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Cambodia Country Profile

March 2003

Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)

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Skills, Knowledge and Employability
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1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millennium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for Cambodia is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in Cambodia concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Cambodian delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities – the Impact of Legislation (Asia and the Pacific). Project Consultation Report, Bangkok 17 January*’, ILO 2003.

2. CONTEXT

As a post-conflict country where much of the infrastructure for growth and development – physical, social, human, economic – had been shattered, Cambodia has made remarkable progress in starting to rebuild the nation. The current priorities of the Royal Cambodian Government have now clearly shifted from peace building to poverty alleviation and socio-economic development. Relying heavily on external support, the Government is reforming the public administration and the judicial system, demobilizing the military and reforming public finance and the banking sector. The recent political backdrop has been marked by active decentralization leading the way to the first ever commune elections held in February 2002.¹ The recent history of Cambodia has left a legacy of a high number of persons with disabilities, who are among the most disadvantaged groups in the society.

With a population of 13,441,000² Cambodia ranks 121 out of 162 on the UNDP Human Development Index (HDI), according to the Human Development Report of 2001. Over a third of the population (36 per cent) is estimated to fall under poverty line³.

Four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 54.1 years for men and 58.6 for women years;
- Educational Attainment, measured as the gross enrolment ratio, was 71 per cent among boys and 54 per cent among girls; and
- Standard of living, measured as annual per capita GDP, was US\$ 1 361 in 1999
- Adult literacy rate was 68 per cent with a higher rate recorded for men (80 per cent) than for women (58 per cent).

The vast majority of the labour force of 6 million (80 per cent) was engaged in the agriculture, forestry and fishery sector as a primary occupation in 2001.⁴ Only about 5 per cent worked in industry and the remainder in services and trades, which account for 42 per cent of GDP⁵. Over a third of workers hold multiple jobs or are engaged in multiple income-earning activities.

The long-term development of the economy after decades of war remains a significant challenge. Despite Cambodia's renewed political stability after the 1998 elections, the fear of political instability and corruption still discourages foreign investments and aid. The lack of education and productive skills among the population together with the insufficient basic infrastructure, especially within rural areas, pose challenges to the overall economic and social development.

2.1 People with disabilities

Despite a number of studies and surveys, the existing data on persons with disabilities is fragmented and outdated, and methodologies are unscientific. Estimates of the population of people with disabilities vary significantly.

¹ United Nations, Annual Report of the UN Resident Coordinator, Cambodia, 2001, p. 3

² UN-ESCAP estimate for 2001, based on the Census of 1999 carried out by the Ministry of Planning

³ Op. Cit. 2000

⁴ World Fact Book, Country Cambodia 2001

⁵ ILO, Poverty Alleviation through Micro and Small Enterprise Development in Cambodia, 2000, p. 3

The 1999 Cambodia Socio-Economic Survey (SESC) of the Ministry of Planning suggested that 1.5 per cent of Cambodia's population is disabled (169,058 people). This is likely to be an underestimate. The Cambodian Persons with Disabilities Organization (CDPO) estimates that 200,000 to 300,000 people have physical disabilities with 40,000 to 50,000 people disabled by landmines and 60,000 paralyzed by polio.⁶ A further 132,000 people are estimated to be blind and visually impaired and 120,000 deaf.⁷ Furthermore, in 2000 Cambodia reported 169,000 HIV cases, giving the highest HIV/AIDS occurrence in Asia.⁸ According to the World Health Organization (WHO) more than 2 million Cambodians suffer from mental illness and depression and millions more from post-traumatic stress syndrome.⁹

⁶ CDPO has taken these figures from the database project which is now called Cambodia Mine/UXO Victim Information System of Handicap International.

