rights of students who are deaf to receive a quality education in a sign language-rich environment. MCSIE evaluators should understand this may be an emergent area within the education

sector and attempt to capture lessons learned and areas for development in implementation.

- **Gender and Intersectionality of Disability.** The need to provide equity and gender parity to girls with disabilities is mandated by Cambodian law. Therefore, MCSIE evaluators should investigate the extent to which this legislative entitlement is enacted and guaranteed in practice.
- **Heterogeneity of Disability.** MCSIE should recognize that although the rights of students who are blind, deaf, or have physical disabilities are well-documented, there is less understanding around the educational rights of other disability categories such as learning disabilities. Where possible, evaluation activities should investigate the impact, if any, of which categories are and are not recognized in Cambodia.

The report is organized into seven sections: introduction, background, Cambodia's global commitments to inclusive education, Cambodia's national legislative framework, findings and analysis, and conclusion.

## 2. Introduction

This section provides an introduction to the purpose of this policy review, the broader aims of MCSIE, and information on the CRPD, its role as a normative framework, and the importance of progressive realization.

### 2.1 Purpose

The purpose of the policy review is to provide legislative and systemic context for the countries in which MCSIE is operating. This information will help inform the evaluators of the various national policy objectives, goals, and strategies articulated by the Royal Government of Cambodia. It will later help to identify the ways in which programmatic implementation derives from or is consistent with policy objectives. The policy review uses the CRPD as the normative framework, and helps to shed light the extent to which Cambodia's national policies and strategies are aligned with their international commitments. Using the CRPD as a normative framework also allows for MCSIE to compare the various policies using a standard to which all countries -Cambodia, Malawi and Nepal- are State Parties.

### 2.2 Multi-Country Study on Inclusive Education

Through the Long-Term Assistance and Services for Research Partners for University-Led Solutions Engine (LASER PULSE) mechanism led by Purdue University, Inclusive Development Partners (IDP) is conducting a three-and-a-half year, \$3.585 million evaluation of three USAID inclusive-education activities in Cambodia, Malawi, and Nepal. The study will investigate USAID programming in these three countries in order to identify what works to sustainably advance teaching and learning outcomes for children with disabilities in varying contexts and ultimately



inform current and future programming through recommendations to current implementing partners (IPs) at midline and broader recommendations for USAID at endline.

Five key themes provide a framework for the current study (process, identification, training, instruction, and consequences). The following questions inform the evaluation of individual country programs, as well as the evaluation of programming across the three countries:

1. What worked well/poorly in the process of setting up an efficient, effective, and sustainable system to focus on improving the quality of education for learners with disabilities? (Process)
2. What methods worked best to identify learners with disabilities? (Identification)
3. What training model(s) worked best to provide teachers with the resources and support they need to best meet the needs of learners with disabilities? (Training)
4. What instructional models worked best to improve classroom instruction and reading outcomes among learners with disabilities? (Instruction)
5. Were there any unintended consequences of the activity? What were they? (Consequences)

Each question includes the following sub-questions:

- How does the method/model work?
- Why does it work/not work?
- How costly is it?
- In which contexts is it likely to work best?
- How sustainable (both in terms of capacity and financial resources) is it? What is the impact on gender?

This policy analysis provides an understanding of the rights guaranteed under law as well as potential legal barriers that impact various projects being implemented within Cambodia.

## 2.3 CRPD and the Role of Progressive Realization

A strong policy framework committed to inclusion is critical for students with disabilities because these students often encounter barriers to accessing education on an equal basis as students without disabilities. Students with disabilities worldwide are routinely denied the right to access a quality education. As just one example, a 2016 research project conducted by the United Nations Children's Fund (UNICEF) covering 15 low- and middle-income countries (LMICs) found that 85 percent of primary-aged children with disabilities who were out of school had never attended school (Mizunoya et al., 2016).

The CRPD, adopted in 2006, provides a clear international normative framework that obligates State Parties to ensure the full and equitable education of all students with disabilities (see section 5.1 of this review for more information). The CRPD calls for inclusive education, which extensive research has shown leads to better learning and social outcomes of students with disabilities

(National Council on Disabilities, 2018).<sup>1 2</sup> To conform to that normative framework, many countries worldwide have developed new national policies. These new policies address national educational needs of children with disabilities and restructure or commit to the restructuring of policy and service-delivery systems that align with the CRPD.

The CRPD also calls for international cooperation to support States Parties in meeting their objectives and in promoting inclusion of persons with disabilities in international development programs (United Nations, 2006, Art. 32). In response, bilateral and multilateral donors are increasingly seeking means for ensuring additional and more effective approaches to support inclusive education efforts within LMICs. USAID is supporting the MCSIE study, funding it to review three of its largest inclusive education projects: Cambodia, Malawi, and Nepal. The purpose of the review is to secure a clear understanding of what works and how best to support inclusive education globally in the future.

The three MCSIE countries have radically different national histories, language contexts, cultural traditions, and economic circumstances. Cambodia's, Malawi's, and Nepal's governments, however, all share a common commitment to ensuring the rights of persons with disabilities. Cambodia, Malawi, and Nepal are three of the 181 nations in the world that have ratified the Convention on the Rights of Persons with Disabilities (CRPD), signifying that all three countries have joined a global community of nations that seek to transform policy, law, economic opportunities, and human services for persons with disabilities. The CRPD represents a common policy aspiration among the three countries that can provide a framework for comparative analysis. The MCSIE study represents an opportunity to support countries to achieve their voluntary international commitments through identifying areas of alignment and possible gaps.

Across all countries, educational policy, everyday practice, and USAID technical support vary in how disability and inclusive education is approached. The CRPD - specifically its Article 24 (on education) and General Comment Number 4 (about inclusive education) – provides an opportunity for providing normative feedback for implementing partners and policy makers in the three countries. The CRPD General Obligations state that countries must “adopt all appropriate legislation, administrative and other measures for the implementation of the rights recognized in the present Convention” and States must “take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities” (United Nations, 2006). Put simply, the elimination of discriminatory policy is the first priority for all countries who sign and ratify CRPD.

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<sup>1</sup> Most of the research on inclusive education and learning outcomes has taken place in high-income countries with only recently similar research being conducted in LMICs with similar positive outcomes.

<sup>2</sup> Inclusive education can be roughly defined as students with disabilities being educated in their local schools in age-appropriate classrooms with students without disabilities where they receive appropriate supports and services to reach their full academic potential. For this research, IDP also follows the World Federation of the Deaf's definition of inclusive education where students who are deaf are educated in sign-language rich environments where they can communicate freely with peers, teachers, and administrators.

The CRPD's stance on discrimination against people with disabilities provides a framework for evaluation that can then examine baseline and progress in the areas of infrastructure, educational practices, and social structures to include all children with disabilities in mainstream education settings and deliver appropriate deaf education in a sign language-rich environment. The framers of CRPD acknowledged that economic, cultural, and social inclusion is a process that takes time, but must be always guided by policies that allow every child to pursue an education in inclusive or sign language-rich environments. Within the framework of CRPD, then, policies must not discriminate in any way and any breaches of human rights must be addressed immediately. The societal changes needed to uphold such policies can be "progressively realized" through government investment, improved practice with identification and teaching, international agency cooperation, and education sector improvements.

