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Khmer Kampuchea Krom for Human Rights and Development Association
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Universal Periodic Review: For Cambodia Submit to the UN Office of the High Commissioner for Human Rights

KKKS Background:

The Secretariat of Khmer Kampuchea Krom Organizations and Associations (KKKS) is a legitimate unification of eleven Khmer Krom organizations-associations, recognized by the Cambodian government. The KKKS, established on November 13, 2013, is an independent coalition, non-governmental organization and unaffiliated with any political party. It was founded based on the initiative from representatives of the involved delegations, with the goal of promoting and defending the rights of the Khmer Krom and democracy.

Although each association has its own strategies, based on the consciousness of human rights and democracy, they came up with a joint policy of common vision: “the Khmer Krom with harmony, liberty, democracy and respected and protected rights.”

Cambodia Constitution, Article 31, chapter III, notes, “Khmer citizens residing abroad enjoy the protection of the State.” All Khmer people, whether residing in Cambodia or Kampuchea Krom are under the protection of the constitution. Although the laws are only effective within Cambodia, human rights is an international issue. The Office of the United Nations High Commissioner for Human Rights has not established its office in Vietnam yet, thus making it difficult to monitor, promote and protect human rights in that country. However, many Khmer Krom people, now finding themselves due to historical wrongs by colonial powers, in Vietnam can flee persecution and share their stories directly to our community and the OHCHR in Cambodia.

The whole information about human rights development in Kampuchea Krom, which the KKKS received, was prudently discussed during the workshop “Freedom of Expression and Information Dissemination” on March 25, 2013 and the press conference on “the Vietnamese government’s restriction over freedom of movement of the Khmer Krom” on April 21, 2013. We have compiled this stakeholder submission from these events and person testimonies from Khmer Krom. Following is completed information explained in detail:

The Situation of the Khmer Krom in Cambodia:

Due to serious oppression from the Vietnamese authority, some of the Khmer Krom left their fatherland for Cambodia with the hope of building a better and peaceful life. However, their hope was shattered as local people and official authorities considered them illegal immigrants.

The Cambodian government has never paid any attention to practical difficulties the Khmer Krom facing, such as living in anarchic areas, lacking access to agricultural land, and earning a substantive living. The problems of domestic violence, communal disputes and the lack of consolidation also occur. High rate of illiteracy and children abandon school are on the rise. Many Khmer Krom find themselves facing structural discrimination with state practices and policies while also having challenges in communities and cities they migrate to. These problems will be shown in detail as follows:

Deprivation of Identity:

Identity is a contentious issue, since local people and official authorities are regarding the Khmer Krom as illegal immigrants. They are still facing practical difficulties in trying to access the benefits of their Cambodian citizenship by applying for citizenship identity cards, birth certificates, and relevant paperwork. There is an increasing trend of Khmer Krom being asked by the authorities, who are responsible for issuing identity cards, to change their family background and their registered place of birth to a location in Cambodia. Khmer Krom are honest people and don't want to deny their true identity and participate in a corruption process of lying about their origins just to receive basic benefits entitled by law. This practice, which shows a serious violation of human rights and discrimination against race, is against the laws and illegally deprives Khmer Krom individuals of their identity.

Temporary Sheltering:

According to official data, most of the Khmer Krom arrived in Cambodia in the 1980s and 90s. Unable to receive land distribution from the government, they built their small thatched huts, with the size of 3-4 meters and small columns, which serve as living quarters for several family members along canal dikes or reservoir. They are facing imminent evictions, as the occupied land plots are slated for development. That will put them into the state of solitude and homelessness, and if they return to homeland, they will face harsh treatment from the Vietnamese government. The trend of land grabbing taking place in Cambodia is alarming with many Khmer Krom finding themselves without access to the right to housing.

Substantive Living:

Living in rural and remote areas requires land for agricultural, and the lack of access to arable land makes their life tougher. The Khmer Krom supports their livelihood by transplanting and harvesting rice for the rich during growing seasons. Some choose to fulfill their right to food by illegal fishing, while others transport tax evasion goods across borders. They borrow money from the rich when summer arrives and rely on it to live through the dry season. If the Khmer

Krom were able to receive basic rights, they would not be forced to endure such practices and also not be forced to leave their family for neighbor countries seeking work.

Domestic Violence and the Lack of Consolidation:

Domestic abuses are common within Khmer Krom families, and those abuses are often caused by frustration associated with money, social problems and unemployment. Domestic violence is a major cause of divorces and damages of properties. There must be a state-wide campaign beyond education with resources to connect the challenges and provide opportunity to end cycle of violence. Plagued by poverty, some families only think about their own benefits without caring about mutual support or social insecurity. As a result, consolidation within community is feeble.