⁷ CDPO, Proposal for Consideration by Donor Agencies 2001-2005, 2001, p. 15

⁸ Annual Report of the UN Resident Coordinator, Cambodia 2001, p. 3

⁹ Article: Mental Health Care Taking Slow Steps Forward, The Cambodia Daily, 25 September 2001

3. LEGISLATIVE FRAMEWORK

Although Cambodia has no specific legislation concerning people with disabilities, disability issues have been addressed in the constitution and in some laws, regulations and government decisions. A draft Law on the Rights of Persons with Disabilities has been prepared. The following table includes some of the main elements of the legislative framework related to training and employment of people with disabilities.

Table 1: Main legislative instruments to promote vocational training and employment of persons with disabilities in Cambodia

Title of legislative instrument	Into force	Description
Constitution of the Kingdom of Cambodia	1993, amended in 1999	Recognizes fundamental human rights, equal rights to employment, equal benefit from the same job and assistance for people with disabilities
Labour Law	January 1997	Contains no special articles related to people with disabilities
Royal Decree NS RKM 0699/60 on MOSALVY	June 1999	Establishes MOSALVY
Government Sub-decree on MOSALVY functions in the rehabilitation sector	October 1999	Defines one of the MOSALVY's priorities as preparing policies and guidelines to support people with disabilities
Government Sub-decree on Investments (No. 88/ANK/BK)	June 1999	Regulates a tax reduction for foreign enterprises based on several factors, including percentage of disabled workers
Government Sub-decree on Supplementary Salary of Civil Servants, Military, Polices, Retirees and Disabled Officials (No. 059/ANK/BK)	April 1999	Authorizes an increase of net salary for civil servants, military, polices, retirees and disabled officials since May 1999
Government Sub-decree on Pensions and Disability Regime for Civil Servants (No. 059/ANK/BK)	October 1997	Fixes the minimum and maximum of disability pensions at 50 per cent and 65 per cent of net salary
Ministerial Decision on Establishment of the Disability Action Council (DAC)	October 1999	Establishes the DAC as a national semi-autonomous coordinating body for the rehabilitation sector
Ministerial Decision on Establishment of National Centre of Persons with disabilities (NCDP) (No. 757/MOSALVA)	May 1997	Establishes NCDP to provide job-placement and referral services for people with disabilities
Ministerial Decision on Implementation of the Cabinet Resolution No. 181/SSR (No. 02 PRNN)	1991	Establishes rehabilitation centres and vocational training opportunities for people with disabilities
Cabinet Resolution on Principles of Rehabilitation, Vocational Training and Job Placement for Persons with disabilities (No. 181/SSR)	December 1990	Provides guidelines on rehabilitation, training and employment opportunities for people with disabilities

3.1 Constitution

The Constitution of the Kingdom of Cambodia (1993, amended 1999), Article 74 states that "The State shall assist the disabled and the families of combatants who sacrificed their lives for the nation". Civil unrest and a shortage of resources have, however, meant limited

practical help.¹⁰ No other mention is made of people with disabilities, although Articles 31, 34, 35 and 36 of the Constitution include provisions of fundamental human rights, equal rights to employment and equal benefit from the same work.

3.2 Other legal instruments

3.2.1 Labour Code

The Labour Code has no disability-related provisions, but has established principles to protect all workers in Cambodia. The Workers' Compensation Law is currently in a draft stage.

3.2.2 Government Decision - rehabilitation guidelines

The Government Decision No. 181 SSR/SC (20 December 1999) provides rehabilitation guidelines for persons with disabilities. As a consequence, the Government established rehabilitation centres, provided free public transportation and provided small loans through the National Bank for People with Disabilities. However, the Decision is not generally known nor implemented, and the draft disability legislation will eventually replace it.

3.2.3 Sub-Decree on Investments

One of the only legislative instruments to promote employment of people with disabilities is the Sub-Decree on Investments (No. 88), June 1999. It regulates a tax exemption (1 to 8 years) for foreign enterprises in the field of tourism and hotels, food processing, manufacturing, and agro-industries. The entitlement to tax holidays depends on specific factors such as location of enterprise, number of employees, value added to the product and percentage of disabled workers. For example, employment of 5 to 10 per cent disabled workers may give the investor 50 points, while 10 to 20 per cent disabled employees may give 100 points. The total points are added up and determine the duration of the tax exemption. For example, one year without any corporate profit taxation requires a score of around 100 points.¹¹ Some employers suggest a reduction of the percentages allowing an exemption because it is quite high.

