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CRPD in Cambodia – Effectiveness of inclusion through affirmative action in employment

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Summary

Following a grievous past, marred by decades of bloody conflict and genocide, Cambodia witnessed its entire government machine turn into shreds at the hands of cruelty. To this day Cambodia's public institutions remain among the weakest and most corrupt in the world, impeding effective enjoyment of rights governed by the rule of law.

In the light of this I examine how the country has managed to implement the United Nations Convention on the Rights of Persons with Disabilities through its own national legislation. I specifically focus on how persons with disabilities are included into society through employment, via Cambodia's affirmative action programme on the topic.

My research examines the effectiveness of Cambodia's quota system for including persons with disabilities in working life, by comparing the specific provisions that set up the regime to the corresponding articles in the Convention on the Rights of Persons with Disabilities. I also conduct interviews with relevant stakeholders in order to see how the provisions at hand manages to affect society towards a development where persons with disabilities are included, as well as to see how the current societal structures affect the effectiveness in the provisions.

I find that there is a discrepancy between the international obligations in the convention at hand and the Cambodian instruments that aim to implement those obligations. I continue to find that this discrepancy both stems from, and continues to entrench, a lack of awareness on the topic of disability rights, specifically regarding the social model that the CRPD leans towards. This lack of awareness is not only represented in the legal documents, but also in how they are being used, as well as in society at large. The result is an ineffective regulation that partly fails to achieve its purpose – inclusion.

Sammanfattning

Efter ett våldsamt förflutet, med såväl invärtes som utvärtes konflikter så lämnades Kambodja att se hela sin statsapparat falla i spillror. Detta försatte landet i ett tillstånd som bär kvar sina spår än idag, där dess offentliga verksamhet lider av svaga institutioner och korruption, vilket i sin tur har lett till ett försvårande av att genomdriva och upprätthålla rättsliga regleringar.

I ljuset av detta så undersöker jag hur Kambodja har lyckats genomföra sina åtaganden som följer av FN:s konvention om rättigheter för personer med funktionsnedsättning. Jag fokuserar särskilt på hur landet inkluderar personer med funktionsnedsättning i samhället genom arbetsmarknaden, via kvotering.

Min forskning undersöker effektiviteten i Kambodjas kvoteringsystem genom att jämföra de nationella regler som instiftar och upprätthåller kvoterna, med deras internationella motsvarigheter. Tillsammans med omkringliggande rättsregler. Jag genomför också intervjuer med de som berörs av lagen, för att försöka ta reda på hur reglerna lyckas påverka det samhälle som de verkar i, samtidigt som samhället i sig påverkar reglernas effektivitet.

Jag finner att Kambodjas regler skiljer sig från de internationella regler som de är ämnade att genomföra. Detta både beror av, och fortsätter att förstärka, en brist på förståelse för funktionsnedsatta personers rättigheter, speciellt avseende den socialt inriktade begreppsbildning som FN:s konvention använder sig av. Bristen på medvetenhet om ämnet återspeglas inte bara i de rättsliga dokumenten, utan även i hur de används, samt samhället i stort. Detta får till följd av att reglerna brister i sin effektivitet och därmed att till viss del uppnå sitt syfte – inkludering.

Preface

I love deadlines.

I love the whooshing noise they make as they go by.

- Douglas Adams

Skämt åsido så verkar den här uppsatsen ha tagit sig i mål på utsatt deadline och för det står många att tacka. Det gäller inte minst Hanna Johnsson och hennes medarbetare på the Raoul Wallenberg Institute of Human Rights and Humanitarian Law i Phnom Penh för att de tog emot mig. I samma veva vill jag även utsträcka ett tack till Andreas Inghammar som introducerade mig för möjligheten att genomföra arbetet som en fältstudie och de inledande råd och tips han gav. Även Anna Bruce har bidragit med tips och idéer. Sist, men längstifrån minst, vill jag ur akademiska kretsar tacka min handledare, Niklas Selberg. Tack för trevlig dialog, ärliga åsiktsutbyten och försäkrande uppmuntran.

Men det här förordet avser inte bara uppsatsterminens möda och slit, utan även de föregående nio av glädje och kärlek. Jag vill därmed rikta mitt allra djupaste tack till alla vänner som gjort min tid i Lund så fantastisk.

Tack.

Lund, 28 juni 2019.

Karl Jonsson

Abbreviations

CDPO	Cambodian Disabled People’s Organisation
CRPD	United Nations Convention on the Rights of Persons with Disabilities
DAC	Disability Action Council
DPO:s	Disabled Peoples Organisations
DWPWD	Department of Welfare for Persons with Disabilities
DRIC	Disability Rights Initiative Cambodia
HRC	United Nations Human Rights Council
LPPR of PWDs	The Law on the Protection and the Promotion of the Rights of Persons with Disabilities
MoSVY	Ministry of Social Affairs, Veterans and Youth Rehabilitation
NGO	Non-governmental organisation
PWD	Person(s) with Disability/ies
RWI	The Raoul Wallenberg Institute of Human Rights and Humanitarian Law
UNDP	United Nations Development Programme

1 Introduction

1.1 Introduction

Cambodia is a country with a past and present that looks nothing like any other country's. The torments of conflict lie not far beneath the surface, and the society that has been rebuilt since darker times rests on fragile institutions.

Persons with disabilities is a group whose interests have previously been overlooked in the construction of societies, resulting in the oblivious creation of barriers that hinder their full and equal enjoyment of human rights.

One area in particular that functions as a springboard towards the enjoyment of many other restricted parts of society is employment. By including persons with disabilities into working life, inclusion may be attained in multiple other areas as well.

The United Nations Convention on the Rights of Persons with Disabilities (hereinafter referred to as *CRPD* or *the Convention*) include measures aimed to include persons with disabilities into society through employment. Among many other obligations, parties to the convention assume an obligation to safeguard exactly that.

As Cambodia signed the convention in 2007 and ratified it in 2012 I have looked into how the national implementation serves the purpose of including persons with disabilities through employment, specifically the country's affirmative action programme. This is done by assessing the provisions interaction with society.

The previous research on the topic is slim. Apart from a quantitative study, that assesses the effectiveness of the affirmative action programme based on

statistical analysis, and a report from the Australian Department of Foreign Affairs that examines the CRPD-rights with no particular connection to employment, let alone the rights' anchoring in society.

1.2 Purpose and research questions

The purpose of this thesis is to determine the operation of article 27 in the Convention on the Rights of Persons with Disabilities, and the role that it plays, for the inclusion of persons with disabilities into Cambodian society, through its labour market.

To properly fulfil the purpose of this thesis, I will have to answer the following questions:

- 1) How does the CRPD promote and safeguard the societal inclusion of persons with disabilities through employment? This question will be answered by dividing it into two sub-questions.
 - a) What specific employment related measures are provided for in the convention in order to attain and maintain inclusion?
 - b) How does the surrounding, general legal measures, interact with the specific measures, to create a context that enables them to be as effective as possible?

- 2) How does Cambodian law, that materializes the international provisions, promote and safeguard the societal inclusion of persons with disabilities through employment? This question also requires further elaboration through sub-questions.
 - a) What specific employment related measures are provided for in the domestic legal system?
 - b) How do these domestic provisions converge with the international ones in the CRPD?

- 3) What do relevant stakeholders experience regarding inclusion through employment, in virtue of the implemented instruments?

- 4) Based on the experience of the relevant stakeholders, as well as the assessment of the national implementation in the light of the international provisions, what is the effectiveness of Cambodia's affirmative action programme?

1.3 Limitations

While researching in what way article 27 of the CRPD aims to promote inclusion of persons with disabilities through employment I have chosen to exclude some of its provisions. This is in order to connect the remaining regulations in a more coherent way, but also to enable for a more meaningful analysis, as lack of space prohibits a deeper look into the complete document. My main focus here encompasses the provisions that can be directly connected to Cambodia's quota-system and measures that capacitate such affirmative action. Although all rights that are laid down in the current convention need to interact with each other to be as effective as possible, it is both possible and necessary to rank their importance for a specific purpose individually, hence some of them will simply be excluded from my study due to a lack of relevance for the same.

Since my study focuses on measures that are aimed to promote inclusion of persons with disabilities into society through employment, it will only assess provisions that are designed to bring persons with disabilities from unemployment to employment. Therefore, I will not look into provisions that deal with discrimination, equal opportunities or career advancement, while in employment.¹ Neither will this study concern persons with disabilities in forced labour.²

¹ CRPD art. 27.1 (a), (b), and (e).

² CRPD art. 27.2.

Although I am aware of the important role that collective rights play together with individual rights, in the realization of the entire spectrum of labour rights, the right of association and to unionize have been left out of this study.³

Again, understanding the importance of integration of various rights, there is still not room in this study to investigate the measures that are aimed to equip persons with disabilities with sought after features and experiences. Hence, the right to vocational training, acquisition of work experience and return-to-work programmes will also be omitted from this study.⁴

Lastly, regarding article 27, measures that aim to stimulate self-employment are disregarded.⁵

This study solely takes the perspective of the rights holders, i.e. employees with disabilities, and the independent bodies that work to promote the rights of persons with disabilities. The duty bearers in the domestic perspective, the employers, did not respond to my outreaching efforts, and have thus declined their opportunity to voice their view of the matter in this work. Neither have I pursued any further attempts to include their stance through other means.