### 3. Methodology

To ensure consistency in data collection and analysis strategies across all countries, IDP developed a policy analysis protocol with suggestions for search techniques and a tentative outline for the final report. The analysis was primarily limited to relevant laws, policies, and related strategies, as well as reports prepared by the respective governments and submitted to international bodies, primarily the treaty bodies associated with the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the International Covenant on Civil and Political Rights, where relevant. It was supplemented on a limited basis by third-party evaluations and analyses uncovered during the literature review for this study.

#### 3.1 Sample

For Cambodia, 10 legislative documents and 18 additional documents were reviewed. Information from the Policy Analysis was then compared to a separate literature review conducted on the three countries. This literature review also coded any relevant information concerning commitments to international treaties, disability laws, education laws, and inclusive-education laws. For the broader literature review, more than 100 documents were reviewed in total. This process helped ensure that all relevant laws were captured and analyzed as part of this process. Legislation and strategies reviewed under this analysis for Cambodia are summarized in Exhibit 1 below.

### Exhibit 1: Legislation and Strategies Reviewed for Policy Analysis

Legislation Category	Cambodia Laws and Strategies	Legislation Type <sup>3</sup>
National Anti-Discrimination Laws	Constitution of the Kingdom of Cambodia (1993)	Constitution
	Law on the Protection and Promotion of the Rights of Persons with Disabilities (2009)	Statute
	National Disability Strategic Plan (2014-2018) (Annex A)	Executive Plan
	National Disability Strategic Plan (2019-2023)	Executive Plan
National Legislation and Strategies on Education	Education Law (2007)	Statute
	Education Strategic Plan (2014-2018) (Annex A)	Executive Plan
	Education Strategic Plan (2019-2023)	Executive Plan
Education Legislation and Strategies for Students with Disabilities	Policy on Education for Children with Disabilities (2008)	Regulation
	Policy on Inclusive Education (2018)	Regulation
	Action Plan on Inclusive Education (2019-2023)	Executive Plan

In addition to reviewing information and determining findings for the different areas of legislation, the report also provides findings on key technical issues. These technical issues include 1) conceptual understanding of inclusive education/educational setting; 2) identification of students with disabilities; 3) teacher training; 4) instructional approaches; 5) accommodations; 6) sign language and deaf education; 7) gender and the intersectionality of disability; and 8) recognizing the heterogeneity of disability. These core elements were selected as they either directly related to MCSIE's evaluation questions or are core cross-cutting elements of programming within the three countries. Due to the importance of the issues addressed across legislations and policies, IDP developed initial findings for each of these technical issues as well as suggestions on how these findings can inform MCSIE.

<sup>3</sup> These terms can be roughly defined as the following: Constitution: the supreme laws of a country and provides the fundamental principles and laws of a nation that determine the powers of the government and guarantee certain rights to citizens. Statute: a law enacted by the legislative branch of a government. Regulation: a law promulgated by the appropriate federal/national executive secretariat or department. Executive Plan: interpretive documents that supplement regulations and clarify how they will be operationalized.

### 3.2 Limitations

This policy review addresses only the written and publicly-available policies and legislation of Cambodia. This review does not incorporate information on why the policies were developed, stakeholder views on the policies, or the status of these policies' implementation in practice. This scope limits the research team's ability to address whether some of the policies have been replaced or superseded by other policies, unless explicitly stated within the new policies. The intention of this process is not to have a full understanding of the policy environment and its implementation, but rather to review what policies exist related to the education of students with disabilities and how this information can better inform the MCSIE study. In addition, the policy review included only disability non-discrimination policies and education policies but does not include social protection policies, health, or similar policies that may still have relevance within schools. Therefore, this review does not presume to include all relevant policies in the country but only those related to education and non-discrimination.

## 4. Background

This section provides important background on MCSIE and provides general information on the country of Cambodia and the situation of education in Cambodia, including the current state of education for children with disabilities in the country.

### 4.1 General Disability Information in Cambodia

To understand the policy review, it is important to acknowledge the general country context of Cambodia. This understanding can also help provide context for the findings and how these findings should be taken into consideration for MCSIE. During the 1970s, Cambodia experienced war and a genocidal regime. During this time, the regime dismantled the education system and scattered landmines throughout the country. This caused civilian casualties and increased the incidence of disabilities in the country. On the 2019 United Nations' Human Development Index (HDI), Cambodia ranked number 146 out of 189 countries (United Nations Development Program [UNDP], 2019). As of 2015, 25 percent of Cambodia's population (3.8 million people) did not have access to improved water, and 44 percent (6.8 million people) did not have access to improved sanitation (World Bank, 2019). As in many other developing countries, half of the people with disabilities cannot afford health care. In such cases, out-of-pocket health care payments can leave families more likely to suffer catastrophic health expenditures and push them into poverty (World Health Organization [WHO], 2019).

According to the 2013 Cambodia Inter-Censal Population Survey (CIPS), approximately 2.06 percent of the population has a disability with approximately 10.63 percent of children between the ages of birth to 14 years old having a disability (Kingdom of Cambodia, 2018). These estimates, especially the general prevalence rate, are significantly lower than the World Health Organization (WHO) estimate, which states approximately 15 percent of any given population may have a disability (WHO, 2011).

## 4.2 Situation of Education in Cambodia

In addition to country context, understanding the general education system in Cambodia and current overview of inclusive education is useful when reviewing existing policies and strategies. General challenges related to education in Cambodia include rebuilding the education system after its destruction during the Khmer Rouge regime (Šiška & Suchánek, 2015); an under-resourced system composed largely of poorly paid teachers with limited training and large class sizes (Kalyanpur, 2016); and inadequate infrastructure, resource materials, sanitation, or instructional time (Mauney, 2014). Additional challenges impact children with disabilities in particular. For example, children with disabilities are estimated to be eight times more likely than children without disabilities to be out of school (UNESCO, 2017). Pervasive challenges exist with estimating disability prevalence nationally and with identifying specific children with disabilities (Hayes & Bulat, 2018), and negative attitudes sometimes lead to discrimination for children with disabilities (Šiška & Suchánek, 2015).

Despite these challenges, Cambodia has made significant improvements in its general and special education system. The Ministry of Education, Youth, and Sport (MoEYS) is now close to achieving universal access to primary education, with a net primary enrollment rate in Cambodia now reaching 98 percent (Kingdom of Cambodia, 2019a). In line with this continuing growth, the Cambodian government has taken progressive steps to manage and sustain its support to children with disabilities. Krousar Thmey was one of the earliest private organizations to support children who are deaf or blind in Cambodia, and in 2018, the organization transitioned management of its five special schools to government control. In 2000, the Office of Special Education was established as part of the Primary Education Department and then became its own department in 2016 and renamed the Special Education Department (Hayes & Bulat, 2018). Also, in 2017, the National Institute of Special Education (NISE) was established as the preeminent institution for preparing teachers for segregated and inclusive education (Neang, 2019). Furthermore, as a sign of expanding government efforts to support education for children with disabilities, the MoEYS supports teacher salaries in most recognized segregated schools and integrated classrooms and, in most cases, supplements this salary to an extent greater than general education teachers to incentivize these positions (Hayes & Bulat, 2018).

## 5. International Normative Framework for Inclusive Education and Cambodia's International Commitments

There is a strong international and regional normative framework that promotes and protects the rights of children with disabilities to education on an equal basis with their peers without disabilities. This framework includes international and regional treaties as well as non-binding agreements. The most relevant of these are discussed briefly below.

