

STATEMENT

UPR Pre-session 32nd on statelessness and discrimination related human rights challenges faced by the ethnic Vietnamese and Khmer Krom communities in Cambodia

Geneva, 12th of December 2018

1. **Presentation of the Organization:** Good morning distinguished delegates, and participants. My name is Butmao, executive director of Minority Rights Organization (MIRO). I am grateful to be here and have the opportunity to speak on behalf of our coalition comprising MIRO, the Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA) the Institute on Statelessness and Inclusion (ISI), the Statelessness Network Asia Pacific (SNAP) and Minority Rights Group International (MRG).¹
2. **Plan for the statement:** This statement addresses the following issues: (1) Statelessness and legal identity challenges faced by the ethnic Vietnamese minority population in Cambodia, (2) Discrimination and other human rights violations experienced by the Khmer Krom.

(1) Statelessness and legal identity challenges faced by the ethnic Vietnamese minority population in Cambodia.

A. Follow-up to the second review:

During the second cycle review in February 2014, Cambodia did not comment on the issue of stateless communities in its territory, neither did it address the human rights challenges faced by the ethnic Vietnamese community in Cambodia. However, Argentina, Portugal and Switzerland made explicit recommendations regarding ethnic minorities in the country.

B. New development since the second review:

The long-term ethnic Vietnamese are the largest minority in Cambodia. According to official counts, around 48,675 families comprising 180,690 individuals are of Vietnamese origin². They mostly live in floating communities along Tonle Sap lake and they are at risk of statelessness in Cambodia. They face significant barriers in accessing fundamental human rights, such as access to formal employment, education, health care, adequate housing and freedom of movement. Since October 2018, floating communities in Kampong Chhnang have faced forcible relocation onto land until the end of 2019 for environmental and beautification reasons.

After the national election in 2013, Cambodian authorities have adopted new policies which further target and marginalize this community through two steps: (1) An immigrant census, conducted from late 2014, with the aim of identifying and deporting 'illegal immigrants'³. The Ministry of Interior reported that by 2017, over eleven thousands Vietnamese were deported from Cambodia to Vietnam⁴. (2) In 2015, Cambodia authorities began implementing a centrally-organized, nation-wide registration process under the auspices of the Ministry of Interior. This involved the issuance of new immigration documents and more recently of permanent resident cards. MIRO monitored this process in the provinces of Kampong

¹ Our joint UPR submission on Cambodia can be viewed here: http://www.institutesi.org/UPR32_Cambodia.pdf

² Report of the Special Rapporteur on the situation of human rights in Cambodia: comments by the State*, p. 23 <http://cambodia.ohchr.org/sites/default/files/Annualreports/Addendum%20to%20the%20Annual%20Report%20of%20SR%202018.pdf>

³ Seiff, A. (2014), 'Cambodia's Immigrant Census Stokes Fears Among Vietnamese', UCA News, 17 October 2014.

⁴ Khy S. (2017), 'Deportations of Vietnamese Dropped Last Year', Cambodia Daily, 23, available at <https://www.cambodiadaily.com/news/deportations-vietnamese-dropped-last-year-123878/>

Chhnang and Pursat. The new cards are issued for a fee of 250,000 Riel per person (more than US\$60), requiring renewal after two years for the same price.

Since mid-2017, this registration process has been accompanied by the systematic confiscation of all prior documentation that authorities deem to be ‘irregular administrative documents’. The Ministry of Interior identified at least 70,000⁵ mostly Vietnamese ‘foreigners’ holding such irregular documents⁶. In the provinces monitored by MIRO, authorities have confiscated the majority of legal documents previously held by Vietnamese residents, including birth certificates, old immigration cards, in some cases Cambodian ID cards, family books and other identification documents.

(2) Discrimination and other human rights violations experienced by the ethnic Khmer Krom.

A. New development since the second review:

Khmer Krom, although ethnically Khmer, face discrimination in Cambodia due to their origin from southern Vietnam. Around 1.5 million⁷ Khmer Krom live in the Mekong River delta region.

