

Vietnam

Submission to the UN Universal Periodic Review

UN Human Rights Council

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In this submission, INDIG provides information under the general guidelines for the preparation of information. The report was compiled and completed in Hawaii upon consultation with Khmer Krom people in Kampuchea Krom (Vietnam) and diaspora from Australia, Canada, France and Australia in direct contact with families and communities still living in sacred homeland of Kampuchea Krom.

INDIG is a non-governmental organization (NGO) dedicated to the promotion and protection of the human rights of indigenous peoples. INDIG serves indigenous peoples to participate effectively in the United Nations charter and treaty bodies relating to the realization of all human rights.

INDIG has been working with Indigenous Peoples for over a decade in every region of the world. INDIG has coordinated training, workshops and field visits for indigenous peoples to guarantee the human rights and fundamental freedoms in their respective homelands.

The Khmer Krom people have faced systematic and severe human rights violations since contact and through waves of settlements by the Vietnamese in their homelands of Kampuchea Krom.

For centuries and specifically since June 1949, the Vietnamese governments instituted practices and policies to discriminate against Khmer Krom people and decrease the possibility for Khmer Krom exercise of the right for self-determination. Through every phase of occupation and organized denial of human dignity and equality, the Khmer Krom people resisted and reestablished Kampuchea Krom to perpetuate the culture, language and continued existence of the indigenous Khmer Krom people as a collective identity.

For six decades, Vietnam has coordinated a systematic campaign of coercion and cultural desecration while continuously adopting international declarations enshrining human rights. From the Universal Declaration of Human Rights to the Declaration on the Rights of Indigenous Peoples, including numerous human rights conventions, Vietnam has adopted and ratified the international instruments. However, the rights have never been realized in the daily lives. In fact, life has worsened at the hands of the ruling authorities of Vietnamese government. This report will examine the actual violations of specific articles of these international instruments but also document the main challenging threads and continued gross human rights violations undermining the continued existence with dignity and equality of Khmer Krom society.

The Khmer Krom people deserve to be treated fairly by the government of Vietnam. The various treaty bodies have recognized the injustice. INDIG writes this report to focus on the treaty bodies concluding observations relating to human rights violations Khmer Krom face relating to their freedoms in Kampuchea Krom.

The Khmer Krom children are essential to the future well being of the Khmer Krom community. Therefore, the analysis will begin there with the Convention on the Rights of the Child.

In the latest concluding observations of the CRC, the Committee noted under the (e) Suggestions and recommendations

70. The text of the Convention should be translated into the languages of all minority groups and disseminated as widely as possible in order to sensitize public opinion with respect to the protection of the rights of the child. The youth and non-governmental organizations could play an active role in creating awareness about the Convention all over the country.

We therefore suggest that copies of the CRC be translated into Khmer and shared with Khmer Krom children. INDIG believes that the Khmer Krom Federation and other NGOs could assist in the creation and distribution in Kampuchea Krom and the major urban areas where Khmer Krom currently reside. KKF and other NGOs should be included to raise awareness about this important international instrument. Copies of the CRC in Khmer must be distributed immediately.

In another section of the concluding observations it is also reinforced about the distribution of the CRC. Also, there was insufficient reporting on the negative impacts from economic reform on the Khmer Krom people. The CRC must be distributed and the charges raised about the gross human rights violations due to economic reform such as blind farmers, land confiscation and shrimp-export farmers displacing traditional rice farmers. As noted in D. Principal areas of concern and recommendation, 1. General measures of implementation Committee's previous recommendations²⁷¹. The Committee regrets that some of the concerns and recommendations (CRC/C/15/Add.3) it made upon consideration of the State party's initial report (CRC/C/3/Add.4) have been insufficiently addressed, particularly those regarding mitigation of the negative impact of economic reforms on vulnerable groups (para. 7), reform of the juvenile justice system (para. 8) and dissemination of the Convention amongst ethnic minorities (para. 9).²⁷² The Committee urges the State party to make every effort to address those recommendations contained in the concluding observations on the initial report that have not yet been fully implemented and to address the list of concerns contained in the present concluding observations on its second periodic report.

There must be action on these recommendations. The questions must be raised on these important issues to make sure UPR assists in the realization of rights.

Another important point raised is the role of civil society. We encourage Vietnam to partner with NGOs dedicated to assisting in the region such as the KKF with cultural competency and connections to the people inhabiting the Mekong Delta. This spirit was noted in Cooperation with civil society²⁸⁴. The Committee emphasizes the important role civil society plays as a partner in implementing the provisions of the Convention, and recommends that the State party, in order to utilize such cooperation more effectively, enhance transparency and facilitate the coordination of activities undertaken together with international NGOs in implementing the Convention.

The heart of the CRC recommendations that must be implemented relate to non-discrimination and environmental health. Both are the core complaints the indigenous peoples of Kampuchea Krom have raised with the government with no response while conditions continue to worsen for Khmer Krom people. As noted

Non-discrimination ²⁸⁷. ...Moreover, the lower level of development indicators for ethnic minorities appears to indicate the existence of some level of societal and institutional discrimination, specifically with regard to their access to health and education.