## 5.1 Global Commitments to Inclusion of Children with Disabilities in Education

The CRPD articulates the clearest recognition of the rights of persons with disabilities in international human rights law and represents a powerful global commitment to those rights. The CRPD calls on States Parties to ensure the full realization of all human rights for all persons with disabilities, including children, and obligates States Parties to eliminate all legislative and administrative measures and practices that are discriminatory (United Nations, 2006, Arts. 4 and 7). It also obligates States Parties to ensure the accessibility of schools, among other public facilities, and recognizes the right of persons with disabilities to an education on an equal basis with others (United Nations, 2006, Arts. 9 and 24). In particular, Article 24 of the CRPD requires States Parties to guarantee an inclusive education system that promotes the full development of the human potential of children with disabilities and that ensures that they:

- are not excluded from general education systems on the basis of disability;
- can access an inclusive, quality, and free primary and secondary education on an equal basis with others;
- are provided reasonable accommodation of any individual requirements;
- receive the support required, within the general education system, to facilitate an effective education; and
- are provided individualized support measures in environments that maximize academic and social development, consistent with the goal of full inclusion. (United Nations, 2006, Art. 24)

To meet these objectives, States Parties must ensure that instruction is delivered in the most appropriate languages and means and modes of communication for each child, including those who are blind, deaf, or deaf/blind. States Parties also are obliged to train and employ qualified teachers and staff familiar with educational techniques and materials to support learners with disabilities (United Nations, 2006, Art. 24).

The CRC, adopted in 1989, similarly recognizes and protects the human rights of children, including children with disabilities. The CRC calls on States to respect and protect the rights of all children to be free from discrimination (Art. 2); it recognizes the right of children with disabilities to live a full life with active participation in their communities (United Nations, 1989, Art. 23); and it further recognizes the right of all children to an education (United Nations, 1989, Art. 28).

The CRC and CRPD each have monitoring committees that are responsible for overseeing and evaluating the steps States Parties take to implement the respective conventions. States Parties must submit regular reports to the respective committees detailing how they are implementing the rights set out in the conventions. Committees examine each report along with submissions from civil society organizations and respond by making suggestions and general recommendations for further compliance.

In addition, the monitoring committees have the authority to issue guidance regarding the meaning of particular treaty terms and address specific issues relating to compliance. To more clearly define States Parties' obligations related to inclusive education, in 2016 the CRPD



committee published General Comment No. 4 on Inclusive Education. The General Comment highlights common barriers to inclusion, emphasizes that inclusive education is a fundamental human right of all learners, and advises States Parties that, to ensure inclusive education, a “whole systems” approach is required, one that eliminates all legal, administrative, and structural disadvantages that exclude children with disabilities. It further emphasizes that States Parties cannot maintain both segregated and general education systems and remain in compliance with the CRPD (United Nations, 2016).

In addition to the binding obligations in the CRPD and the CRC, the 2015 Sustainable Development Agenda, adopted unanimously by the UN General Assembly, includes the goal of “ensur[ing] inclusive and equitable quality education and promot[ing] lifelong learning opportunities for all” (United Nations, 2015, Goal 4). Its targets include a commitment to “build and upgrade education facilities that are child, disability, and gender sensitive and provide safe, non-violent, inclusive, and effective learning environments for all” (United Nations, 2015, target 4.A). At the World Education Forum in 2015, representatives of over 160 countries adopted the Incheon Declaration for Education 2030. The Incheon Declaration includes a comprehensive Framework for Action to achieve Sustainable Development Goal (SDG) 4; the Framework is premised on the principle that no education target should be considered met unless it is met for all, including children with disabilities. The Framework recognizes four modalities to implement an inclusive and equitable education strategy, including 1) governance, accountability, and partnerships; 2) effective coordination; 3) monitoring, follow-up, and review for evidence-based policies; and 4) financing (UNESCAP, 2018). Additionally, according to USAID’s Journey to Self-Reliance Roadmap (USAID, 2020), as a country, Cambodia currently scores a 0.44 on a 0 to 1 scale which “gauges both the quality of education - using harmonized scores across major international student achievement testing - and the quantity of schooling received - using age-specific enrollment rates - to evaluate the relative performance of educational systems worldwide” (p. 1). This score is promising, considering all of the barriers related to accessing school in Cambodia.

Cambodia is party to a number of international treaties that promote and protect human rights. Exhibit 2 provides a summary of the international human rights treaties ratified by Cambodia and the date of ratification.

#### **Exhibit 2: International Treaties Ratified by Cambodia and Date of Ratification**

<b>International Convention</b>	<b>Date Ratified</b>
Covenant on Economic, Social, and Cultural Rights (CESCR)	May 26, 1992
Covenant on the Civil and Political Rights (CCPR)	May 26, 1992
Convention on the Elimination of Discrimination Against Women (CEDAW)	October 15, 1992
Convention on the Rights of the Child (CRC)	October 15, 1992
Convention Against Torture (CAT)	December 15, 1992
Convention on the Rights of Persons with Disabilities (CRPD)	December 20, 2012

Source: United Nations Office of the High Commissioner for Human Rights, 2020



Although a country report from Cambodia was due for submission to the CRPD Committee on January 20, 2015 (three years after ratification), it does not appear Cambodia filed any state party reports to the Committee since its 2012 ratification.<sup>4</sup> In June 2013, Cambodia also signed the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, which would facilitate access to books and publications in braille for persons who are blind. However, as of January 2020, Cambodia has not yet ratified the treaty (World Intellectual Property Organization [WIPO], 2020).

## 5.2 Regional Recognition of the Rights of Children with Disabilities

At the regional level, several other charters and guiding documents are pertinent to Cambodia. For example, the Asian Human Rights Charter, adopted in 1998, references “differently-abled persons” and recognizes such persons experience discrimination in education, employment, and housing, among others (Asian Human Rights Commission, 1998). The Charter also recognizes people with disabilities “have a right to live in dignity, with security and respect, and to have opportunities to realize their full potential.” The Association of Southeast Asian Nations (ASEAN) Human Rights Declaration (2012) further recognizes the rights of persons with disabilities “are an inalienable, integral, and indivisible part of human rights and fundamental freedoms” (Association of Southeast Asian Nations, 2012).

In 2012, the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) launched the Incheon Strategy to “Make the Right Real” for Persons with Disabilities. The Incheon Strategy is the first set of regionally-agreed disability-inclusive development goals and covers a range of development issues including poverty reduction and employment, political participation, accessibility, social protection, and education (UNESCAP, 2012). The Strategy adopts 10 goals including Goal 5 to expand early intervention and education of children with disabilities, along with 27 targets and 62 indicators to monitor and evaluate its implementation. Target 5.B calls for halving the gap in enrollment rates for primary and secondary education between students with and without disabilities (UNESCAP, 2012). Notably, like the CRPD, the Incheon Strategy also recognizes girls and women with disabilities face multiple and overlapping forms of discrimination, and they are often left out of gender equality programs, including programs intended to prevent violence and advance access to sexual and reproductive health services. Targets 6.C and 6.D call for measures to ensure women and girls with disabilities have access to sexual and reproductive health services and benefit from measures to reduce all forms of violence, which would include violence and abuse in schools (UNESCAP, 2012).