3.2.4 Draft Law on Rights of People with Disabilities

A Draft Law on the Rights of Persons with Disabilities drafting of legislation on disability has developed by a Working Group, with the support of the Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MOSALVY), and is likely to be debated in 2003 or 2004.

The stated purpose of the Draft Law¹² is to "...strengthen and protect the rights and interests of people with disabilities, and to abolish the discriminations and to guarantee their full and equal participation in all activities in society."¹³

The law defines "a person with disability as "...any citizen who lacks any physical organ or capacity or suffers any mental impairment, which causes decent restriction on his/her daily life or activities such as loss of limbs, quadriplegia, visual or hearing impairment or mental handicap...". Further definitions of criteria of types and levels of disability are to be stated in

¹⁰ Kassie Neou, *Human Rights in Action*, Cambodia, 2000, p. 30

¹¹ DFDL, *Cambodian Investment Guide 2000*, p. 13-14, 110-115

¹² Draft Cambodian Law, 31/10/02

¹³ Op. Cit. Article 1

a subsequent sub decree. The law requires proof of disability in the form of a certified document free of charge issued by the Ministry of Health.¹⁴

The right to work is just one of the rights specifically referred to in the draft law as endowing to all citizens of Cambodia including people with disabilities by virtue of the Constitution.¹⁵

A section on Employment and Vocational Training defines a “qualified person with a disability” as a “person with a disability who has the capacity to perform positions, duties and responsibilities in the functions in which such person holds and wishes to hold.¹⁶ This section also contains a non-discrimination provision stating that such a person “... has the right to work without any discrimination, in all aspects, including apprenticeship and internship.” Discrimination is further defined as “...any circumstances such as application for employment, acceptance salary, rank promotion, job termination, compensation, training and other conditions.”¹⁷

The draft law initiates a quota system where “...an employer, who employs more than a certain number of full time employees, shall employ appropriate percentage of full time disabled employees.”¹⁸

The draft law also makes provision for workplace accommodation for people with disabilities, stating that “an employer shall provide reasonable accommodation to qualified people with disabilities, whether they are applicants, employees, apprentices or interns, unless such reasonable accommodation causes undue burden to employer.¹⁹ Reasonable accommodation is defined as firstly, “...making existing facilities at the workplace or changing equipment or devices to make them more accessible for people with disabilities.”²⁰ It also incorporates “...job restructuring, work scheduling, modification of comfortable examinations through development of policies to provide services and other similar accommodations for people with disabilities.”²¹ The duty for employers to provide reasonable accommodation is limited by “undue burden”. This according to the draft refers to “...reasonable accommodation that cannot be carried out due to significant difficulty or expense...”. Factors such as the “cost of measure, financial resources and total value of the facilities and the nature and number of employees, apprentices...”²²

With regard to vocational training, all such institutions whether state, public or private are to provide training to “qualified people with disabilities”. Again, these institutions are under an obligation to provide reasonable accommodation to “...qualified person with disabilities who is an applicant, trainee or intern...”, this is similarly limited by “...unless such accommodation causes undue burden.”