INDIG agrees with this concern and supports the recommendation below since the government has not done followup to create positive change in the lives of the children living in Kampuchea Krom.

288. The Committee recommends that the State party:(b) Strengthen efforts to eliminate disparities in the accessibility and quality of health care and education between regions and ethnic minorities;(c) Conduct a study in collaboration with ethnic community leaders to determine the extent to which ethnic minority children suffer from discrimination and develop policies and programmes to address the root causes of any such discrimination. Also in 305. The Committee recommends that the State party:(a) Strengthen the implementation of the National Nutrition Strategy, particularly in rural areas;

Environmental health307. The Committee recommends that the State party prioritize the construction and expansion of water and sanitation infrastructure in rural and mountainous regions and ensure that all vulnerable groups have equal access to safe drinking water and sanitation. It also recommends that the State party continue its efforts to prevent and combat the damaging effects of environmental pollution, such as chemical defoliants, on children, including through international cooperation.

While the non-discrimination and environmental health areas are significant it is also important to note education. INDIG agrees with the analysis regarding education especially in the rural areas. INDIG also supports the recommendations especially training of teachers. INDIG notes the monks in the traditional temples have provided necessary education and in the mother tongue of Khmer Krom children. More must be done to create an educational program to assure education. INDIG agrees with the Committee concerning education. As noted in the report: 6. Education312. While noting the State party's efforts to achieve universal enrolment at primary school level, the Committee is concerned that there are significant gaps in access to and quality of education between urban and rural or mountainous regions, and that the school system still suffers from a shortage of well-trained teachers and educational materials. In addition, the Committee is concerned at the low enrolment rates in pre-primary education, the high number of repeaters of the first grade and the significant disparity in enrolment in nursery schools between boys and girls.313. The Committee recommends that the State party:(a) Take all appropriate measures to increase enrolment in pre-primary education, in particular for girls and in rural areas, and ensure the right to quality, free primary education (c) Recruit and train a greater number of teachers from all ethnic minority groups and continue to provide incentives to teachers working in remote and mountainous regions;(d) Prioritize rural areas and remote and mountainous regions in existing programmes to improve the quality of teaching and the curriculum, and in the construction and development of school infrastructure.

INDIG believes there must be a focus on providing curriculum that reflects the culture of the Khmer Krom people. Also, there must be active recruitment of Khmer Krom people to a respectable percentage providing positive examples for Khmer children.

There are also significant considerations raised by the Committee on the Elimination of All Forms of Racial Discrimination. Unfortunately, there has been too little done to end discrimination against Khmer Krom by the dominant Vietnamese society. More must be done to ensure Khmer are no longer invisible in national policy. As CERD noted CERD A/39/18 (1984)356. Much of the discussion revolved around the Government's policy for the ethnic minorities. Referring to the statement that there were 50 ethnic minorities in Viet Nam which accounted for 12.3 per cent of the population, members asked for more details on the country's demographic composition. They also asked whether the various organs specifically responsible for the affairs of minorities, mentioned in the report, still existed or whether the Council of Nationalities had taken over the work done by all the other organs; what criteria governed the election of the deputies representing the ethnic minorities in the National Assembly, what the results of that Council's work were in regard to ethnic minorities and their current degree of development; and whether there were allocations of deputies to minorities or whether the deputies were chosen by a single party....Furthermore, an explanation as to which group constituted the feudalists who had oppressed the minorities in the past was also requested. Questions were also asked about the level of education and the standard of living, health and housing enjoyed by the minorities as compared with the level of

income and education of the country as a whole, as well as on official languages and the languages in which education was available...One member observed that that problem was the consequence of the domestic and foreign policies carried out by the Government. Clarifications were asked for concerning the difference between nationalities and what were referred to as ethnic minorities.³⁶² With regard to the languages spoken by ethnic minorities, he said that in many parts of Viet Nam the local ethnic minority language was the first language, Vietnamese being only the second.

Another report also specifically cited the Khmer Krom people focusing on their displacement and there has been no follow-up. As noted in CERD A/48/18 (1993)³³⁵. Members of the Committee also requested clarification on reports received concerning the displacement of populations from different regions to the Mekong Delta. In addition, concern was expressed at reports of discrimination on the grounds of regionalism, religion or mixed parentage...

The final report highlighted the grave pattern of human rights abuses the Khmer Krom have been raising with UN agencies, programs, and funds as well as the mechanisms of the human rights machinery. The Khmer Krom desire to practice their spiritual beliefs and not be persecuted for active pursuit of Buddhist enlightenment. Khmer Krom also have become a minority in their own homeland due to the waves of Vietnamese moving into the region. Ultimately, Khmer Krom desire to live in a society based on equality and understanding with respect for all inhabiting Vietnam.