The 2017 Beijing Declaration and Action Plan to Accelerate the Implementation of the Incheon Strategy, agreed to in 2017 by UNESCAP Member States, proposes strategic measures to bridge

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<sup>4</sup> The UN Treaty Body Database for Cambodia discloses a report from the country was due January 20, 2015, but there is no indication it was either submitted or published. See [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=KHM&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/countries.aspx?CountryCode=KHM&Lang=EN). The absence of a report and concluding observations from the Committee deprives Cambodia of a key benchmark in measuring its progress.

the gap between policy and effective implementation. With respect to the Incheon Strategy's Goal 5 on including children with disabilities in education, the Action Plan calls for governments to, among other things, adopt and strengthen programs to train and educate families, caregivers, and service providers on child development and early detection of and interventions for children with developmental delays and disabilities, as well as the rights of children with disabilities to receive services; review and revise education policies to make them more inclusive; audit the accessibility of school facilities, including water and sanitation facilities, education materials, and teaching methods; and implement pre-service and in-service training programs for educators and staff to promote information-sharing, develop skills to meet the needs of diverse learners, and enable learning-friendly school environments (UNESCAP, 2012).

At the regional level, Cambodia has either signed or participated in the following regional policies and legal frameworks that support the education of children with disabilities:

- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) Decades on Disability (1993–2002 and 2003–2012)
- The Biwako Millennium Framework for Action Towards an Inclusive, Barrier-Free, and Rights-Based Society for Persons with Disabilities in Asia and the Pacific (UNESCAP, 2011)
- Incheon Strategy to “Make the Right Real” for Persons with Disabilities of 2013 (UNESCAP, 2013)
- Education 2030 Incheon Declaration Framework for Action Towards Inclusive and Equitable Quality Education and Lifelong Learning for All

The sections below analyze how and where each of these modalities are promoted within laws and policies of Cambodia.

## 6. National Legislation that Promotes the Right to an Inclusive Education in Cambodia

Cambodia has several laws pertaining to the education of the rights of persons with disabilities that are also supplemented by specific strategies developed by the MoEYS. This section provides a summary of Cambodia's commitment to international and regional human rights treaties, anti-discrimination laws, education laws, and, finally, specific legislation and strategies related to the education of students with disabilities.

### 6.1 Relevant National Anti-Discrimination Law in Cambodia

There are at least two main laws that protect Cambodians from discrimination based on disability: 1) the Constitution of the Kingdom of Cambodia and 2) the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (LPPRPD). Similarly, Cambodia also has two

National Disability Strategic Plans that address the need to educate students with disabilities. These laws and plans are explained more below.

### Constitution of the Kingdom of Cambodia (1993)

The Constitution of the Kingdom of Cambodia proclaims the Kingdom's intent to recognize and respect human rights, including those enshrined in the Universal Declaration of Human Rights, the UN Charter, and treaties and conventions (Kingdom of Cambodia, 1993, Article 31). Article 31 further offers a broad statement of non-discrimination that recognizes the rights of citizens to be equal before the law and enjoy the same rights and freedoms without regard to race, color, sex, language, and other factors including social status "or other status." While the breadth of this language ought to include persons with disabilities within its scope, Article 31 does not explicitly protect the right of persons with disabilities to be free from discrimination. Other articles within the Constitution, however, do refer to persons with disabilities explicitly. Article 74, for example, obligates the State to assist "the disabled and the families of combatants who sacrificed their lives for the nation," but there is no detail regarding what assistance might be intended (Kingdom of Cambodia, 1993, Article 74). The Constitution also does not clarify who would be considered "disabled."

The Constitution also addresses education, but only in general terms, and does not specifically address the rights of students with disabilities to access education. Exhibit 3 provides a summary of the different Articles in the Constitution and how they relate to the educational rights of children.

#### Exhibit 3: Articles of the Constitution Related to Education

Article	Obligation
Article 65	"protect and upgrade citizens' rights to quality education at all levels and shall take necessary steps for quality education to reach all citizens"
Article 66	"establish a comprehensive and standardized educational system throughout the country that shall guarantee the principles of educational freedom"
Article 67	"adopt an educational program according to the principle of modern pedagogy including technology"
Article 68	"provide free primary and secondary education to all citizens in public schools" for a minimum of nine years

Source: Kingdom of Cambodia, 1993

The term "all citizens" seems to indicate people with disabilities are to be included in the system of education, but it is not specific. However, the other elements of the Constitution, such as access to modern pedagogy and requisite primary and secondary education, are consistent with the educational rights described in the CRPD.

## Law on the Protection and the Promotion of the Rights of Persons with Disabilities (2009)

Article 4 of the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (LPPRPD) defines the term “persons with disabilities” as those “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” (Kingdom of Cambodia, 2009, Article 4). The LPPRPD’s Chapter 6 specifically addresses education and has six Articles. These six Articles are summarized in Exhibit 4.

### Exhibit 4: Articles of the Law on the Protection and the Promotion of the Rights of Persons with Disabilities

Article	Obligation
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 Ministry in charge of Education shall “develop policies and national strategies for the education of pupils and students with disabilities such as: <ul style="list-style-type: none"><li>• promoting inclusive education for pupils and students with disabilities to the utmost extent possible;</li><li>• establishing special classes to respond to the needs of pupils and students with disabilities.”</li></ul>
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: <ul style="list-style-type: none"><li>• buildings, classrooms, and study places;</li><li>• sign language and Braille [<i>sic</i>];</li><li>• educational techniques and pedagogy corresponding to the types of disabilities;</li><li>• study materials or other equipment to assist pupils and students with disabilities;</li><li>• training and teaching materials for teachers or professors and others corresponding to the actual needs of each pupil and student with disabilities.”</li></ul>
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

	<p>educational establishments at all levels and have access to study books and materials.</p> <p>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.</p> <p>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.”</p>
Article 31	<p>“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.</p> <p>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.”</p>
Article 32	<p>“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.</p> <p>The private media networks shall have special promotion items contributing actively to the above activities.”</p>

Source: Kingdom of Cambodia, 2009

Several elements of this law align with the obligations set forth in Article 24 of the CRPD. For example, Article 27 of the LPPRPD concurs with Section 1 of Article 24 of the CRPD, by recognizing the right of children with disabilities to an appropriate education as well as inclusion, equal treatment, and access to reasonable accommodations. Likewise, Article 30 entitles “pupils and students with disabilities in poor families or military veterans with disabilities...to receive free education at public educational establishments at all levels and have access to study books and materials.” This entitlement is similar to the free and appropriate public education (FAPE) requirement of the Individuals with Disabilities Education Act (IDEA) in the United States that lays out the framework for public education for children with disabilities (U.S. Department of Education Office for Civil Rights, 2010). Article 30 also requires private educational establishments to provide discounts for school fees, study books, and stationery for students with disabilities. This requirement of discounts is intended to relieve the financial burden on families (Kingdom of Cambodia, 2009, Article 30).

There are, however, elements of this law that may not align with the CRPD. Article 28 of the LPPRPD allows for establishing “special classes” for students with disabilities within mainstream

schools, which does not align with the CRPD's goal of inclusion nor guidance set forth by General Comments No. 4. By allowing education to take place in a segregated setting, the positive elements of the policy may be overshadowed by this one element that does not promote the full inclusion of people with disabilities in mainstream classrooms with appropriate supports. The only exception to segregated education is for students who are deaf. The World Federation of the Deaf (2018) defines inclusive education as the ability for students who are deaf to interact directly with their peers and their teachers, which means being in a communication-rich environment that uses local sign language.