1.4 Theoretical framework

For law to exist it requires a society. Without interaction, cooperation and disputes between individuals there would be no law to govern them. Law is created in, and operates in, society. The legal framework both affects and is affected by the society that it is situated in. This basic notion of how law

³ CRPD art. 27.1 (c).

⁴ CRPD art. 27.1 (d), (j) and (k).

⁵ CRPD art. 27.1 (f).

and society are so deeply entwined together⁶ sets the theoretical framework for my study.

However, the way that a specific law gets incorporated into a society will affect its ability to effectively regulate that society in turn. When the legislator of a given society sets out to perform its duty, to legislate that is, it creates an outflow of already existing ideas. These ideas are thoroughly anchored in the society at hand, since the legislature has been given its competence and task by the population.⁷ This strong connection between the will of the citizenry and the outcome of the legislator's performance, manifested in a new legal structure, provides a solid ground for obedience.⁸ When the subjects of a provision can backtrack the implications of said provision along the line of thought that gave rise to the same, acquiescence is stimulated. By identifying the motives that a certain rule tries to promote, and the means that it uses to achieve those goals, the constituency may evaluate the favourability of violating or abiding by the rule.

The same principles apply when a society passes a new law by adopting international obligations. The members of that society, that are affected by the international obligations, will also weigh the consequences of conforming or defying the set of rules, based on the measures that enforces the underlying intentions. But regarding their penetration, the rules will suffer a lack of effectiveness compared to domestic ones, since they cannot be traced back in the same way. When the international obligations that are imposed upon a society from the outside concern human rights, the role of civil society becomes even more evident. In a report from its 30th session, the United Nations Human Rights Council (hereinafter referred to as *HRC*) concluded that civil society plays a vital role in achieving effective compliance. This applies both before a human rights norm enters into force, through involvement in planning and implementation, and after a human

⁶ Cryer et al. (2011) p. 86.

⁷ However, not necessarily in the same way as intended by Dicey (1905) p. 10, instead more like Cotterrell (1992) p. 102.

⁸ Cotterrell (1992) p. 99 ff.

rights norm enters into force, through monitoring and assessment. The function that civil society adopts regarding awareness raising is also brought up in the same passage.⁹

What can be drawn from this is that the logic and rationale behind an external legal framework on human rights is not alone responsible for its effectiveness, its success is also dependent on local connection. Civil society may play a vital part in this when it comes to awareness raising. This message is explicitly conveyed in the CRPD as well. When addressing national implementation, the convention states that civil society should be involved.¹⁰

1.5 Methodology

Based on the theoretical framework that has just been presented, where the law and the society that the law operates in, are closely connected, I have chosen to apply a method where the sociology in law is used to portray how conditions pertaining to society affect the legislation, as well as the interpretation of the law.¹¹ In other words, the method assesses the causes and effects of legislation, based on the expressions of, and implications on, the society at hand. This method is also known as *law in action*¹² and is argued to be suitable for engaging in studies that focus on the creation of law. Different modes of creation are exemplified by legislation that is either the result of ideas that have grown from below, or ideas that have been imposed from above.¹³ The examples that Hydén uses to illustrate the various modes of creation differ from the situation that I have studied. His examples represent one social order that emerges spontaneously and one that is construed, which is same situation that I recount, but on a different

⁹ United Nations A/HRC/30/49 (2015) p. 17 f.

¹⁰ CRPD art. 33.3.

¹¹ Hydén (2018) p. 209.

¹² Pound (1910) p. 22.

¹³ Hydén (2018) p. 211 f.

level.¹⁴ By moving along the same scale that spontaneous social norms and deliberately legislated governance reside on, one will soon encounter internationally agreed upon obligations. The relationship between construed law and the international obligations is the same as between spontaneous and construed law, just dislocated one notch along the scale. In comparison, construed law appears to be spontaneous, coming from within, while international obligations appear to be externally construed, then imposed.

To collect data on how society and law interact with each other, interviews with relevant stakeholders of the law, in the society at hand is a useful method. Specifically, semi-structured interviews are suitable when researching how people conceive their own societies, which is the method that I have chosen to apply.¹⁵ Those interviewed have been carefully selected to represent various parts of society and the various sides of the duty/right-relation. Some of them assume different functions depending on which level of regulation is currently being examined; national or international.

When researching the content of the CRPD and the domestic legal instruments in Cambodia, a legal dogmatic approach has been applied.¹⁶

1.6 Operationalization

As established, the awareness and function of civil society is of great significance for a favourable outcome of the national implementation of international human rights. Furthermore, to conduct an accurate analysis of how societal conditions affect the role and effectiveness of the law, one must position oneself outside the framework of a descriptive analysis of legal sources. The legal dogmatic approach cannot satisfactorily ascertain

¹⁴ Hydén (2018) p. 212.

¹⁵ Esaisson (2003) p. 279 ff.

¹⁶ Kleineman (2018) p. 21.

the function and purpose of the law, but needs to be complemented by data from the relevant stakeholders.

To get the view of the relevant stakeholders I set out to conduct interviews. This study asks questions that require comprehensive discussion, which go beyond a simple yes or no. As such, the complexity of the questions also requires a somewhat rooted understanding of the universe of human rights in general, and the Cambodian regulation on the promotion and protection of the rights of persons with disabilities in particular. These factors, in combination with a limited time frame and an expected language barrier, led me to limiting the interviews to a few qualitative ones, rather than something of a quantitative survey. However, I still wanted the results from the interviews to be representative for a good portion of the stakeholders, and preferably to also enable voices with varying interests to be heard. On these premises, I set out to establish contact with various stakeholders.

At first, I relied quite heavily on the contacts that RWI had already established within civil society networks in Phnom Penh. But as I also intended to use the technique of snowball sampling, where my interviewees are linked in a chain, so that one provides the contact to the next.¹⁷ The disposition of my questionnaire enabled me to take advantage of the benefits of this method, while not having to worry about the potential statistical disadvantages.¹⁸ The actual outcome was something in between the two courses of action. Since RWI lacked previous contact with the duty bearers of the domestic provision, it proved to be difficult getting in contact with the employers. However, I could use some of their contacts, and then those in turn, to get in touch with representatives of the rights holders. My interviewees are presented below, in chapter 4.2.

¹⁷ <https://projecteuclid.org/euclid.aoms/1177705148>

¹⁸ <https://www.statisticshowto.datasciencecentral.com/snowball-sampling/>

2 Inclusion through CRPD

This chapter serves to answer the first of my research questions: *How does the CRPD promote and safeguard the societal inclusion of persons with disabilities through employment?*

Before moving on to explaining the content of the specific provision that deals with this matter, I will provide a brief contextual overview on the substantial weight that employment poses for inclusion. Of an estimated one billion persons with disabilities globally, about 80 per cent are of working age.¹⁹ Still, many of them face significant obstacles to equal opportunities in the world of work, leading to a higher risk of social exclusion and poverty.²⁰ This denial of the right to work leads to higher rates of unemployment, which unfortunately carries with it multiple other challenges.²¹

Employment is not just a goal in and of itself that is worthy to strive for, but it is also a mean of inclusion on multiple other levels and within other spheres of society. The remuneration from a wage or salary is undeniably an indispensable key to participation in our market-driven, capitalistic societies. The ability to provide for oneself enables monetary enjoyment of most activities that is associated with daily life, in the form of purchasing various goods and services.²² Through this, the source of income that an employment renders is a prerequisite for independent living.²³ The network that many workplaces constitute also means that employment provides a springboard for inclusion in cultural life, political participation and social inclusion.²⁴ Through the social platforms that emerge at workplaces, a consciousness of these matters is formed, resulting in the ability to partake in discussions on said matters, and ultimately, capacity to exercise them

¹⁹ Waxman (2017) p. 156 f.

²⁰ Ibid.

²¹ Menze (2015) p.1.

²² Green and Vice (2017) p. 239.

²³ Liisberg (2017) p. 498 f.

²⁴ Liisberg (2017) p. 499.

oneself. Liisberg also brings forward the fact that employment not only enables individuals to take control of their own life, but it also grants access to the positions of power in society. The influence that government officials and corporate leaders may use to affect others is reached through positions of employment.²⁵ Last but not least, the individual development that is achieved through meaningful employment cannot be stressed enough.²⁶

2.1 Labour rights in the CRPD

This sub chapter intends to bring clarity to the first sub question of my first research question: *What specific employment related measures are provided for in the convention in order to attain and maintain inclusion?*

This section will provide a factual description of each provision, and a short commentary of its implications.

2.1.1 Work and Employment

The provision that most directly aims to attain and maintain inclusion for persons with disabilities is found in article 27. When limited according to my specific purpose, as accounted for previously,²⁷ it reads as follows:

States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

²⁵ Liisberg (2017) p. 499.