The Royal Government of Cambodia will be obliged by this law, once adopted, to establish an incentive program to employers who employ the “...appropriate percentage or over appropriate percentage of people with disabilities...”²³ This is to be further defined by a sub-decree. In addition, the Ministry of Social Affairs, Labour, Vocational training and Youth Rehabilitation and the Ministry of Economic and Finance and concerned Institutions shall

¹⁴ Op. Cit. Article 2

¹⁵ Op. Cit. Article 3

¹⁶ Op. Cit. Article 35

¹⁷ Op. Cit. Article 37

¹⁸ Op. Cit. Article 38

¹⁹ Op. Cit. Article 42

²⁰ Op. Cit. Article 43 (a)

²¹ Op. Cit. Article 43 (b)

²² Op. Cit. Article 43

²³ Op. Cit. Article 48

“...broadly disseminate incentive program to investors and employers...”²⁴ as well as jointly collaborating in following up and monitoring the implementation of the incentive program.²⁵

3.2.5 International commitments

Cambodia signed the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region on 1 September 2001. It has not yet ratified the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

3.3 Legislative barriers

Legislation exists that bans people with disabilities from certain types of jobs. For instance, the recruitment criteria of teachers for public pre- and primary schools imposed by MOEYS in the Council of Ministers’ Decisions No. 1356/1995, 223/1997, 872/1997, 835/1998 and 39/1999 state that “recruitment must be made among candidates of either sex, of Cambodian nationality, who have clear biodata, good health and are free of disabilities and who are not serving the public sector yet”²⁶. MOEYS proposed in 2002, Prakas on the Criteria of Teacher Candidates’ Physical Appearance at Primary, Secondary and High School Level, that identifies a wide range of disabilities which would prevent people with disabilities from becoming teachers. The DAC sent an open letter to MOEYS in March 2002 requesting a revision of the criteria.²⁷

²⁴ Op. Cit. Article 49

²⁵ Op. Cit. Article 50

²⁶ Leang, P. and Sinoeun, M. Strategic Plan and Action Plan for a Pilot Program for Enhancing Employment and Self-Employment Opportunities and Services for Persons with disabilities in Rural Cambodia. DAC/ILO, December 1999, p. 5

²⁷ DAC’s Executive Director Ouk Sisovann’s interview, 10 April 2002

4. IMPLEMENTATION

4.1 Institutional framework

In Cambodia there are six ministries responsible for services for people with disabilities:

1. *The Ministry of Social Affairs, Labour, Vocational Training and Youth Rehabilitation (MOSALVY)* has the main responsibility for preparing policies and guidelines related to persons with disabilities and for providing vocational rehabilitation and employment services. MOSALVY aided in the establishment of the Task Force on Disability Issues (1995-6), National Council of Disabled Persons (NCDP) and the Disability Action Council. MOSALVY's Department of Rehabilitation administers 16 Provincial Rehabilitation Centres and eight Vocational Training Centres (with NGOs).

Disability Action Council

The Disability Action Council (DAC), a semi-autonomous national coordination body under MOSALVY, was established in 1999. Its mission is to initiate, secure and coordinate the services necessary for persons with disabilities, to enjoy the same rights to opportunities for employment and quality of life as others in society. It has become a focal point institution of national disability policy in Cambodia. The DAC advises the Government and policy makers on all disability issues and coordinates NGO and INGO activities. In 2001, the DAC had 159 members and cooperative organizations, both local and international. The organizational structure of the DAC includes Executive Board, body made up of representatives from the Cambodian Government as well as from non-governmental organizations, a Secretariat and a number of committees and working groups that meet regularly. One such group is the Vocational Training, Job Placement and Income Generation Committee that coordinates related programmes in the country.²⁸

2. *The Ministry of Education, Youth and Sports (MOEYS)* is responsible for general education and vocational training, and has established a Special Education Office within the Primary School Department to introduce the inclusive education of children with disabilities.
3. *The Ministry of Women's and Veterans' Affairs (MWVA)* is responsible for services and pensions of 70,000 veterans of whom many are disabled.
4. *The Ministry of Health (MOH)* is responsible for the health care of people with disabilities and has established a national health care policy.
5. *The Ministry of Rural Development (MORD)* which is responsible for rural development and agricultural training programmes including vulnerable groups in general. This Ministry has a role to play in training people with disabilities, through its Vocational Training to Alleviate Poverty (VTAP), involving mobile training specifically aimed at socially disadvantaged groups such as women and disabled persons.
6. *The Ministry of Planning* through their National Institute of Statistics is responsible for collecting statistics for national socio-economic surveys, including disability-related data.²⁹