### National Disability Strategic Plan (2019-2023)

Building off the previous plan, the government developed an updated disability strategic plan. The plan provides nine strategic goals of which Goal 3 specifically addresses the right to education and vocational training (Kingdom of Cambodia, 2019a). Specifically, the plan states the priorities to:

- 3.1.1 Raise awareness of the potential and the importance of education for people with disability to their family, community, and education groups.
- 3.1.2 Map, study, and identify people with disabilities who have special needs to enroll, receive scholarships, and take exams.
- 3.1.3 Increase the provision of teachers, including teachers with disabilities who can teach sign languages, special education, and special education programs for all levels of education.
- 3.1.4 Develop and enhance standardized learning materials so that people with disabilities can access them at all levels.
- 3.1.5 Strengthen coordination mechanisms to promote the implementation of current inclusive education policies to ensure that children with disabilities receive free education.
- 3.1.6 Establish legal standards to ensure the integration of inclusive education and special education into private education institutions.
- 3.1.7 Encourage the inclusion of play, recreation, and play programs for students with disabilities to fully participate as other students. (Kingdom of Cambodia, 2019a)<sup>5</sup>

This document does not provide specific information on the type of academic setting (such as segregated or inclusive) in which students with disabilities have the right to receive an education.

## 6.2 Cambodia's National Legislation and Strategies on Education

Cambodia introduced its Education Law in 2007, which references the need to educate students with disabilities. This law is complemented by the more recent 2014-2018 Education Strategic Plan. The education policy and strategic plans are explained more below.

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<sup>5</sup> The current National Disability Strategic Plan 2019-2023 is currently not available in English. The above translation is from IDP and is not an official government-approved English translation of the text.

## Education Law (2007)

In December 2007, Cambodia enacted its Education Law, the objective being “to develop the human resources of the nation by providing a lifelong education for the learners to acquire knowledge, skills, capacities, dignity, [and] good moral behavior and characteristics, in order to push the learners to know, love, and protect the national identification, cultures, and language” (Kingdom of Cambodia MoEYS, 2007). The Articles included in Chapter IV, “Education System,” speak to the establishment of a comprehensive and unique education system with particular attention to “early childcare and childhood education.” Exhibit 5 provides a summary of the articles within the 2007 Education Law which clearly address educational issues for students with disabilities.

### Exhibit 5: Articles of 2007 Education Law as it Relates to Inclusive Education

Article	Obligation
Article 31	“Every citizen has the right to access qualitative education of at least 9 years in public schools free of charge.”
Article 38	“The state encourages and promotes...special education for disabled persons and outstanding learners who are gifted and/or talented.  “Special education [will be] provided for outstanding learners appropriate to their intelligence and talent,” and persons with disabilities will be “provided a suitable education.”  “Special education programs shall be formulated by Prakas of the Ministry in charge of Education.”
Article 39	“Disabled learners have the same rights as able learners and have separate special rights as follows: <ul style="list-style-type: none"><li>• Disabled learners of either sex have the right to study with able learners if there is sufficient facilitation in the study process for the disabled learner to fulfill the educational program of the educational institutions.</li><li>• Disabled learners with special needs have the [right] to receive additional teaching in the regular educational program, which is not a particularly special educational program.</li><li>• Disabled learners who are not able to learn with able learners have the right to receive special education in separate special classes. These disabled learners can study at community schools in their locality.”</li></ul>

Source: Kingdom of Cambodia MoEYS, 2007

While Article 31 spells out every child’s right an education, to what extent this means an inclusive education remains unclear. Similarly, in Article 38, to what extent “special education for disabled persons” is inclusive is also unclear. Being that Articles 31 and 38 are unclear about inclusive education, Article 39 states that while inclusion for children with disabilities may be the default



policy of the Cambodian state, if inclusion doesn't work, the state will switch to "separate special classes" for the child (Kingdom of Cambodia MoEYS, 2007, Article 39). This more restrictive placement of students in a segregated setting is not supported by the CRPD because Article 24 of the CRPD obligates Cambodia "to facilitate [persons' with disabilities] full and equal participation in education." As noted earlier in this document, the only exception to initial placement in special schools relates to deaf education (World Federation of the Deaf, 2018).

At the end of the Education Law (2007) document, a Glossary defines "disabled learner" as a learner who is "disabled with either one or two of their legs, deaf, mute, or blind in both of their eyes, or have mental disabilities." This definition does not include several other categories of disabilities recognized by the CRPD. The Glossary then defines special education as "education and training for any person who have [sic] special needs such as disabled and outstanding learners," but does not define "inclusive education." The definition of "marginalized groups" includes "children from disadvantaged areas, overage children, poor families, ethnic minority children, and immigrated children, etc." (Kingdom of Cambodia MoEYS, 2007, Glossary). Additionally, the Education Law (2007) does not address the budget or how these additional services will be provided or implemented at a national level, but according to disability lawyers and scholars, international laws do address budget, and it is generally seen as a good practice (Hayes & Bulat, 2018).

### Education Strategic Plan (2019-2023)

This plan emphasizes the government commitment to achieving Sustainable Development Goal 4 and is based on the principle of "inclusive, equitable education and promoting lifelong learning opportunities for all" (Kingdom of Cambodia, 2019b, Preface). The strategic plan integrates various elements of educating children with disabilities throughout the document. For example, the plan establishes a target of moving from zero percent of primary and secondary schools having adapted infrastructure and materials for students with disabilities to 20 percent in 2030. Strategy 1.4 (Analysis of Capacity and Management) emphasizes the need to expand inclusive education opportunities for children with disabilities at public and community pre-schools, and 3.2.5 (Strategy and Main Action) suggests providing scholarships for poor families and students with disabilities.<sup>6</sup> Youth with disabilities are also mentioned within strategies to improve technical education and vocational training. When compared to even the previous Education Strategic Plan (2014-2018), these specific references to students with disabilities as well as the identification of specific actions that the government could take represents a tangible shift in an inclusive direction. In order to bring some of these inclusive ideas to sustainable fruition, potential next steps would be to include disability- and inclusive education-specific language in Section 4.4 (Teacher Training Reform at Teacher Education Institutions) so all pre-service teachers are being trained to support students with disabilities more inclusively.

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<sup>6</sup> Interviews with the Special Education Department (SED) in 2019 suggest the provision of scholarships to children with disabilities is one policy area that is being effectively implemented for a small number of children.



### 6.3 Cambodia's Education Legislation and Strategies for Students with Disabilities

Cambodia has developed two policies on inclusive education: one in 2008 and a newly released policy in 2018. The 2018 policy is supplemented with an Inclusive Education Action Plan (2019-2023). These policies and the action plan are described more below.

#### Policy on Education for Children with Disabilities (2008)

This policy specifically relates to the education of children with disabilities and has four main purposes (Kingdom of Cambodia MoEYS, 2008):

1. "to increase awareness and acceptance of disability among institutions, communities, and stakeholders;
2. to provide early identification and intervention to all children with disabilities from birth to age five;
3. to provide education or vocational training to children and youth with disabilities;
4. to increase enrollment, promotion, and survival rates in schools."

In addition, the 2008 policy establishes six strategies to achieve its stated goals (Kingdom of Cambodia MoEYS, 2008):

1. Identify and enroll children with disabilities.
2. Provide early intervention to children with disabilities.
3. Create and implement an inclusive education program.
4. Increase the enrollment of girls with disabilities.
5. Raise awareness and understanding about disability.
6. Support the education system in providing educational services for children with disabilities.

The policy guarantees school educational services for children with disabilities through primary school, which is the same for students without disabilities. However, a 2018 study revealed that many disabled persons' organizations and parents remained unaware of the specifics of the policy and what rights were guaranteed to children with disabilities (Hayes & Bulat, 2018). This suggests the need for more education for DPOs and parents of children with disabilities. While educating DPOs and parents of children with disabilities on their rights would certainly be beneficial, this is an example of an inclusive support that would also support families of children without disabilities who would similarly benefit from knowing their child's rights to an education.