²⁶ Liisberg (2017) p. 498.

²⁷ See chapters 1.2 and 1.3.

(g)

Employ persons with disabilities in the public sector;

(h)

Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;

(i)

*Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;*²⁸

In short terms, states that have signed and ratified the convention are under an obligation to, in their own capacity as employers, employ persons with disabilities in their own organs. States are also obligated to provide persons with disabilities the opportunity to work in the private sector. While performing these two duties, states are under a third duty to ensure that persons with disabilities are provided reasonable accommodation in the workplace. Together with paragraph (f), on self-employment, which this study does not concern itself with, these measures can be said to obligate states to promote equal employment opportunities across the entire labour market.²⁹

2.1.1.1 Public sector

Following from the wording of article 27.1 (g), states are under a direct obligation to employ persons with disabilities within the public sector.

2.1.1.2 Private sector

Article 27.1 (h) creates an indirect obligation³⁰ for the state to employ persons with disabilities, as it is only a question of *promotion* of

²⁸ CRPD art. 27.1 (g), (h) and (i).

²⁹ Liisberg (2017) p. 505.

³⁰ Liisberg (2017) p. 506.

employment in this sector. The way that the states choose to carry out this indirect obligation is left to their own discretion, but there is a requirement that the measures and policies are appropriate. One way to promote employment of persons with disabilities, which is explicitly mentioned in the provision, is affirmative action. This is the way that the Cambodian legislator opted to perform its duties, but that presentation is part of another research question.³¹

2.1.1.3 Accommodation

This provision might appear insignificant and hollow at first glance, as it simply puts a direct obligation on states to accommodate the workplace in a reasonable way. But once its relating general provisions have been presented in the following chapter,³² the content of said obligation will emerge more clearly.

2.2 General rights in the CRPD

This sub chapter will contextualize the abovementioned provisions on employment, in an attempt to bring understanding to the second sub question of my first research question: *How does the surrounding, general legal measures, interact with the specific measures, to create a context that enables them to be as effective as possible?*

2.2.1 The purpose

In order to fully understand the presentation of the provisions in the CRPD that are necessary to grasp and understand my specific study, one must at all times bear in mind the purpose of the convention. It is in the light of this core value that the previously mentioned employment-related provisions, as well as the following general provisions, need to be examined. But article 1

³¹ See chapter 3.1.1.2.

³² See chapter 2.2.5.

also lays down what constituency that falls within the scope of the convention and thereby enjoys its legal protection:

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.³³

The constituency that fall within the scope of the convention is further explained by the non-legally binding preamble in its 5th paragraph:

Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others,³⁴

Through these provisions the CRPD assumes a social approach to the concept of disability, where it is not exclusively connected to the individual. Instead, the notion of disability is created through the interaction between an impairment, which is an individual's health condition, and societal barriers, which are exclusionary structures.³⁵

2.2.2 General principles

As discussed previously,³⁶ it is key that external obligations of human rights enjoy proper solidification in the society onto which they are imposed. To

³³ CRPD art 1.

³⁴ CRPD preamble para. 5.

³⁵ Traustadóttir (2009) p. 1.

³⁶ See chapter 1.4.

attain such attachment, the convention cannot simply serve as a template, but must instead be incorporated into society through national law reform, that can stand on its own merits. However, such practice may give rise to unwanted discrepancy between the intentions of the international obligations and the domestic realization's actual outcome. Article 3 of the CRPD sets out to solve such situations by providing a set of general principles. These read as follows:

The principles of the present Convention shall be:

- (1) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;*
- (2) Non-discrimination;*
- (3) Full and effective participation and inclusion in society;*
- (4) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;*
- (5) Equality of opportunity;*
- (6) Accessibility;*
- (7) Equality between men and women;*
- (8) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.*

The aim of the general principles is, among other things, to facilitate interpretation in dubious cases.³⁷ By shining a light on which interests that should be given priority in case of a conflict, the principles serve to guide the domestic implementation in a direction that is in line with that of the CRPD. But more on that below, where the general obligations are presented.

Before moving there, without ascribing these principles any internal hierarchy, I would like to point out that some of them are of greater relevance than others for my specific study. Since my work enshrines the specifically targeted mechanism of applying quotas to the labour market in order to raise inclusion of persons with disabilities, I will only focus on the general principles that have a direct relation to the realization of that hands-

³⁷ Lord & Stein (2008) p. 460.

on measure. As the main obstacles for enforcing a regulation of the present kind lies in attitudinal changes and awareness raising, that enable inclusion, the primary principles in my case are 3, 4, 5 and 6. I am fully aware that all these principles need to interact with each other in order for them all to have an impact, nonetheless, for the purposes of this study it is not only possible, but even necessary, to break them all down and examine their individual significance.

2.2.3 General obligations

The general principles that have just been discussed are supplemented by a set of corresponding general obligations. When it comes to implementing measures, these general obligations create a duty for states to align their national standards and practices to the convention.³⁸ Particularly article 4.1 (a) and (b) play a vital role and are cited below.

States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

(a)

To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

(b)

To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;³⁹

³⁸ Fasciglione (2015) p. 147.

³⁹ CRPD art 4.1 (a) and (b).

2.2.4 Accessibility

The non-legally binding preamble does not entail any obligations for the states, but at least makes parties to the convention aware of the importance of proper accessibility through its 22nd paragraph:

Recognizing the importance of accessibility to the physical, social, economic and cultural environment, to health and education and to information and communication, in enabling persons with disabilities to fully enjoy all human rights and fundamental freedoms,⁴⁰

My study has been limited so as to not directly examine what role that accessibility plays for persons with disabilities to be able fully participate in working life. That being said, accessibility does play such a significant role, both in terms of being able to get to work, enter the workplace, enjoy all commodities within the workplace and, together with reasonable accommodation, ensuring the opportunity to perform work in a meaningful way. Therefore, I have chosen to present the relevant provision in the CRPD that deals with accessibility, so that it can be compared to its Cambodian counterparts. Article 9 of the CRPD delivers the following very detailed, yet purposeful obligation regarding accessibility:

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;

⁴⁰ CRPD preamble para 22.

b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;

c) To provide training for stakeholders on accessibility issues facing persons with disabilities;

d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;

e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;

f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.⁴¹

As can be seen, there is a clear consistency that runs from the initial purpose of the obligation, through its relevant exemplifications of the situations in which accessibility is needed, all the way to the rigorous listing of measures that may adequately fulfil the purpose in the given situations. In the provision, it is clear that accessibility needs to be strived for, so that persons with disabilities can properly enjoy access to the physical environment, information and other facilities. It is also clear that persons with disabilities cannot currently enjoy access to said facilities, because of the hindrance of

⁴¹ CRPD art 9.

barriers. The measures that are listed are specifically designed to remove such barriers from said facilities in a variety of listed contexts, so that persons with disabilities can effectively enjoy access to the facilities.

2.2.5 Accommodation

In order to contextualize provision 27.1 (i), which only declares that states are obligated to ensure that reasonable accommodation is provided to persons with disabilities in the workplace, I will provide the definition of reasonable accommodation, so as to see what it is that the states should actually provide. Article 2 of the convention defines “reasonable accommodation” as:

*... necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedom;*⁴²

Article 5.3 further strengthens the central role of accommodation:

*In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.*⁴³

I will not go into detail on how the placement of reasonable accommodation in article 5, as a ground for discrimination, makes for the possibility to hold the states directly accountable. I will just use this statement and stance from the legislator to point out the significant importance that proper accommodation is given in the eyes of the convention.

⁴² CRPD art. 2.

⁴³ CRPD art. 5.3.

While the topic of discrimination, article 5.4 provides that affirmative action, as presented in article 27.1 (h), does not constitute discrimination according to the CRPD:

Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.⁴⁴

2.2.6 Awareness-raising

In light of the fact that all provisions in the current convention need to be read and understood together, none of the provisions that have just been presented will reach their full effect unless there is an awareness of their existence and implications. Therefore, states are under a general obligation to disseminate an empowering picture of persons with disabilities, while at the same time combatting old and harmful prejudices. Article 8.1 provides the following account on how to go about in order to properly raise general awareness throughout society:

“States Parties undertake to adopt immediate, effective and appropriate measures:

a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;

b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life;

c) To promote awareness of the capabilities and contributions of persons with disabilities.”⁴⁵

As can be seen, the aims of the measures serve a multifaceted purpose of both removing certain ideas and perceptions, while promoting other

⁴⁴ CRPD art. 5.4.