²⁸ DAC, DAC Annual Report 2000, p. 7, 17

²⁹ DAC, Study on Persons with Disabilities in Cambodia, 2001, p. 19

Other agencies of relevance

National Council of Disabled Persons (NCDP)

The National Council of Disabled Persons (NCDP) is run by disabled people as a resource centre to individuals and the community at large. It includes a retail business outlet for products and services created by disabled persons, a library/resource centre, meeting rooms, training facilities, a restaurant, and most recently an Information and Referral Services Programme³⁰ set up in 1997 to assist people with disabilities in finding employment. The primary activities of the job placement service are training in job seeking, providing individual counselling, linking of clients with existing jobs, follow up of employment referrals.

Employer's Organizations

The Business Advisory Council (BAC) is the main employer's organization that has an impact on employment of people with disabilities.

BAC is a group of workplace representatives (employers and leaders from business associations) who agree to provide technical advice to assist in the vocational training and job placement of people with disabilities. BAC works in partnership with the National Council of Disabled persons (NCDP) and vocational training service providers to prepare people with disabilities for the workplace. BAC provides advice and technical assistance to ensure that the training and employment services provided by these organization result in job candidates that match local labour market needs.

Since being formed in January 2001, the 13 member BAC- which includes companies such as British American Tobacco, Caltex Cambodia, Nestle (Cambodia) and Siemens meet each month to devise strategies to improve workplace opportunities for persons with disabilities.³¹

The BAC is working on several new initiatives to promote employment opportunities, including a request to the Government for better tax breaks fir companies which hire persons with disabilities.³²

Cambodian Disabled Peoples' Organization (CDPO)

The Cambodian Disabled People's Organization (CDPO) is the principal DPO providing advocacy, advice and referral to services as well as networking and influencing other institutions to include persons with disabilities.

One of its main achievements was initiating the development of legislation to protect the rights of persons with disabilities, in collaboration with MOSALVY and DAC.

4.2 Policy

Cambodia's general government policy (the Five-Year Socio-Economic Development Plan) states that the Government's objective is the inclusion of people with disabilities into mainstream services, but there is no national rehabilitation policy (or vocational rehabilitation policy) as such. The Second Five-Year Socio-Economic Development Plan (2001-2005)

³⁰ Cambodia Country Report in Developing an Effective Placement Service for People with Disabilities, Report of a Technical Consultation

³¹ The World of Work, The Magazine of the ILO, Kevin Doyle Sept./Oct. 2002

³² Op. Cit. BAC Chairman, Wolfgang Kitz, Managing Director Siemens AG Representation Cambodia

developed by MOSALVY only comprises funding proposals, so called “Public Investment Proposals” for the Royal Government. No proposals related to vocational rehabilitation are included. Another MOSALVY policy statement, “Policy and Strategy on Social Affairs in Cambodia (2002)”, describes policies and objectives at a very general level.

The Disability Action Council (DAC), a national coordination body for the rehabilitation sector, has developed a plan entitled: *Strategic Directions for the Disability and Rehabilitation Sector in Cambodia (February 2001)*. The document takes into account the obligations of the Government and aims to coordinate services. It is based on the UN-ESCAP document *Implementation of the Agenda for Action for the Asian and Pacific Decade of Persons with disabilities (1993-2002)* and consists of the following areas: (1) National coordination; (2) Legislation; (3) Information and database; (4) Public awareness; (5) Women with disabilities; (6) Accessibility and communication; (7) Education; (8) Training and employment; (9) Prevention of disability; (10) Community work and training of workers; (11) Medical and physical rehabilitation; (12) Self-help organizations; (13) Regional and global co-operation; (14) Sustainability; and (15) Recreation.³³ The DAC plans to develop this document into a national rehabilitation plan, but this will need more participation from all stakeholders.³⁴ DAC working groups also prepare action plans related to their work.