#### Policy on Inclusive Education (2018)

A revision of the 2008 Policy on the Education for Children with Disabilities, the 2018 policy was established with the goal to "educate all persons with special needs to have knowledge, skills, and attitude so they are able to contribute to the development of society" (Kingdom of Cambodia, 2018, p. 4). There are four principle objectives to the policy:

1. To ensure early identification, assessment, and timely intervention;

2. To provide access to inclusive and equitable quality education and life-long learning opportunities;
3. To build capacity and enhance professional development for all teachers as well as school managers; and
4. To raise awareness and promote participation.

The policy also provides nine strategies to achieve the principles:

1. Develop legal frameworks and mechanisms;
2. Develop inter-ministerial collaboration for early identification;
3. Develop a robust data collection and information system;
4. Provide access to inclusive and equitable quality education;
5. Ensure inclusive and equitable quality education for female students with special needs;
6. Develop a country-based Universal Design Standards for the construction of all school buildings and for good sanitation;
7. Build capacity for teachers and school management;
8. Raise awareness on the Policy on Inclusive Education; and
9. Strengthen knowledge, roles, responsibilities, and participation of all stakeholders.

While concise, this document has notable strengths. To start, this policy acknowledges a desired goal of inclusive education, in contrast to the 2008 policy that made no direct reference. Additionally, this policy specifically references the need for inclusive education across the lifespan, which includes tertiary education. Further, this policy calls for data-driven education practices with a focus on promoting quality inclusive education. Echoing the Education Strategic Plan of 2019-2023, the policy's mention of teacher capacity building keeps a focus on training teachers to change their classrooms to meet the needs of all students through principles of Universal Design, rather than making all students fit the teaching styles of teachers. Additionally, this policy calls for the participation of stakeholders, which is significant in that such an approach is markedly absent in previous policies and strategic plans. Another notable strength is that the policy provides a glossary that states students who are deaf or blind should have access to sign language and braille respectively by "well-trained teachers as well as having a chance to communicate with other children who are not disabled" (Kingdom of Cambodia, 2018, p. 12). Furthermore, the reference to specific action points supporting girls and women with disabilities represents an understanding of the intersectional disadvantage some people may face. A final notable strength is the commitment to "give priority to lea[r]ners with disabilities in taking an entrance exam to become teachers in the government" (Kingdom of Cambodia, 2018, p. 6), a strong departure from previous government mandates requiring teachers to be "free of disabilities" (Council of Ministers, 1995, cited in Kalyanpur, 2011).

While there are many strengths within this policy, there are areas for improvement. For example, in the main part of the document, the policy fails to address the specific needs of students who are deaf or the need for sign language, an area of exception we've noted throughout this policy analysis (World Federation of the Deaf, 2018). The document also states parents and communities should be educated on the benefits of education, but does not address how parents

will be engaged actively in their children's education and, in particular, the specific processes of identification and assessment. In addition, the document provides a definition of inclusive education but does not address students' rights to be educated in their local schools in age-appropriate classrooms along with students without disabilities. In fact, the policy's glossary also defines integrated classrooms and segregated or special education classes or schools in such way that may allow students to be segregated by disability category. Likewise, the policy does not explicitly state how it will progressively realize inclusion as defined by the CRPD's General Comments No. 4, which means the policy is not compliant with the CRPD and its mandate to progressively realize inclusion.

### Action Plan on Inclusive Education (2019-2023)

To support the implementation of the Policy on Inclusive Education adopted in 2018, the MoEYS developed a complementary action plan for 2019-2023 establishing mid- and long-term activities and goals linked to the 2018 policy directives. These activities include details about key indicators, targets, lead and supporting institutions, sources of funding, estimated costs, and responsible entities for monitoring and evaluation. This action plan has the vision to "develop all persons with special needs with access to inclusive and equitable and life-long learning" (Kingdom of Cambodia, 2019c, p. 2). The action plan focuses on the nine strategies outlined in the 2018 Policy on Inclusive Education, described in the previous section.

The strategic plan also addresses issues such as teacher training, access to curriculum and textbooks in braille, and the use of sign language but stipulates this can be provided in inclusive classrooms, segregated schools, or integrated classes (Kingdom of Cambodia, 2019c, 5.4.3). This is consistent with "special education high schools" which are mentioned throughout the document and appear to support segregated education at the secondary level. Similarly, it appears students with intellectual disability or autism receive an alternative curriculum instead of an adapted or modified curriculum (Kingdom of Cambodia, 2019c, 5.4.4). This approach is typically not seen as a positive practice as it may arbitrarily limit the content students are able to receive and learn (Hayes, Turnbull, Moran, 2018). Though this policy is innovative in many ways by clarifying budget expectations, setting clear targets, and addressing gender disparities, the strategy supports segregated education in addition to inclusive education without stating how the government will progressively realize full inclusion. Because of this, the policy is not aligned with the CRPD.

In addition to poor alignment with some principles of the CRPD, the policy uses questionable terminology, particularly around the categories of disability described (discussed further in the literature review). Perhaps most alarming is the description of emotional disability, including examples as specific as: persons who appear "naked, speak [*sic*] with laughter, crying, singing and dancing alone irregularly, think silently [*sic*] too much, or commit and [*sic*] violent action without realizing it, mental damage, stress, depression, anxiety, and dementia" (Kingdom of Cambodia, 2019c, p. 4). Furthermore, while the use of budgeted line items is a helpful step in estimating the cost of various activities, it is unclear how much of the estimated \$6.8 million USD is linked to the provision of any available funds for the inclusion of persons with disabilities.