⁴⁵ CRPD art 8.1.

attitudes and images. Structures that restrict the development towards a society where persons with disabilities are able to fully and equally enjoy the same human rights and fundamental freedoms as persons without disabilities, should be abolished and counteracted. At the same time, conceptions and expressions that promote the view of persons with disabilities and their abilities, as well as the rights that they enjoy, are encouraged to be spread. Regarding the awareness of employment in particular, that is being dealt with in article 8.2 (a) iii. The provision exemplifies how the goals in article 8.1 can be attained through, among other things, public awareness campaigns that are designed to:

“[...]promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;”⁴⁶

Specific focus is put on bringing forward the abilities and contributions of persons with disabilities in the workforce. It is not just a question of representation, so that the rest of the workplace get a chance to acclimatize to the recent accession. It is however, about adopting a mindset where persons with disabilities are recognized for their specific value and productivity.

2.3 Concluding thoughts

The CRPD can be said to be composed by two sets of provisions, one more general and another more specific. The general provisions overarch the entire instrument and permeate all its regulations. The specific principles target specific areas and are therefore construed in a narrower way. In the section below I will elaborate a little bit on the way that these two different sets of provisions help each other to reach their greatest possible effect.

⁴⁶ CRPD art 8.2 (a) iii.

For example, the specific obligation to accommodate the workplace, found in article 27.1 (i) is rather blunt and insipid in the very general way that it is being laid down in the employment-related provision. The rule gains significance as well as traction, when its content effectuates through the combined reading of the more general articles 2 and 5.3. At the same time, the effect that is given to article 27.1 (i) thanks to the descriptive definition in article 2, reflects the interaction between article 2 and article 1, as the wording of the purpose shines through the definition.

Affirmative action, found in article 27.1 (h) may be a powerful tool to let persons with disabilities gain access to an environment that is otherwise out of reach, due to the interaction between the individual's change in bodily function and societal barriers. However, such a measure is reliant on effective awareness-raising for it to function properly. Therefore, article 8 in its entirety, and 8.2 (a) iii specifically, can help article 27.1 (h) to not just achieve representation in an exclusionary context, but also to highlight and bring forward the abilities and capacity of persons with disabilities in that context. Article 27.1 (h) further interacts with article 5.4, where it is laid down that affirmative action does not constitute discrimination, since it is a measure that is aimed to achieve de facto equality of persons with disabilities in employment.

Irrespective of the legality in applying quotas in order to achieve equality, affirmative action does entail a very direct clash of interests. When positive discrimination is used to promote an overlooked group, such as when trying to achieve inclusion for persons with disabilities, the promotion will inevitably be at the expense of another group. I am not taking a stance for or against the usage of positive discrimination here. I am simply stating that the apparent disadvantage for all groups except the one that is being promoted through the measure, requires a widespread conviction that achievement of the goal of the affirmative action is so highly valued that it makes up for the corresponding disadvantage.

3 Inclusion by Cambodian law

This chapter serves to answer my second research question: *How does Cambodian law, that materializes the international provisions, promote and safeguard the societal inclusion of persons with disabilities through employment?*

3.1 Background and disposition

3.1.1 Background

Before turning to the domestic legal provisions, in order to describe their content on the specific topic, a brief background of the Cambodian society is necessary. Following a grievous past, marred by decades of bloody conflict and genocide, Cambodia witnessed its entire government machine turn into shreds at the hands of cruelty.⁴⁷ Rebuilding it has however proved difficult, due to the almost complete eradication of the academic and intellectual class. After the United Nations Transitional Authority in Cambodia, restoration efforts have slowly begun to pick up pace, in an attempt to safeguard hard fought for democratic gains.⁴⁸ However, despite these efforts, Cambodia's public institutions remain among the weakest and most corrupt in the world,⁴⁹ impeding effective enjoyment of rights governed by the rule of law. Regarding this specific study, the country signed the CRPD in 2007 and ratified it in 2012.⁵⁰

⁴⁷ <https://www.britannica.com/place/Cambodia/History>

⁴⁸ United Nations Security Council Resolution 745 (1992).

⁴⁹ <https://www.transparency.org/country/KHM>

⁵⁰ UN Treaty Series vol 2515 p. 3.

3.1.2 Disposition

The first sub question of my second research question researches: *What specific employment related measures are provided for in the domestic legal system?*

To answer this question, I have made a distinction between the two main instruments in the domestic legal system: *The Law on the Protection and the Promotion of the Rights of Persons with Disabilities* on the one hand, and *the Sub-Decree on Determination of Quota and Formality for Recruitment of Disabled Persons* on the other hand. Their respective provisions are accounted for in chapters 3.2 and 3.3, before being assessed against the provisions of the CRPD in chapter 3.4.

3.2 The law on the protection and the promotion of the rights of persons with disabilities

Almost ten years ago, in July 2009, the Royal Government of Cambodia passed the law on the protection and the promotion of the rights of persons with disabilities (hereinafter referred to as the *LPPR of PWDs* or the *disability law*). This is the main national instrument that serves to safeguard the interests of persons with disabilities.

3.2.1 General provisions

3.2.1.1 Legal definition

Although not specifically targeting employment, article 4 delivers the domestic legal definition of “persons with disabilities” and needs to be accounted for, in order to contextualize the rest of the provisions:

Persons with disabilities: refers to any persons who lack, lose, or damage any physical or mental functions, which result in a disturbance to their daily

*life or activities, such as physical, visual, hearing, intellectual impairments, mental disorders and any other types of disabilities toward the insurmountable end of the scale.*⁵¹

It is noteworthy that the Cambodian legal definition lacks any reference to barriers, or their interaction with physical attributes. The provision simply states that persons with disabilities have certain bodily changes, that makes persons with disabilities function in a varying way. Although disturbance is mentioned, there is no further reference to how this affects daily life, or how it occurs.

3.2.1.2 Accessibility

Neither article 21 directly concerns employment, but still plays such a role for proper inclusion that it deserves to be presented here, along with the other employment related provisions. It deals with public accessibility and simply states that:

*All public places shall be made accessible for persons with all types of disabilities for instance: ramps, accessory rails in bathrooms and signs.*⁵²

At first glance, it is quite obviously not as comprehensive as its CRPD counterpart, however its broad scope enables its broad application. By using general terms and not wasting wording on extensive limitations and exemplifications, the provision manages to encompass a wide range of situations and extend its protection to a large constituency. This being said, I personally find it a bit odd that it brings up something as specific as accessory rails in bathrooms, when the provision is so exceptionally restrained regarding its operative implications. However, this matter will not be discussed further here, as the convergence with the CRPD is brought to attention in a later sub chapter.⁵³ Instead, article 21 will be contextualized by

⁵¹ Disability law art 4.

⁵² Disability law art 21.

⁵³ See chapter 3.4.

shedding some light on the legal definition of public places, which is found in article 4:

Public Place: Refers to any premises, location, building and means of transportation in either state, public or private ownership that are open to and provide services for the general public; for instance, ministries, institutions, departments, roads, leisure and cultural centres, sports centres, recreational resorts, educational establishments, hotels, hospitals, health centres, restaurants and transportation networks.⁵⁴

Here it becomes apparent why the actual provision on accessibility is designed in the peculiar way that it is, as the moderate wording there gets complemented by illustrative examples, a little bit more like the CRPD. Again, Cambodia's legislator has gone with a middle path, between painting with broad strokes and providing quite intrinsic samples to represent the matter. The two opening lines are relatively short, yet inclusive in their sweeping and generic formulation. The legislator then moves on to invest time and space in a rather extensive, yet not exhaustive listing of situations and instances where the law is applicable. Again, this is just a notification and underlining of elements and aspects that will be discussed in depth in sub chapter 3.4. As of now, it suffices to state that accessibility in public spaces is supplemented by accessibility in the workplace as well, which is brought up below, in the presentation of chapter 7 of the disability law, and the specific employment related provisions therein.

3.2.1.3 International alignment

Last of the general provisions that will be presented here is article 49, which is the domestic provision that stipulates how domestic provisions should align with international treaties:

All provisions of international treaties relating to the laws on the protection and the promotion of the rights of persons with disabilities to which the

⁵⁴ Disability law art 4.

Kingdom of Cambodia is a party shall be implemented together with this national law.

In case of any provisions that contradict the provisions of this law, the provisions of those international treaties shall be considered as the principle provisions.⁵⁵

As mentioned before,⁵⁶ the disability law was adopted in between Cambodia's signature and ratification of the CRPD. It is unclear whether the wording "shall be implemented together with this law" is to be interpreted so that the disability law actually embodies Cambodia's disability-related international obligations, or if it just sets out an aspiration to do so, starting from the implementation of the disability law. It is however very clear that the disability law is aware of its subordination to international instruments in the case of a conflict, thanks to the second paragraph of article 49.

3.2.2 Employment

3.2.2.1 Scope

Chapter 7, which deals with employment, sets out with describing yet another specific constituency, which is entitled to the specific right to employment in article 33:

Persons with disabilities who have the required qualifications and competence to carry out the duties, role and responsibilities of a particular position have the right to be employed without discrimination, including employment as civil servants, workers, employees, apprentices or interns.⁵⁷

The provision creates a new scope, that is narrower than the general legal definition of persons with disabilities, but nevertheless omits any mention of the interaction between impairments and societal barriers. Instead, article 33

⁵⁵ Disability law art 49.

⁵⁶ See note 47.