A 2017 survey showed that 92.8% of ethnic Khmer Krom respondents suffered difficulties living in Cambodia, with 76.6% suffering from land rights violations, 60.6% being discriminated against as they are considered as Vietnamese, and 41.9% who lack recognition from local authorities⁸. There is a gap between the high-level statement of the Royal Government of Cambodia and their implementation at the local level. In practice, Khmer Krom are often not recognized as Khmer citizens. Some local authorities delay the process of obtaining citizenship and sometimes force Khmer Krom to change their family name and place of birth.

By MIRO observation, Khmer Krom in Kampong Chhnang province are denied the opportunity to re-new their ID Cards and civil registration⁹. Further, hundreds of families in Takeo province have chronic land conflicts with authorities (wildlife conservation) that have lasted for more than 10 years¹⁰.

B. Questions

⁵ Reported at Kong M. (2017), ‘Interior Ministry Identifies 70,000 “Improper Citizens, Mostly Ethnic Vietnamese’, Phnom Penh Post, 5 October 2017. <<https://www.phnompenhpost.com/national/interiorministry-identifies-70000-improper-citizens-mostly-ethnic-vietnamese>> (9 May 2018)

⁶ Reported at Kong M. (2017), ‘Interior Ministry Identifies 70,000 “Improper Citizens, Mostly Ethnic Vietnamese’, Phnom Penh Post, 5 October 2017. <<https://www.phnompenhpost.com/national/interiorministry-identifies-70000-improper-citizens-mostly-ethnic-vietnamese>> (9 May 2018)

⁷ The World Factbook states that 1,5% out of a total population of 95,261,021 in Vietnam are Khmer, (retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/vm.html>). In 2006, the Khmers Kampuchea-Krom Federation (KKF) estimated the number of Khmer Krom worldwide at 8.2 million, with 1.2 million in Cambodia and 40 000 in other countries (retrieved from <http://www.khmerkrom.org/news-events/human-rights-monitor/142-23khmer-krom-people-statistics>). Based on an average birth rate of 2,3 children per woman, a total of around 10 million Khmer Krom worldwide can be projected. cf. Voice of Vietnam

⁸ “Citizenship Rights for Khmer Krom in Cambodia,” (January 2017), https://cchrcambodia.org/admin/media/report/report/english/2017_01_27_CCHR_Report_on_Legal_Status_of_Khmer_Krom_English.pdf

⁹ MIRO annual report for 2017: <http://mirocambodia.org/?p=1109>

¹⁰ MIRO annual report for 2017: <http://mirocambodia.org/?p=1109>

The Royal Government of Cambodia has stated repeatedly that Khmer Krom from southern Viet Nam who migrate to Cambodia are legal Cambodian citizens. What written instructions has the Ministry of Interior issued to sub-national authorities to ensure awareness and implementation of the policy?

C. Recommendations

In light of the above, we urge reviewing States to make the following recommendations to Cambodia¹¹:

1. Comprehensively address the discriminatory law and policy framework and discriminatory treatment of the ethnic Vietnamese and Khmer Krom communities in Cambodia, protecting everyone's right to nationality and their enjoyment of other human rights without obstruction.
2. Ensure full implementation of Article 7 CRC, by immediately registering the births of all children born in Cambodia – without exception – and ensuring that all such children who would otherwise be stateless, are granted Cambodian citizenship.
3. Eradicate racial discrimination, comprehensively protect against statelessness, and to ensure that any efforts to address fraud do not create an environment for the further discrimination and exclusion of minority communities.
4. Pursue Cambodia's targets under the Sustainable Development Agenda and strengthen collaboration with international partners, with the strongest possible emphasis on the principle of "no one left behind", thereby prioritizing minority communities throughout development programming, and in particular, in the implementation of Target 16.9.
5. Fully implement the constitution, and domestic legal framework which allows Khmer Krom to obtain citizenship in Cambodia.

¹¹ For a full list of proposed recommendations, see the joint UPR submission of our coalition: http://www.institutesi.org/UPR32_Cambodia.pdf