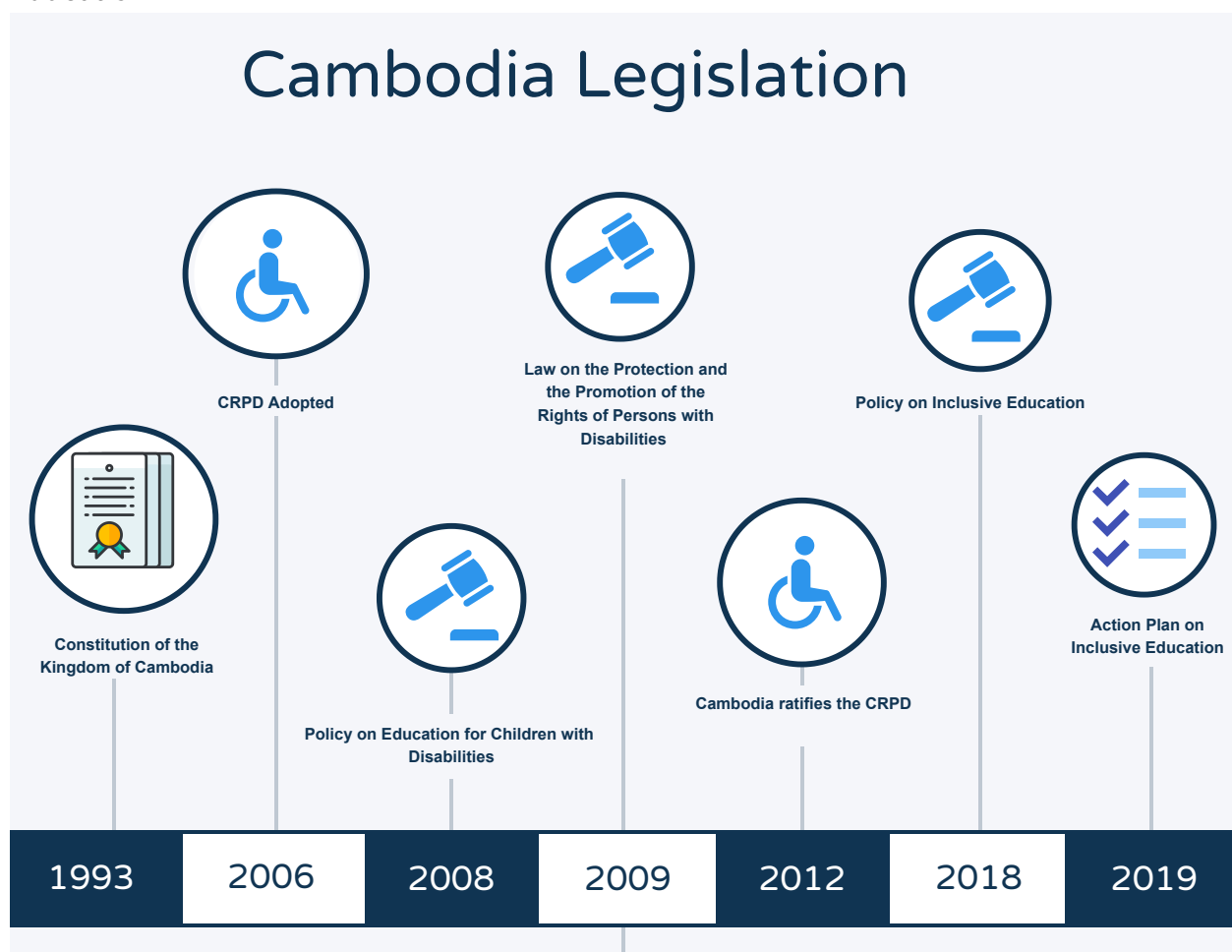
## 7. Cambodia Findings and Analysis

This section provides an analytical summary of the above-mentioned laws and policies organized by type of legislation as well as topics that are pertinent to the MCSIE.

### 7.1 Progressive Realization Toward Inclusive Education

As stated in the introduction section, policies should reflect international commitments in which countries are State Parties, and progressive realization toward inclusive education should be demonstrated in countries' strategies and other areas of implementation. As this review does not assess policy implementation but rather reviews legislation, progressive realization can only be demonstrated by a review of legislation and not through actual program services. Likewise, a review can only look to see how laws are either aligned or not aligned with the CRPD and whether laws are moving towards alignment of the CRPD. Exhibit 6 provides a timeline of a few of Cambodia's key actions and legislations related to the education of students with disabilities.

**Exhibit 6: Timeline of Key Cambodia Legislations and Actions Related to Inclusive Education**



The Policy on Inclusive Education (2018) and the Action Plan on Inclusive Education (2019-2023) take these earlier policies and laws and bring them into closer alignment with the CRPD. The Policy on Inclusive Education (2018) calls for data-driven education practices with a focus on promoting quality inclusive education, stakeholder engagement, and teacher training. The Action Plan on Inclusive Education (2019-2023) specifically references “inclusive and equitable and life-long learning” which significantly expands the purview of previous laws and policies and brings Cambodia in closer alignment with Article 24 of the CRPD. However, references toward inclusive education within these policies still exists which demonstrate a gap in alignment in the countries’ international commitments on inclusive education. Likewise, two laws—the Law on the Protection and Promotion of the Rights of Persons with Disabilities (2009) and the Education Law (2007)—were both put into place before Cambodia ratified the CRPD and clearly call for strengthening segregated education. These laws may need to be updated to be more aligned with Cambodia’s international commitments.

## 7.2 Policy Findings and Analysis Organized by Types of Legislation

Below are the findings and analytical summary organized by the types of legislation detailed in section 5.

**Finding 1: International Commitments to Human Rights Treaties.** Cambodia has signed and ratified several key international treaties including the CRPD but has yet to submit a State report to the CRPD committee. This presents challenges in analyzing the extent to which the country has complied with its ratification over time, specifically in reference to Article 24 on Education.

**Finding 2: Relevant National Anti-Discrimination Laws.** Cambodia’s Constitution states that all citizens have the right to an education but does not specifically address the educational rights of students with disabilities. Cambodia has several laws and strategies on the rights of persons with disabilities which do more closely address these rights, including the right to access materials in braille and information sign language. However, these policies are not fully aligned with the CRPD as they allow for education to take place in segregated settings.

**Finding 3: National Legislation and Strategies on Education.** The rights of students with disabilities are integrated into Cambodia’s education laws and strategies by articulating overall rights to education as well as specific rights to additional supports based upon disability. Laws and strategies emphasize the need to expand inclusive education opportunities and to address other important elements such as inclusion in early childhood and vocational training programs, improving infrastructure, and access to accommodations.

**Finding 4: Education Policies and Strategies for Students with Disabilities.** Cambodia has two policies and one strategic plan that specifically address the educational rights of students with disabilities. Though the existence of these policies is encouraging, they often lack specificity on how inclusion will be realized and the specific rights guaranteed to students with disabilities.

### 7.3 Policy Findings and Analysis by Topics Relevant to the MCSIE Program

Below are the findings and analytical summary organized by the topics relevant to the MCSIE program that were detailed in section 5.

**Conceptual Understanding of Inclusive Education/Educational Settings.** Although Cambodia has several policies in place, the policies that do exist do not clarify the need for inclusive education for all and often allow for segregation based upon disability category or perceived severity of the student's disability. The laws also do not articulate how Cambodia will progressively move from a segregated to an inclusive education system for all students with disabilities. This allowance for segregation education is significant as it implies that Cambodia's laws are not fully compliant with Article 24 of the CRPD.

*Consideration for MCSIE.* Cambodian law allows for students with disabilities to be educated in either an inclusive or segregated setting. As there is not a clear conceptual framework on inclusive education that is aligned with the CRPD, it is feasible that the concept of inclusive education may be understood very differently amongst stakeholders. Therefore, MCSIE evaluators should clearly articulate their use of "inclusive education" in accordance with the CRPD, while simultaneously endeavoring to capture stakeholders' and participants' own conceptualizations of this term, even if they differ.

**Identification of Students with Disabilities.** There is an extensive focus on identification of disability throughout the policies with a tendency to focus on the needs of students who are blind or deaf. Details on protocols and tools to be used for identification purposes are not clearly articulated within Cambodia's policies or strategies.

*Consideration for MCSIE.* The need to identify students with disabilities is referenced in several Cambodian laws but without details on the protocols and tools that should be used. The MCSIE should endeavor to capture the consequences that ensue from an unclear policy stance on identification of disability.

**Teacher Training.** The need to train teachers is referenced in the LPPRPD and National Disability Strategic Plan. Furthermore, the Policy on Special Education for People with Special Needs and the National Disability Strategic Plans (both the 2014-2018 and the 2019-2023 plans) also encourage the employment of teachers with disabilities and the need for teachers who are qualified in braille and sign language. However, acknowledgement of the need to train general education teachers on inclusive education is largely absent from the general education policies and plans.

*Consideration for MCSIE.* Teacher training is mandated within Cambodia's legal framework but with little information on how this will be achieved and with poor articulation of the need for general educators to receive training on inclusive education. MCSIE evaluators should endeavor to capture the practical impact of a policy landscape which does not clearly articulate the need for educators to be trained in special or inclusive education.