⁵⁷ Disability law art 33.

requires persons with disabilities to have specific skills and experiences in order to enjoy the protection of the law. It can be seen as onerous to add extra requirements and qualifications to the challenges that persons with disabilities face as a community. But at the same time it is reasonable, if not to say self-evident, that employment does entail various requirements and imposes certain needs of qualifications on the employee. Due to the transactional character of the relationship between an employer and an employee, it must be meaningful for both parties to enter into an agreement together with each other.

3.2.2.2 Affirmative action

After having established which persons with disabilities that are eligible for protection under the law, and thus able to be included into the Cambodian society through promotion of employment, the law moves on to describe how that is achieved. The Cambodian legislator chose to proceed with affirmative action, that set specific quotas regarding the portion of employees with disabilities, that public and private employers need to fulfil. These are presented in article 34 and 35 of the LPPR of PWDs:

Article 34

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

The set quota shall be determined by Sub-decree as proposed by the Ministers in charge of Social Affairs, Labour and the Council for Development of Cambodia.⁵⁸

Article 35

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

⁵⁸ Disability law art 34.

*The set quota and recruitment process shall be determined by Sub-decree.*⁵⁹

After limiting the constituency that is encompassed by the law to the aforementioned definition of employee, the law simply states that both public and private employers are obligated to employ such qualified persons with disabilities according to a quota, which in turn is communicated through a sub-decree. The sub-decree is signed by the prime minister and carries the same legal weight as a law. It will be presented further in sub chapter 3.3.

3.2.2.3 Monitoring

Moving on to ensuring effective acquiescence of the set quotas, one soon encounters articles 36 and 37. They aim to secure the enforcement of the law by setting up monitoring mechanisms and connecting a monetary sanction for disobedience with the law:

Article 36

*Legal entities shall regularly report to the Ministries in charge of Social Affairs and Labour the total number of their workers/employees and workers/employees with disabilities in accordance with the appropriate set quota.*⁶⁰

Article 37

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

*The rate of the charge shall be determined by Sub-decree proposed by the Ministers in charge of Social Affairs, Economy and Finance and the Council for Development of Cambodia.*⁶¹

⁵⁹ Disability law art 35.

⁶⁰ Disability law art 36.

⁶¹ Disability law art 37.

Legal entities that are caught by article 33 also have an obligation to, by themselves, report back to the relevant ministries on the composition of their work force, to see if they comply with the set quota. It can be discussed if self-monitoring really is an appropriate way of ensuring compliance. The room for circumvention is significant, which could motivate a discussion on how well the mechanism actually satisfies the requirement for effective enforcement. This could in turn pave the way for disputing how sincere the efforts to include persons with disabilities through employment actually are. In a country that imposes restrictions on the freedom of association by dictating regulations on how many persons that can assemble in an informal meeting, it is not inconceivable that more forceful measures are actually at disposal.⁶² However, these concerns will just be duly noted here, and not actually brought up for further examination.

For the employers that willingly report themselves to be subjected to the examination of the authorities, article 37 imposes punitive charges in case the reports show that the quota is not met. Again, reference is made to the sub-decree in order to determine the rate of the charge.

3.2.2.4 Accommodation

Lastly, at least for the purpose of this study, the LPPR of PWDs brings up accommodation in the context of employment. Article 38 states the following:

*Legal entities shall arrange a reasonable accommodation for persons with disabilities who apply for employment as workers, employees, apprentices or interns except where such accommodation constitutes an excessive burden.*⁶³

The provision is quite clear and concise. Without listing any examples, as in the provision on public accessibility, it plainly states that private employers

⁶² When planning a trip together with a university to hold a legal clinic in the provinces, the question on how many people that could go in the car together, and show up at the lecture. raised concern that it had to be reported to the authorities.

⁶³ Disability law art 38.

shall arrange reasonable accommodation. It is interesting that the wording of the law obligates employers to accommodate even for applicants of employment.

It is notable that the obligations that are brought up in article 36 to 38 only concern private employers, and not the authorities when they act in their capacity as an employer. Regarding accessibility, the obligations that are laid down in article 21, especially when read together with the legal definition in article 4, can be used to encompass accommodation of public workplaces as well. The bluntness of article 21, with its very general scope, does not actually constitute any significant disadvantage compared to article 38, since they both lack any notion of how the accommodation should be tailored, in order to effectively enable the performance of meaningful work. However, there is one significant difference in the fact that article 38 is limited in a way that article 21 is not. According to article 38, private employers are only under a duty to accommodate their workplace according to the needs of an employee with disabilities if it does not constitute an excessive burden. Article 21 completely lacks this kind of restriction, as there is no mentioning of either burden or the proportionality thereof in the provision.

3.3 Sub-decree

The Law on the Protection and the Promotion of the Rights of Persons with Disabilities continuously makes reference to a sub-decree, in which many provisions are specified. That is N0. 108 OrNKr.BK - the Sub-Decree on Determination of Quota and Formality for Recruitment of Disabled Persons (hereinafter referred to as the *sub-decree* or the *quota-decree*).

3.3.1 Aligning with the CRPD

Having only had access to an unofficial English translation of the decree, I can only assume that article 2 states that one of the objectives of the decree is to fulfil Cambodia's obligations that stem from the CRPD.

This Sub-Decree has its objective to: [...]

- Fulfill the obligations of Cambodia as a signatory of the Convention and of the treaty on human rights and on the rights of the disabled persons.⁶⁴

Although Cambodia had not yet ratified the CRPD when the decree entered into force, this seems as an explicit commitment to abide by article 4.1 (a) and (b) of the CRPD, which obligates states to align their existing and new legislation to fulfil the rights represented in the convention.

3.3.2 Affirmative action

Regarding the quotas, according to which the various employers are obligated to include persons with disabilities through affirmative action, there is one provision for the public employers and another provision for the private employers. Article 5 sets the quota for public employers according to the following:

Ministries, state institutions with a total number of 50 (fifty) or more employees must employ disabled persons who are qualified and capable of performing their functions, their roles and responsibilities as per the type of work, as stated in article 11 of this Sub-Decree in the framework of civil servants of 2% (two per cents) of the total number of civil servants.

The determination of quota for the disabled persons to serve the Royal Cambodian Armed Forces shall be determined by a Prakas of the Minister of National Defense.⁶⁵

⁶⁴ Quota-decree article 2.

⁶⁵ Quota-decree art 5.

The provision starts off by restricting its area of effect, stating that the regulation only applies to public employers that exceed a certain size. It then moves on to lay down the actual measure of affirmative action, stating that a portion of 2% must be employees with disabilities. Since the size-requisite only obligates ministries and institutions with 50 employees or more, it soon becomes evident that the quota at 2% corresponds to one employee. The provision finishes off by concluding that when the country's armed forces acts in its capacity as an employer, the obligations in this legal instrument does not apply. Instead, the armed forces has its own affirmative action programme established by a Prakas of their relevant minister. A Prakas is an inter-ministerial regulation that only concerns the specific ministry at hand, signed by the relevant minister at hand. However, this study will not devote more space to this subject, but instead divert its attention to the obligations that is imposed on the private employers regarding inclusion through affirmative action.

Article 6 sets the quota for private employers, or legal entities as they are referred to in Cambodian law, as follows:

Legal entity having a total number of 100 (one hundred) or more workers/employees must employ disabled persons who are qualified and capable of performing their functions, performing their roles and responsibilities as per the type of work as stated in article 11 of this Sub-Decree 1% (one per cent) of the total number of workers/employees.⁶⁶

Just like regarding the public employers, this provision commences by establishing which private employers that come under its scope. After having set a different qualification size than for public employers, effectively singling out the smallest businesses, the provision moves on to lay down the proportion of employees that is to be brought employment through affirmative action. Since only employers that have a workforce that

⁶⁶ Quota-decree art 6.

exceed 100 employees are caught by the requirement to allocate 1% of its workforce for persons with disabilities, again the proportion only amounts to one single employee.

3.3.3 Monitoring

In order to make sure that the quotas that have just been presented are satisfactorily met, articles 9 and 10 state that the parties subject to the regulations must provide documentation and statistics regarding the number of disabled employees to the ministries in charge of overseeing and implementing the affirmative action programme.⁶⁷ Depending on the outcome of the reporting of such documents, article 15 states that failure to comply with the obligations laid down in articles 5 and 6 entails a forced contribution to the Disability foundation:

Heads of ministries, state institutions that have not fulfilled their obligation as per article 5 of this Sub-decree shall pay a contribution to Disability Foundation in the amount of 50 (fifty) percent of the basic salary of civil servants per month as per the type of framework for 1 (one) disabled civil servants.

Legal entities that have not fulfilled their obligation as per article 6 of this Sub-Decree shall pay a contribution to Disability Foundation in the amount of 40 (forty) per cent of the monthly minimum salary of workers/employees for 1 (one) disabled worker/employee.⁶⁸

The contribution should correspond to 40 or 50 % of the basic or minimum salary depending on whether the case is about a public civil servant or a private employee. Further failure to properly pay your dues, due to noncompliance sets off a chain reaction back and forth between the disability law and the quota-decree, but that will not be brought up here.