Education:

The Khmer Krom have little access to education and learning their mother tongue is a great hurdle. There is no official school in Vietnam teaching Khmer language and classes teaching this language are always kept covert and out of authority's surveillance. Hence, the illiteracy rate is high and 95 % of women cannot read their mother tongue. In Cambodia, the majority of Khmer Krom families are unable to afford their children's basic education, because they possess no required documents such as birth certificates, identity cards etc. Some children abandon school during grade 4-5 because of financial difficulty and they have to work with their parents. There should be language schools to assist the growing number of Khmer Krom fleeing Vietnam to be able to live life of dignity in Cambodia.

Participation in Politics:

The right of Khmer Krom individuals to organize peaceful meetings, political campaigns, workshops or educational courses is regularly harassed by local authorities. Nearly all activities involved with freedom of assembly came under observation and intimidation from police and authorities.

Conclusion:

The KKKS concluded that those violations occurred because the Khmer Krom haven't executed their rights:

The Khmer Krom haven't been well-informed of information about the rights of indigenous peoples, development plans from government, educational opportunities and general information about situations of social and cultural affairs.

The lack of access to information stripped Khmer Krom Freedom of expression, the right to oppose and propose any plan affecting interest and identity of the Khmer Krom. The important

principle of Free, Prior and Informed Consent must be active part of the Cambodia government in its interaction with Khmer Krom.

The right of movement is being infringed upon by the authority.

Those human rights violations are against stipulated laws:

In the royal degree from the late king Norodom Sihanouk declared all Khmer Krom individuals, regardless of their origins and have either Khmer father or mother, will be legally considered Cambodian citizens when they arrive Cambodia.

As noted in the Cambodia Constitution as well as international human rights instruments, Khmer Krom have basic civil, political, economic, social, cultural and collective rights.

Article 31 of the Constitution of Cambodia stipulates every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.

Article 3 of the nationality laws mentioned that Khmer citizens who are living in foreign countries should be protected by the State through all diplomacy means. Article 4 also apply Khmer nationality to every Khmer individual regardless of the place of birth and any illegitimate child who is born from and recognized by a parent (father or mother) who has Khmer nationality.

In the Universal Declaration of Human Rights, Article 12 states that "No one is subjected to arbitrary interference in the private housing in personal, family, or correspondence, or attacks on the honor and its name. Every person has the right to protection against these interference or attacks"

Article 13 states that "Everyone has the right to process for free and have the right to residence in the border of each country." "Every person has the right to leave the country, including its and the right to return to their homeland"

Article 17 states that "Everyone has the right to the owners whether individual or collective. Their property was confiscated by the action"

Article 18 and 19 relate to the executive and respect for the rights and religion, freedom of expression and access information. Learning their culture and literature. The use of these rights without interference, as well as the freedom to receive and disseminate information and ideas through any media system and free of the border.

The issuing of the United Nations Declaration on the Rights of Indigenous Peoples explains and deepens the understanding of human rights. Article 11 states that "Ethnic execute permissions and lively tradition and their cultural habits, including the right to protect and development of its

cultural identity from the past, present and future, such as traditional area and the history of traditional style objects from the visual arts festival technology art performance and literature "

Article 12 states that "Indigenous peoples show executive development and traditional teaching Their religious habits festival and rights protected and the right to private use and object management for the funeral."

8. Recommendations

8.1 The Royal Government of Cambodia

Cambodian people and the authorities should stop the confusion on Khmer Krom people and non-discrimination on Khmer Krom people.

Cambodian Government must recognize Khmer-Krom as refugees when they arrived at Cambodia because they flee from Vietnam seeking for refugee status. If Cambodia tactically considers Khmer-Krom refugees as Cambodia citizen, then the world will not know that Khmer-Krom escaped Vietnam because of the human rights violations committed by Vietnamese government. If Cambodian government truly considers Khmer-Krom living in Vietnam as Cambodian Citizen, then the Cambodian Citizen must work with Vietnamese government to provide Khmer-Krom special status to travel freely between Vietnam and Cambodia. Provide Khmer-Krom the Cambodian identification card and allow Khmer-Krom to have a right to vote in Cambodia.

Royal Government of Cambodia, the allies should closely cooperate and compromise with Vietnam to stop the human rights violation on Khmer krom people.

Royal Government of Cambodia should encourage its Embassy in Vietnam to take measures to protect the rights and safety Krom.

Royal Government of Cambodia Should be warm and care for Khmer Krom people on daily living who are living in the Kingdom of Cambodia and social concessions for whom at local living in temporary construction.

Royal Government of Cambodia must stop all restrictions on the Edge of when they use the right to freedom of gathering and performance.

8.2 International organizations and the United Nations

International organizations to focus on areas of human rights, compassion interesting situation Krom rights.

Donor countries please check on the implementation of the human rights in ASEAN region specifically the government of Cambodia and put pressure on the Cambodian government to fully respect human rights.

The Office of the High Commissioner for Human Rights and other international organizations should make sure their headquarter offices in Phnom Penh to check and monitoring respect for human rights in Vietnam. The UN agencies, programs and funds should connect the core violations of human rights in Vietnam and its rippling effect in Cambodia.