The training and employment goal of the Strategic Plan is based on the principal that sources of income generation for persons with disabilities are better satisfied through skilled employment and business opportunities. Measures for implementation include the improvement of the quality of diverse types of training and provision of refresher courses to ex-trainees as well as establishing an appropriate system for follow-up, evaluation and reporting is established and implemented by institutions providing vocational and skills training programmes.

In addition, access to credit schemes for graduates to start up and expand employment and business opportunities for graduates and other skilled persons are supported and facilitated. The strengthening of communication, cooperation and coordination between relevant institutions (NGOs, ministries and the private sector) is also critical.

4.3 Consultative mechanisms

The Disability Action Council facilitates collaboration between the Government, NGOs and other organizations working in the rehabilitation sector, primarily through its working groups. The MSALVY Task Force on Disability Issues, is an example of a consultative body established 1995-1996 to develop a national strategy for the continuation, development and coordination of programmes, services and support for and with disabled people

Employers’ and workers’ organizations have not been involved in developing national policies and strategies for the disability sector, although the Chamber of Commerce has participated in the development of the draft Disability Law.

4.4 Enforcement

Since laws concerning the employment of people with disabilities do not currently exist, the question of enforcement does not arise.

The quota scheme provided for the draft Law on the Rights of Persons with Disabilities will be enforced firstly, through periodic reporting by employer to Ministry of Social Affairs,

³³ DAC, *Strategic Directions for the Disability and Rehabilitation Sector*, 2001, p. 5-7

³⁴ Interview with Ngy San, Deputy Executive Director, DAC

Labour, Vocational Training and Youth Rehabilitation³⁵ and secondly by the payment of a contribution to the People with Disabilities' Fund in the event of non-compliance of quota by employer.³⁶ The Fund will be used to finance programs which assist people with disabilities and to support institutions and establishments which provide services to people with disabilities including vocational training and job placement.

4.5 Employment promotion measures

4.5.1 Employment services

The Government does not sponsor or offer any employment services for job seekers. Some NGOs take the initiative to seek jobs for Vocational Training graduates.

In addition, there are approximately 10 private employment agencies in Cambodia recruiting both national and foreign job seekers, of whom 500 immigrate annually to Malaysia. Very few people with disabilities have been recruited through these agencies.

It is estimated that very few people with disabilities are served through these informal mainstream employment services.

In Cambodia, the National Centre for Persons with disabilities (NCDP) has provided special employment services for people with disabilities since 1998. NCDP provides counseling, goal setting and job seeking skills training, and job placement services for people with disabilities. In addition, NCDP maintains a database of some 1,500 registered disabled job seekers to match them to appropriate jobs for which they qualify or can be trained. The database focuses primarily on urban persons with disabilities seeking a job in Phnom Penh. NCDP placed 29 persons with disabilities in 1998, 68 persons in 1999, 67 persons in 2000, 66 persons in 2001 and 32 persons in the first half of 2002. NCDP has placed a total of 262 persons with disabilities since 1998.³⁷ In addition, NCDP provides counseling service for four persons with disabilities daily. The NCDP's branch office in Kompong Speu has registered 120 persons with disabilities in three first months of 2002.

Assisting the NCDP placement services is the Business Advisory Council (BAC), a volunteer group of business representatives who promote employment and facilitate job placement of persons with disabilities. In addition, the BAC manages a small on-the-job training fund to compensate employers for costs related to workplace training of selected workers with disabilities and provides direct guidance to vocational training centres. Often employers directly contact the training centres to get skilled workers. For example, Maryknoll Wat Than training centre has assisted 16 graduates with disabilities in 2000 and 22 graduates in 2001 to find jobs.³⁸ Also, other segregated training centres such as World Vision International (20 persons placed) and disability projects such as ILO/DRT (30 persons placed) provide employment services.