⁶⁷ Quota-decree art 9 and 10.

⁶⁸ Quota-decree art 15.

3.3.4 Accommodation

Instead, the last measure that needs to be explained in order to provide an adequate picture of the Cambodian implementation of the UN CRPD, in the light of this specific study, is the obligation to provide facilitation (accommodation), as presented in article 14 of the sub-decree:

*Ministries, state institutions and legal entity are obliged to provide appropriate facilitation for disabled civil servants, workers, employees or apprentices or interns such as facilitation on the type and condition of work, training, environment, workplace, means, and equipment/materials except excessive facilitation.*⁶⁹

Although the unofficial English version that I have had to work with proves a little bit trembling in its translation, this provision sets itself apart from the other two provisions in the disability law that deals with accessibility as a form of accommodation. It makes an effort to connect the measures that need to be taken with the specific needs of a specific situation.

3.4 International convergence

This sub chapter will answer the second sub question of my second research question: *How do the Cambodian provisions converge with the international ones in the CRPD?*

3.4.1 The notion of disability

As noted above, the Cambodian implementation of the CRPD does not consider barriers in any aspect. According to the purpose of the CRPD however, disability needs to be put in a social context, where it is possible to recognize how the specific bodily function runs into obstacles, and assess that collision. Without reflecting over how that confrontation affects an

⁶⁹ Quota-decree art 14.

individual's ability to enjoy the same rights as others, it will surely be difficult to take appropriate measures to achieve equality.

3.4.2 Duty to align

According to articles 4.1 (a) and (b) in the CRPD states are obligated to align their national standards and practices according to the CRPD. Since these obligations apply both to new and old legislation it does not matter that Cambodia adopted the disability law and the quota-decree in between their signature and ratification of the CRPD, both of those instruments need to comply with the convention. Article 49 in the disability law stipulates that international obligations that concern the rights of persons with disabilities, although without mentioning the CRPD, shall be implemented together with the national disability law. If any conflict arises between the two instruments, the international one should be given priority. This is undeniably an effort to adopt appropriate legislation in order to realize all human rights and fundamental freedoms for all persons with disabilities, but it does not deal with the fact that there might be elements in the existing instrument that need to be modified or abolished, so as to not constitute discrimination against persons with disabilities. Article 2 in the sub-decree also seems to make an explicit commitment to align itself according to the CRPD. However, regarding both of these domestic provisions, their commitments or promises is not what determines whether Cambodia successfully complies with the CRPD or not in that regard. That is decided by the rest of the material provisions and their effectiveness.

3.4.3 Accessibility

There seems to be quite some divergence between the CRPD's conceptualization of accessibility and that of the Cambodian instrument's. While the CRPD provides a very voluminous account, with many exemplifications, the Cambodian instrument deal with the matter in a lot less text. However, it is of course not in the length of the provisions that I

identify the major difference, that lies instead in their content. The Cambodian provisions in articles 21 and 4 of the disability law are very general and wide in their recount of the law, just to switch to a very narrow and specific recital of potential measures, with no seeming connection to the initiating paragraph. The use of wide and generic terms is not necessarily a weakness in the domestic instrument, as such wording may manage to capture a wide range of conceivable situations. However, the way that the wide notion of accessibility lacks connection to the purpose of meaningfully including persons with disabilities into society by granting them access to a variety of facilities, that due to societal barriers are out of bounds, is a weakness. In this respect the Cambodian instrument represents a lack of understanding for how the social model of disability sets out to tackle existing obstacles.

3.4.4 Accommodation

Just like in the case of accessibility, there is some rather significant divergence between the CRPD and the Cambodian instruments when it comes to accommodating for persons with disabilities. In articles 27.1 (i) and 2, the CRPD focuses on creating an environment where persons with disabilities can enjoy their fundamental rights and freedoms on an equal basis with others. It is underlined that the measures need to be necessary and appropriate to achieve this goal, based on each particular case. This gives meaning to the rather hollow text of article 27.1 (i), as it is employment that needs to be exercised on an equal basis as others, but leaving the specific modifications and adjustments to attain that goal up to the needs of each specific individual. The importance of properly ensuring that persons with disabilities are adequately accommodated for is ultimately strengthened by the reference to non-discrimination in article 5.3

The duty to accommodate the workplace for persons with disabilities is only put on private employers according to article 38 in the Cambodian disability law, whereas the CRPD makes no such limitation of the responsibility of the

state in that context. Instead, I think that the states responsibility to accommodate can be implicitly drawn from their combined obligation to provide access to public institutions, while those same institutions at the same time function as workplaces for public employees. It is however important to note that the responsibility to provide access to certain facilities is not the same as accommodating for the performance of work.

Neither the combination of articles 21 and 4 or article 38 of the disability law makes any reference to how the purported accommodation should facilitate the equal exercise of work. Although the listed places in article 4 may very well be someone's workplace, it is not in that function that it is referenced to, compared to article 9.1 (a) of the CRPD, which wants to safeguard exactly that.

Irrespectively of whether you choose to consider the public accessibility as a form of accommodation or not, neither the provisions that would enable that (articles 21 and 4), nor article 38, makes any reference to the purpose of the measures. The CRPD clearly states that the measures need to be necessary and appropriate, in order to let persons with disabilities exercise their right to work. The same thing goes for article 14 in the sub-decree. It does devote itself to working life and the workplace, while at the same time mentioning that measures should be appropriate. But it does not state according to which goal or purpose that the measures need to be appropriate, effectively missing the point of the regulation in the CRPD – to ensure persons with disabilities the ability to exercise the right to work on an equal basis with others.

The Cambodian instrument does though seem to have caught an interesting aspect that is missed by the CRPD in the fact that even applicants are to be protected by its 38th article.

4 Field studies

4.1 Approach

This chapter sets out to answer my third research question: *What do relevant stakeholders experience regarding inclusion through employment, in virtue of the implemented instruments?* It does so by accounting for the relevant information that was brought up for discussion during my interviews. Since my method entailed semi-structured interviews, as that is a proven way of mapping the world the way that the interviewees experience it,⁷⁰ I was presented with unexpected answers. Naturally, more often than not, I had to seize the opportunity to follow up on these unexpected answers. This usually led to a divergence from my original questionnaire, and resulted in interviews where none looked anything like the others. However, based on the topics that were raised, and the answers that were discussed, I have thematically summarized the data from the interviews in three schemes.

This schematic presentation of the stakeholder experience will run parallel to the legal presentation, painting the picture with rather broad strokes, without contextualizing the implications and application of given paragraphs directly. Although law and society are so closely entwined,⁷¹ I assess that the presentation of them both will be easier to grasp if they are kept apart. Their relation to each other will become apparent again in the finalizing chapter, where the analysis of the Cambodian implementation of the CRPD is based both on the written law, and the societal context.

The three themes, according to which all data will be appropriately fitted, are:

- A glitch in the monitoring mechanism
- Trade-off between accommodation and affirmative action
- Societal view of persons with disabilities

⁷⁰ Esaiasson et al. (2003) p. 282.

⁷¹ See note 6.

4.2 Interviewees

As stated in the introductory chapter, those interviewed have been carefully selected in order to represent various parts of society, as well as the different sides of the relation between duty bearer and rights holder. Here follows a short presentation of them all.

Cambodian Disabled People's Organization (hereinafter referred to as *CDPO*) is an NGO established in 1994, that represents persons with disabilities in Cambodia through a national network of member DPO:s. *CDPO* advocates for the rights and interests of their members and helps to build rights awareness and capacity.⁷² Their function is quite clearly one as a stakeholder, and even more so as a representative of the rights-holders, the persons with disabilities in Cambodia. This is true regarding both the *CRPD*, and the domestic provisions aimed to promote the inclusion of persons with disabilities through activation in the labour market.

The United Nations Development Programme (hereinafter referred to as the *UNDP*) strives, among other things, to reduce inequalities and exclusion. This is achieved by helping countries to develop policies and institutional capabilities.⁷³ I met with the National Management Specialist from the Disability Rights Initiative Cambodia (hereinafter referred to as the *DRIC*). Although the programme is no longer active, the *UNDP* still serves as an independent promoter of the inclusion of persons with disabilities.

Under the Ministry of Social Affairs, Veterans and Youth Rehabilitation (hereinafter referred to as *MoSVY*) lies the Department of Welfare for Persons with Disabilities (hereinafter referred to as *DWPWD*). It has a multifaceted function, that varies between the different level of regulation that is being applied. In the eyes of the *CRPD*, the *DWPWD*'s role as the implementing agency of the quota system that is being examined

⁷² <http://www.cdpo.org/en/about-us/>

⁷³ <https://www.undp.org/content/undp/en/home/about-us.html>

categorizes it as a duty bearer. While if we look through the eyes of the national implementation of the CRPD, the role as duty bearer has shifted from the DWPWD, and instead been put on the employers. On this level, the DWPWD assumes a monitoring function. (I am disregarding the department's role as duty bearer in its capacity as public employer here, instead I am ascribing that role to be exercised by the Cambodian authorities in full.)