As CERD noted A/56/18 (2001)C. Concerns and recommendations⁴²⁰. The Committee is concerned about reports of discrimination in the exercise of religious freedom by minority ethnic groups. Taking note of the response of the State party delegation denying these allegations, the Committee would request additional information from the State party on the exercise of this right by members of the ethnic minorities in Viet Nam. ⁴²¹. The Committee is further concerned about the alleged population transfer to territories inhabited by indigenous groups, disadvantaging them in the exercise of their social, economic and cultural rights. The Committee requests further information on the matter.⁴²⁴. The Committee recommends that the State party strengthen the education of the society in a spirit of respect for human rights and in particular the rights of members of ethnic minorities.

Women face double discrimination due to their gender and indigenous origin. Khmer Krom women like the many facets of Khmer society desire their rights to be recognized in their indigenous language. INDIG supports the translation of CEDAW and its distribution to Khmer women in Kampuchea Krom. This would give life to the recommendations of CEDAW. As noted in CEDAW 13...The Committee recommends, in particular, that the Convention be translated into those ethnic minority languages with their own alphabets and that radio programmes in the languages of ethnic minorities, among other forms of media, be used in regularly disseminating information on the Convention and on gender equality.

28. The Committee expresses its concern about the situation of women in rural and remote areas, as well as the situation of ethnic minority women, who lack sufficient access to adequate health services, education opportunities, employment and credit facilities. 29. The Committee calls upon the State party to pay special attention to the needs of women living in rural and remote areas and women belonging to ethnic minorities by ensuring that they have equal access to health care, education, social security, income-generation opportunities and participation in decision-making processes at all levels. It also encourages the State party to use innovative methods to improve information on and awareness of the provisions of the Convention and of relevant laws, including the Law on Gender Equality, among women and girls in rural and remote areas and women belonging to ethnic minorities.

30. The Committee encourages the State party to ratify the Optional Protocol

to the Convention on the Elimination of All Forms of Discrimination against Women and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Ultimately, the ratification of the Optional Protocol is a significant step toward guaranteeing women's rights. INDIG believes Vietnam should immediately accept this new international instrument.

The main human rights violations relating to the philosophy and practice imposed on Khmer Krom people was outlined by the UN Human Rights Committee relating to the International Covenant on Civil and Political Rights. The right to practice one's religious beliefs, have one's culture respected and be recognized as equal as opposed to the decades of discrimination regarding Khmer Krom as backward and inferior. The issues were recognized by the HR Committee. Now, something must be done in relation to the concluding observations of ICCPR A/45/40 (1990)473. Concerning article 18 of the Covenant, members of the Committee, having noted that certain abuses of the right of religious freedom have occurred in Viet Nam, asked in what circumstances the authorities considered that there was an abuse of the right of religious freedom and requested specific examples of such abuses. They also asked whether measures had been taken against the perpetrators of such abuses. Members also wished to know whether the right to freedom of religious belief was extended to all creeds or whether there were some that were subject to restrictions.⁴⁷⁹ With reference to article 27 of the Covenant, members sought clarification of the term "backward customs", used in the report, and asked how the distinction was made between good and bad customs and how the latter had been abolished. They also wished to be provided with examples of what measures had actually been taken in respect of minorities so as to be able to ascertain whether their treatment had been consistent with the protections stipulated in article 27 of the Covenant.

While different indigenous peoples have been recognized in international affairs, the Khmer Krom remained invisible. INDIG believes the indigenous peoples such as Khmer Krom have to be included in the national dialogue under the UPR. As ICCPR noted A/57/40 vol. I (2002)(16) The Committee notes that the information provided by the delegation was insufficient for the Committee to have a clear view of the situation in Viet Nam with regard to religious freedom. In the light of information available to the Committee that certain religious practices are repressed or strongly discouraged in Viet Nam, the Committee is seriously concerned that the State party's practice in this respect does not meet the requirements of article 18 of the Covenant. The Committee is deeply concerned by allegations of harassment and detention of religious leaders and regrets that the delegation failed to provide information relating to such allegations. In this context, the Committee is concerned at the restrictions placed on outside observers who wished to investigate the allegations.

(19) While noting that the State party denies any violation of the Covenant rights in this respect, the Committee remains concerned at the abundance of information regarding the treatment of the Degar (Montagnard) indicating serious violations of articles 7 and 27 of the Covenant. The Committee is concerned at the lack of specific information concerning indigenous peoples, especially the Degar (Montagnard), and about measures taken to ensure that their rights under article 27 to enjoy their cultural traditions, including their religion and language, as well as to carry out their agricultural activities, are respected. The State party should take immediate measures to ensure that the rights of members of indigenous communities are respected. Non-governmental organizations and other human rights monitors should be granted access to the central highlands.

INDIG appreciates the consideration of this report to uphold fundamental freedoms of indigenous peoples in Vietnam. The Khmer Krom people have consistently demanded the basic recognition as a unique, spiritual, cultural and linguistic peoples living in Kampuchea Krom. INDIG believes the UPR is a process to build upon the global dialogue to ensure the human rights of indigenous peoples in Vietnam.