**Instructional Approach.** The Cambodia policy framework does not provide clear guidance or suggestions for instructional approaches, such as Universal Design for Learning or differentiated instruction, which can be applied in the classroom to strengthen the education of students with disabilities.

*Consideration for MCSIE.* MCSIE evaluators should endeavor to capture the practical impact of a policy landscape which does not clearly articulate the instructional approaches educators should use to include children with disabilities in teaching and learning activities

**Accommodations.** Cambodian laws address the need for accommodations with a particular focus on the need to provide materials in braille. However, these rights are primarily referenced in disability-specific policies and plans, with minimal inclusion in the broader education legal framework.

*Consideration for MCSIE.* Accommodations, such as the right to braille materials, are mandated by law, but the application of these laws in practice remains unclear, and details on the types of accommodations that should be provided remain somewhat vague. MCSIE evaluators should attempt to capture the extent and quality to which legally prescribed educational accommodations for people with disabilities, such as braille, are provided in school settings.

**Sign Language and Deaf Education.** Sign language is addressed within the subject of teacher training and highlighted in the Action Plan on Inclusive Education 2019-2023, which states that this instruction can take place either in an inclusive or segregated setting. However, the need for sign language and the importance of improving deaf education is only minimally referenced in other key documents. For example, the 2007 Education Law does not address sign language or deaf education.

*Consideration for MCSIE.* Very little information is present about the rights of students who are deaf to receive a quality education in a sign language-rich environment. MCSIE evaluators should understand this may be an emergent area within the education sector and attempt to capture lessons learned and areas for development in implementation.

**Gender and Intersectionality of Disability.** A recognition of the intersectional nature of disability, specifically in promoting gender equity amongst girls with disabilities, is a key priority and component of many of Cambodia's laws and strategies. This is one of the nine key strategies of the Policy on Special Education for People with Special Needs and is also addressed in the 2007 Education Law

*Consideration for MCSIE.* The need to provide equity and gender parity to girls with disabilities is mandated by Cambodian law. Therefore, MCSIE evaluators should investigate the extent to which this legislative entitlement is enacted and guaranteed in practice.

**Heterogeneity of Disability.** Cambodia's laws tend to focus primarily on the rights of students who are blind or have physical disabilities, with additional references to sign language. Students with intellectual disabilities and autism are referenced in the Action Plan on Inclusive Education but mainly related to the provision of an alternative curriculum if needed. The rights to education for students with learning disabilities are not well articulated within Cambodian education law.

*Consideration for MCSIE.* MCSIE should recognize that although the rights of students who are blind, deaf, or have physical disabilities are well-documented, there is less understanding around the educational rights of other disability categories such as learning disabilities. Where possible, evaluation activities should investigate the impact, if any, of which categories are and are not recognized in Cambodia.

## 8. Conclusion

This policy analysis has drawn upon international normative frameworks, primarily through the CRPD, to understand the extent to which Cambodia's national policies and laws promote the rights and inclusion of children with disabilities. The review has broadly considered Cambodia's international commitments, anti-discrimination legislation, national legislation, and strategies on education, as well as specifically the policy application for students with disabilities. Policy findings have been articulated in accordance with these core areas of review. Furthermore, policy findings have also described the extent to which the legislative environment addresses conceptual understandings of inclusion, identification of students with disabilities, instructional approaches, and teacher training, among other themes. Finally, the report has taken note of the ways in which the MCSIE should consider and respond to the findings generated in Cambodia. For a fuller understanding of the implications of this review on the work conducted through the MCSIE, this report should be read in concert with the literature review and stakeholder mapping, produced as additional deliverables.



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## Annex A: Prior Strategic Plans That Demonstrate Progressive Realization in Cambodia

### National Disability Strategic Plan (2014-2018)

The National Disability Strategic Plan 2014-2018 provides 10 key strategic objectives including reduction of poverty; provision of quality health services; access to justice; participation in political and development work; and facilitation of access to the physical environment, public transportation, and facilities, among other priorities. Strategic Objective 5 of the National Disability Strategic Plan seeks to “ensure persons with disabilities have equal access to quality education and vocational training services” (Kingdom of Cambodia, 2014). This objective has ten sub-objectives:

- 5.1 Increase primary and secondary education enrolment rates of children with disabilities.
- 5.2 Develop and increase study materials including Braille [*sic*] in formats that are readily accessible for children with disabilities.
- 5.3 Enhance teaching of life and social development skills to facilitate persons with disabilities full and equal participation in education and as members of the community.
- 5.4 Promote education for persons with disabilities, particularly children who are blind, deaf, or deaf blind, is delivered in the most appropriate languages and modes and means of communication for the individual and in environments which maximize academic and social development.
- 5.5 Increase and encourage number of teachers that are employed, including teachers with disabilities, who are qualified in sign language and/or Braille [*sic*], and to train professionals and staff who work at all levels of education.
- 5.6 Promote persons with disabilities to access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others.
- 5.7 Promote reasonable accommodation for persons with disabilities to access quality education.
- 5.8 Promote integration in teaching curriculum content, lessons, and positive attitudes and actions towards persons with disabilities in preschool, primary, and secondary education.
- 5.9 Increase the number of scholarship opportunities for students with disabilities to continue their education at tertiary levels of education.
- 5.10 Provide opportunities to develop and utilize persons' with disabilities creative, artistic and intellectual potential, not only for their own benefit, but also for the enrichment of society. (Kingdom of Cambodia, 2014)

This policy provides strong overall goals but lacks concrete strategies for how the above sub-objectives will be achieved. Likewise, the document also does not provide information on the educational settings, how to engage parents and families, or the required resources to enable such outcomes.

### Education Strategic Plan (2014-2018)

Building upon the Education Strategic Plan for 2006-2010 and 2009-2013, the Education Strategic Plan 2014-2018 outlines the Cambodian government's plans to improve education across the country. Within this plan, the educational needs of children with disabilities are also mentioned throughout the document, marking a substantial increase from the previous strategic plans which essentially only mentioned the need to formulate a national policy and strategy for "disabled learners." A policy objective, 3.1.2, is to increase enrollment of children with disabilities in community pre-schools, and listed as a strategy is the expansion of "inclusive programs for disabled children in public pre-schools and community pre-schools" (Kingdom of Cambodia MoEYS, 2014, p. 18). One of the policy actions listed in section 3.2.3 states, "Revise master plan to help children with disabilities from 2014." This specific reference to "disabled learners" in inclusive preschools is a noted move in the right direction as it related to progressive realization of inclusive education in Cambodia. While we cannot ascertain whether this policy translated into practice from the document Education Strategic Plan (2014-2018) alone, it is evident that inclusive education is starting to be considered by the MoEYS when creating such plans.

Similarly, in section 3.2.6 (Programs and Activities), one program is titled "Special Education Program," consisting of accelerated classes, multi-grade classes, and bilingual education services with an overall focus on teacher training in each of the specified classes or services. A focus on teacher training is progressive in that this section specifically keeps the onus on the teachers to provide access to education rather than blaming the student with a disability for not fitting into the classroom. Additionally, this section goes on to provide "support for students with hearing and listening problems: support to disabled children, training on how to test children with hearing and sight problems, [providing] glasses and hearing aids and monitoring" (Kingdom of Cambodia MoEYS, 2014, p. 25). As noted in other areas of this document, there is a focus on identification of students with vision and hearing impairments, however, as worded in this policy, it cannot be determined whether such identifications lead to a justification of removal of students with such impairments into segregated special classrooms.