Lastly, the Disability Action Council (hereinafter referred to as the *DAC*) also presents itself as a multirole body. It started out as an NGO but now serves as the national coordination and advisory mechanism on disability issues.⁷⁴ It is an independent authority, parallel to MoSVY. Just like the DWPWD, it assumes different responsibilities under national versus international law, although it exercises the same functions in both cases.

4.3 A glitch in the monitoring mechanism

This point does not express the stakeholders' view in the respect of a national or international rights holder, but it was lifted by the duty bearer in the international level, i.e. the Cambodian state, through both of its interviewed organs.

4.3.1 Poor reporting regarding self-monitoring

Currently, monitoring is only being carried out through article 36 of the disability law, which only offers self-monitoring. There is a specific organ, the Disability Rights Unit, at DAC that holds quarterly and monthly meetings where the ministries that subordinate the DAC are to report on issues from their own ministerial fields.⁷⁵ This is how the public employers

⁷⁴ <http://dac.org.kh/en/article/about-us.html>

⁷⁵ Channy Chek.

provide information on the composition of their work forces, so as to enable monitoring of their compliance.

Regarding the private employers, there are currently 77 legal entities that fall within article 6 of the sub-decree and have come forward to register themselves with MoSVY, which points to the difficulties in overseeing acquiescence.⁷⁶ Together, these private employers employ somewhere around 2 000 employees,⁷⁷ representing but a fraction of the labour market in its entirety.⁷⁸

4.3.2 Legal circumvention

Through my interviews with the representatives from the authorities I learned that there are three different types of certificates to be awarded to private employers that are registered with the authorities – a gold, a silver and a bronze one.⁷⁹ The certificates do not bring any direct incentives along with them, but can be shown to customers and trading partners as a proof of the employer's attitude. Completion of the quota is part of the assessment to reach a gold certificate. The silver certificate was never discussed in much detail, but the bronze certificate was explained to be awarded to employers that do not fulfill the checklist for the other certificates, but instead make a payment to the Persons with Disabilities Fund.⁸⁰

Unfortunately, the fund is not yet operational, and neither has the obligation to contribute to the fund been activated to any significant extent. This, in combination with the small size of the fines,⁸¹ has led to a relatively small amount of money actually paid and kept in the bank, waiting for a way to be properly invested along the guidelines of the fund. The funds are tagged, to be used for support of persons with disabilities in various ways, for example

⁷⁶ Malyno Veap and Channy Chek.

⁷⁷ Malyno Veap.

⁷⁸ Ilostat – Cambodia.

⁷⁹ Channy Chek and Malyno Veap.

⁸⁰ Malyno Veap.

⁸¹ Mao Meas.

providing housing.⁸² Ideas are being raised to allocate the budget of the fund according to the contributions made to it. For example, if a post in the budget has arisen thanks to fines from violations regarding employment, then that post, or the equivalent amount of money, should be invested in measures that support employment for persons with disabilities.⁸³

4.4 Trade-off between accommodation and affirmative action

The data that is presented here is shown to support how well the quota system works in various situations, so as to contextualize the effectiveness of the Cambodian affirmative action programme.

According to DAC, there are 4317 persons with disabilities working within state institutions today, making up 1,93% of the total workforce and almost meeting the quota. But since the regulations only post minimum requirements there is nothing hindering the public or private employers from employing additional persons with disabilities, in a manner that exceeds the quotas.⁸⁴ With that in mind the affirmative action programme could be viewed as a partial failure.

But from the perspective of the DAC and MoSVY, the affirmative action programme is viewed as a successful way of speeding up awareness-raising and changing attitudes. There is a focus on the inherent value of reaching results at all, no matter the short-sightedness of the measures. This focus does not concern itself with creating legitimate opportunities for persons with disabilities to show their abilities. The mechanisms that are currently in place prioritizes allocation of persons with disabilities over accommodation for persons with disabilities. Eager to see results, and aware of the budgetary confinements of the domestic employers, the implementing

⁸² Disability law art 46 and Malyno Veap.

⁸³ Malyno Veap.

⁸⁴ Channy Chek.

agencies did not wish to interpret the legislator's words in such a way that it imposed expensive investments on accommodation that would never be used. Instead, employers were given a shortcut past such measures to save money, and enabled to assume responsibility to include persons with disabilities on paper, through affirmative action.⁸⁵

There is a lack of data on the physical access and the technical tools that are needed in order to fully implement the CRPD – which talks not only about the numbers on paper, but a sincere inclusion into working life for persons with disabilities. For example, it is hard for a blind person to perform administrative work in the public offices if there is no braille typewriter. The current state of affairs does not concern itself with this very problem. Instead of having the authorities pay for such an accommodating tool, any blind person working in their offices will have to bring it along themselves.⁸⁶

This is confirmed by the UNDP. When they speak to employers it seems as if though persons with disabilities are welcome at their workplaces and encouraged to apply for employment there. But when the UNDP interviews employees with disabilities the situation appears to be different. Persons with disabilities often terminate their own employments within one to two weeks, with reference to the lack of accommodation in the workplace. This applies to specific tools and equipment that are necessary for specific tasks, as well as to accessible toilets and the accessibility of the workplace in general.⁸⁷

On the one hand, creating quoted opportunities of employment for persons with disabilities is a great way to grant them access to parts of society which they usually do not reach, by simply dropping them into such a context. This in turn may have a ripple effect, removing the stigma and showing that

⁸⁵ Channy Chek.

⁸⁶ Ngin Saorath.

⁸⁷ Mao Meas.

persons with disabilities are able to adapt to any environment that persons without disabilities are, given the right tools. But employment of persons with disabilities also needs to create financial incentives, in order to appeal to the employers, instead of just posing expensive costs that run a risk of never being used. A change from symbolical to actual employment will only be achieved when it becomes financially viable to employ persons with disabilities, ultimately changing society's mindset. Although CDPO truly believes in the commitment from the government to achieve inclusion, the public budget still needs to be allocated in such a way that the stigma and the mindset is changed – so that disability is not seen as a burden on society, but a part of society.⁸⁸

4.5 Societal view of persons with disabilities

There is a general conception that persons with disabilities are not regarded as being able to work properly. There is a fear that if persons with disabilities are recruited they will slow the work down, so employers are concerned with profit margins and other employees are concerned with an increased workload to compensate for their disabled colleagues.⁸⁹ There seems to be an uncertainty on whether an increased rate of employment for persons with disabilities would improve current attitudes, or rather strengthen the picture that employees with disabilities are seen as a burden, at least in the way that the rate of employment is currently being stimulated.⁹⁰

In order to not strengthen the burden-perspective, the mindset needs to change before persons with disabilities are introduced to pointless employments. Something that might be seen as a disability in one context, like the loss of hearing when you need to orally interact with other people,

⁸⁸ Ngin Saorath.

⁸⁹ Channy Chek and Malyno Veap.

⁹⁰ Channy Chek, Ngin Saorath and Malyno Veap.

can actually be seen as an extraordinary ability in another context, for example when working around loud equipment. In that context, it is persons with hearing that need to be accommodated for, with hearing protection. Persons with disabilities need to be mainstreamed into the process and their potential need to be recognized.⁹¹ According to the UNDP this view is not particularly present in Cambodia, but the gradual presence that does exist came here with mainly Japanese employers. Their approach needs to get wider traction throughout Cambodia.⁹²

But the view of persons with disabilities does not only have to change in and through employment. Working life is equally as effected by other parts and parties in society, as it itself affects those actors and their context. The current mindset in society fails to recognize the value of persons with disabilities in various ways, dependent on that group's own background.

The public has adopted a charity approach to persons with disabilities, where they are looked upon with pity. This is also the prevailing view in the families around persons with disabilities, as children with disabilities are brought up under the notion that their parents and siblings will take care of them, impeding individual development. If children with disabilities never get to stimulate their intellect by attending school, this already marginalized group will not acquire sought after experiences and competitive qualities, hampering the inclusion of said group to an even greater extent.⁹³

The MoSVY even goes as far as saying that this is part of the reasons that implementation of the quotas takes a lot of time, because the pitiful caretaking aggravates the difficulties of finding job opportunities for persons with disabilities.⁹⁴ Neither is the situation facilitated by the large portion of Buddhists in the country,⁹⁵ where some monks disseminate a

⁹¹ Ngin Saorath.

⁹² Mao Meas.

⁹³ Ngin Saorath and Mao Meas.

⁹⁴ Malyno Veap.