³⁵ Op. Cit. Article 39

³⁶ Op. Cit. Article 40 and 66

³⁷ NCDP, Information and Referral Services (IRS) Statistics, 20 June 2002

³⁸ Interview with Yi Veasna, Director, NCDP, 21 June 2002

5. OUTCOMES AND IMPACT

5.1 *Open employment opportunities for people with disabilities*

Cambodia's economy has a narrow formal sector and is characterized by an overwhelming predominance of micro- and small-scale enterprises and subsistence agriculture. This economic structure has limited opportunities for private-sector employment. In addition, employees are often hired through unofficial networks of friends and relatives rather than through expertise or skills. Salaries are generally low. Most of the people with disabilities live in rural areas where family and micro-enterprises may operate, but where there are very limited wage-employment possibilities. Nevertheless, several employment structures are available to people with disabilities, although the number of opportunities is limited.

The Business Advisory Council (BAC) and NCDP collaboration succeeded in placing 66 individuals with disabilities in 2001 (and have placed almost the same number so far this year), in positions such as accountants, computer operators, sewing-machine operators, assistants and technicians. More than two-thirds started to work in the private sector e.g., in garment factories, computer companies and in the services sector. Three persons were employed in telecommunication companies. The remaining one third of 66 persons started to work for NGOs. No people with disabilities were placed in the public sector.³⁹ Many of the garment factories provide on-the-job training and hire people with disabilities, and one factory has made a commitment to hire five persons with disabilities every month. This garment factory received a disability award in 2002, because it had hired 60 disabled workers. According to the BAC, there is a need for English-speaking office clerks and computer operators. About 30 of Maryknoll Wat Than graduates are employed, mostly in the banking sector, for NGOs and private enterprises. As noted, the Wat Than program in computers has a 100 percent placement rate, suggesting the labour force need for individuals with English language and computer skills.

The Department of Rehabilitation of MOSALVY encourages the ministries and the public sector to hire people with disabilities. However, it has not estimated how many people have found a job in the public sector. The Government does not have positions set-aside for people persons with disabilities. Thousands of disabled soldiers are demobilized from the Ministry of Defence and moved under MOWVA's pension program.⁴⁰ NGOs and development programmes serving vulnerable groups often hire persons with disabilities. For example, half of NCDP's staff of 16 persons have disabilities. Handicap International hired 28 disabled staff in 2000. One innovative solution is a newly established computer data company called Digital Divide Data, which is actually NGO. It trains the most vulnerable people in typing and computer techniques. Data input and other services are sold abroad to a university. At the moment the data business has hired 20 persons with disabilities.

No comprehensive data source exists about the employment of people with disabilities.

³⁹ Interview with Long Ly, Programme Manager, NCDP, 24 June 2002

⁴⁰ Interview with Mr Keo Soeurn, Department of Rehabilitation, MOSALVY, 21 June 2002

5.2 Employment opportunities for people with disabilities in protected work environments

In Cambodia, some NGOs operate specialized production centres for people with disabilities and other disadvantaged people. There are at least two handicraft and two wheelchair production centres that employ people with disabilities. These include the Veteran's International weaving centre in the north and the Rehab Craft workshop in Phnom Penh, both non-profit organizations, hiring more than about 100 persons each. In addition, Association for Aid and Relief Japan (AAR-J) operates a wheelchair production workshop and has hired nine disabled wheelchair technicians. The Jesuit Services wheelchair workshop employs 20 people with disabilities. These production workshops provide higher salaries than the local average. There are also other protected work environments for poor people in general, including Tabitha Handicraft Centre.

The Veteran's International Weaving Center in Preah Viher is particularly interesting because it was originally started three years ago to serve landmine survivors and other disabled persons in a relatively remote area of Cambodia. A village has built up around the factory, which produces boutique quality and internationally priced scarves and silk products. The factory began a policy of reverse integration and now 56 of its employees are disabled and 26 are non-disabled. Employees earn two to three times the living wage and receive on the job training in weaving, silk production, English, remedial Khmer, health and sanitation and management and production. All profits go back into building the factory so that it can meet its production demands and increase employment opportunities.