⁹⁵ <https://www.britannica.com/place/Cambodia/Religion>

backward view of disability. With a strong belief in reincarnation, based on karma and the actions of an individual's previous life, the view of persons with disabilities is quite low.⁹⁶

The combination of these two external views, where a variation in one's bodily function is seen as something malicious, gets fed onto persons with disabilities themselves. That builds a perception internally, within the community of persons with disabilities, that their condition is a burden and not an asset. As these views regenerate like this, they entrench themselves in society in such a way that they are very difficult to get rid of. Dissemination of other views, focusing on how to enable the abilities of persons with disabilities instead, is a solution to breaking the pattern.⁹⁷

Also, the Prime Minister of Cambodia, Hun Sen, has contributed to an improved image of persons with disabilities, showing that he can exercise his function and run the country despite his visual impairment.⁹⁸ It is of course beneficial for the cause of including persons with disabilities to have this powerful figure to visualize the capacity of persons with disabilities. But one must also remember that relative to other persons with disabilities, Hun Sen does not face the same challenges, as his impairment does not interact with societal barriers in the same way. However Hun Sen visualizes the capacity of persons with disabilities, it is of utmost importance that he refrains from turning it into a political tool. Correspondingly, the opposition must not put emphasis on human rights and disability rights in such a way that those rights appear to be part of their political narrative. The movement cannot afford to transform into a political issue, as there should exist no disagreement on such consensual and universal rights.⁹⁹

⁹⁶ Ngin Saorath.

⁹⁷ Ngin Saorath.

⁹⁸ <https://www.sida.se/globalassets/sida/eng/partners/human-rights-based-approach/disability/rights-of-persons-with-disabilities-cambodia.pdf>

⁹⁹ Mao Meas.

5 Analysis

Based on my findings above, I will now analyse to what extent that the Cambodian implementation of the CRPD, specifically regarding affirmative action programs aimed to include persons with disabilities into society through employment, fulfils the obligations that the CRPD imposes. There might be other findings than the ones I mention, but those are not relevant within the scope of this thesis.

5.1 Glitch in the monitoring mechanism

The bronze certificate phenomenon appears problematic on both the national and the international level. Through this legal construction, the duty bearer comes off as a decent actor, that fulfils its commitments towards the rights holder in a satisfactory way, when the regulation actually allows for major circumvention of the responsibility to promote inclusion.

On the national level, the obligation to promote inclusion of persons with disabilities into the labour market is put on the employer. Violations of this is deterred by a fee and acquiescence is incentivized by a certificate. There are three different kinds of certificates, each awarded relative to the extent of which the obligations are met. Except for the bronze one, which is awarded to duty bearers that fail to comply with their quota related obligations, but instead pay a fine. It is basically a way for these duty bearers to buy their way out of their obligations. Now, this trade-off in the cost versus the benefit of violating or abiding by the law is nothing extraordinary. These types of considerations occur whenever a party decides to step outside of the legal framework that it entered into through its membership of the society that set up the legal framework. However, some such violations are communally agreed upon as viable. For example, to park your car in a place where you are not allowed might entail high costs through parking fines, but it will probably not raise resentment throughout

society. Such behaviour is certainly abuse of a system that relies on everyone's cooperation, but I doubt that it will be frowned upon in an unforgiving way. Whereas in the case of the bronze certificate, the situation varies, at least in my mind. Should an employer buy its way out of that kind of obligation, it would portray a message of that employer's stance on the rights of persons with disabilities. Through the certificate, employers can purport themselves as promoters of the rights of persons with disabilities, while they are actually excluding them from the workforce.

On the international level, the duty bearer is not the Cambodian employers, but the Cambodian state. Interestingly enough, the Cambodian state has put itself in the same situation as the bronze awarded employers, by just enabling the certificate to be awarded that way. The state purports itself as a benevolent agent, set out to materialize the human rights obligations that it has committed to, while it actually fails to forward the present undertakings in an effective way. As it turns out, enforcement may be unsatisfactory in some ways, but faulty implementation also seems to play a vital role in the CRPD provisions' ineffectiveness. The way that violations have been made an integrated part of the domestic law by the bronze certificate, thereby embracing those violations as legal, says something about the stance towards promotion of inclusion of persons with disabilities in Cambodia. I will elaborate more on this in the analysis of the societal approach to the topic in general, as it is interconnected.

The obligation for employers to allocate persons with disabilities is monitored based on a system where the duty bearers are supposed to report themselves to the monitoring agency, completely voluntarily. The way that enforcement relies on the consent of the subjects of the obligation creates major possibilities for circumvention, also hindering effective enforcement of the provision – ultimately impeding inclusion of persons with disabilities.

5.2 Trade-off between accomodation and affirmative action

Although the national disability law brings up both reasonable accommodation as well as the quotas, in combination, my interviews shed some light on how the measures were weighed against each other. It appears as if though direct inclusion (By which I mean that a disregarded group just gets dropped into a context that the group is normally not granted access to.) through the quotas has been prioritized over measures to accommodate. This creates a situation where persons with disabilities enter into scenarios that they otherwise would not. Not only may this be demanding in and of itself, but without reasonable accommodation, lacking necessary tools and aids, it becomes even more challenging to conduct any meaningful work. This approach may rather harm than promote the inclusion of persons with disabilities into working life. Such ‘coerced’ employment, without sincere aspirations to create and enable relevant functions for employees with disabilities, may generate disadvantageous conditions, full of barriers, under which proper contribution is unattainable. This may in turn entrench both the allocated employee, its colleagues and their employer in perceptions of persons with disabilities’ inability to perform purposeful tasks, even under accommodated conditions.

The example about a braille typewriter for a blind employee that was brought up and confirmed by multiple interviewees seems like an expression of the legislator’s will to just put persons with disabilities in the statistics, but not let them perform any actual work. It captures Cambodia’s stance in its perceived trade-off between accommodation and affirmative action, but also connects to the next point in 6.3, on the societal view.

What is brought up by the UNDP points towards a willingness and attitude in employers that is open towards employment of persons with disabilities. But the reality of the employers’ actions rather points towards a lack of awareness, without the knowledge of how to apply the proper standards in

reality. This not only represents the private sector's stance, but the fact that the law enables them to act in this way also represents an equal attitude with the legislator.

5.3 Societal view of persons with disabilities

The fact that this view, brought about by what can be considered symbolic employments, where employees with disabilities are left with few options but to sit around and play around, gets enforced in both the employees themselves and the surrounding workforce, is expressive for how such beliefs propagate through multiple layers and segments of society. For as long as the prevailing conceptions on the purported disability of persons with disabilities continue to reproduce itself through various groups of society, they will be very hard to move away from, as the groups affect each other. Certain influential communities believe that a disability is something inherently substandard, instead of appreciating the varying function for its nonconformist capacity. This approach may be found in religious groups, where the belief in karma and reincarnation portrays a disability as a punishment from poor religious performance in a previous life. For as long as the groups that share this attitude outnumber the groups that challenge this attitude, the former will set the agenda. This mindset can be changed through dissemination of information, but that faces many challenges when the recipients of the information are already deeply convinced of the contrary. It seems like all the actors need to be influenced simultaneously, and convinced to turn their stance together. If focus is put on singular groups one by one, there is a risk that the remaining collective will lure it back once the campaign shifts focus to another group. At the same time, I believe that targeted lobbying against authoritative representatives may affect the rest of the collective, so I am a bit divided here. No matter the path of action, I believe that the strategies to overcome such firm and rooted attitudes share one thing in common, namely to be equally persistent.

5.4 The conceptual apparatus

Affirmative action can be an efficient tool and affect society in the direction that its implementers desire, but it has to be sincere. Without the proper conditions, it will most likely enforce the current view that it is trying to change. If the promoters of disability rights are unaware of the barriers that persons with disabilities may face, it is difficult to lay down proper conditions and take necessary measures to overcome said barriers. Neither will the measures and conditions synergize, but rather cancel each other out. This is what I am touching upon in the comparison between the texts of national and international instruments, and I find that the common denominator seems to be a lack of awareness. The very wording of the Cambodian instrument completely lacks the notion of barriers. Instead of focusing on removing those barriers and creating environments where persons with disabilities can contribute and be appreciated for their performance, Cambodia has chosen to raise inclusion by access without accommodation.

The disconnection between the CRPD's approach to the notion of disability and the Cambodian instruments' approach becomes apparent in the documents' introductory provisions, that frames the concept of disability, but shines through multiple of the following provisions too. As discussed in chapter 3.4. Nonetheless, despite diverging implementation and disparate perceptions of various concepts, it is regrettable that Cambodia not only has failed to frame its provisions according to CRPD, but also failed in its duty to let the general provisions of the CRPD permeate deficient national provisions.

5.5 Conclusion

I find that there is a discrepancy between the international obligations in the convention at hand and the Cambodian instruments that aim to implement those obligations. I continue to find that this discrepancy both stems from,

and continues to entrench, a lack of awareness on the topic of disability rights, specifically regarding the social model that the CRPD leans towards. This lack of awareness is not only represented in the legal documents, but also in how they are being used, as well as in society at large. The result is an ineffective regulation that partly fails to achieve its purpose – inclusion.

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Channy Chek – Disability Action Council

Malyno Veap – Department of Welfare for Persons with Disabilities

Mao Meas – United Nations Development Programme

Ngin Saorath – Cambodian Disabled People’s Organization