5.3 Self-employment opportunities for people with disabilities

The vast majority of workers in Cambodia are self-employed or unpaid family workers. According to the results of the ILO/DRT project, the ratio between wage-employed and self-employed people with disabilities was around 1:6. The segregated vocational training centres report high success rates in self-employment after training. For example, CWARS help people with disabilities to open and run their own tailor or radio/TV repair shops, with a success rate of 80 per cent. Graduates make US\$50 to US\$200 per month.⁴¹ Many people with disabilities are engaged in agricultural activities as are other Cambodians. A study of persons with disabilities in mine infested areas of Battambang, Oddar Meanchey, Banteay Meanchey and Siem Reap revealed that out of 1,663 landmine survivors 50 per cent worked or were engaged in income generating activities (including rice production), but incomes are insufficient, and 89 per cent reported food insecurity.⁴²

Some persons with disabilities have become self-employed by selling their products, especially handicrafts, directly through NGOs. For example, both NCDP and Maryknoll Wat Than buy products from 25 independent disabled craft producers, and Rehab Craft buys from 50 producers. Banteay Srei Souvenir Shop in Siem Reap sells handicrafts made by their one hundred disabled ex-trainees. YWAM (soy milk retail) is an example of NGOs that have helped people with disabilities market their goods.⁴³ The salary of independent producers averages US\$80 per month. In addition, there are some self-employed groups including blind musicians and blind masseurs. There are limited self-employment possibilities for blind, deaf and people with intellectual disabilities. According to DDP only a few deaf are self-employed

⁴¹ The Cambodia Daily, Article: Stepping Forward, 13-14 April 2002

⁴² Norwegian People Aid, Cambodia (www.npaid.org)

⁴³ Sharon Holmes, Small Business Enterprise Development: Options for the Disabled in Cambodia, DAC/Maryknoll, 1998, p. 12-13

in activities such as selling cigarettes in the street. Through Seeing Hands Projects some 20 blind masseurs are self-employed.

5.4 Other segregated or protected employment opportunities for people with disabilities

As a result of contracts awarded to the Wat Than training center from its affiliation with the Business Advisory Council, the Center was able to assist six former trainees set up a sewing co-operative to meet the contract demands that were beyond Than's training capacity. Wat Than provides technical support to a group of six former trainees, who also produce handicrafts for export. So far, the fledgling cooperative has produced a profit.

5.5 Barriers and gaps

People with disabilities seeking employment or starting businesses have to face the following obstacles:

- Lack of formal sector jobs in general;
- Most jobs are urban based and many people with disabilities live in rural areas;
- Lack of disability rights or employment promotion legislation and policies;
- Limited networks: Employers hire people they know and people with disabilities have more limited networks;
- Lack of vocational training;
- Lack of entrepreneurial skills and business development training;
- Lack of financial resources and access to credit;
- Lack of government support and promotion of local products;
- Negative attitudes;
- Lack of accessible workplaces; and
- Limited or non-existent employment and self-employment opportunities for certain disability groups, including people who are blind, deaf, and people with intellectual and severe disabilities.
- Transportation barriers.
- Low self-confidence and psychosocial barriers.

6. CONCLUDING COMMENT

The current draft legislation specific to people with disabilities has been welcomed by representatives of and for disabled persons in Cambodia and has the potential to improve employment opportunities once passed.

Given the importance of agriculture in terms of employment in the country, the high proportion of the population living in rural areas, and the prevalence of micro and small enterprise, as distinct from formal employment, however, legislative measures need to reflect this situation. While promoting employment opportunities through the introduction of a quota scheme, and the fostering of the initiative of the Business Advisory Council will assist a number of disabled persons in finding employment, it is clear that legislation which provides an enabling environment for micro and small enterprise and encourages mobile vocational training in employable skills for people with disabilities is most needed and will have a widespread impact improving opportunities for disabled persons in the immediate and medium term.