



# smaKmkarBarsiTis̄mnusSExurk m<uúCae®kam

## **Khmer Kampuchea Krom Human Rights Association**

(Education Research and Promotion of Human Rights & Development for Minorities)

### **1. Background and Legal Framework**

The KKKHRA is a non-governmental organization working to promote and protect the rights and benefits of minority groups in Cambodia, in particular, the Khmer Kampuchea Krom people (KKK), Cham people and Vietnamese in its five provincial target areas: Phnom Penh, Kandal, Takeo, Koh Kong and Sihanoukville. In these respective provinces, we have begun to organize networks in communities so that they can protect each other from human rights violations in on the home front. We conduct outreach workshops on human rights and education within the provinces, so that individuals gain an awareness of their rights and can educate their communities independently, as well as lobby for their rights.

Additionally, the KKKHRA performs fieldwork and interviews Khmer Krom individuals about their experiences during the Khmer Rouge regime and presently. We found that many Vietnamese and Khmer Krom were transported from their homeland to work on the fields and were witness to many executions. These accounts represent only the beginning of insight into what life was like for thousands of people during the Khmer Rouge regime and it is essential that this type of research continues so that these oral histories can be heard, so younger generations can be educated, and so that these people can be granted justice and closure in court of law.

According to a recent report by Human Rights Watch, the human rights situation is worsening in Cambodia. The report states that “Cambodia is drifting towards authoritarianism,” as Hun Sen and the CPP have gained more power through unfair elections in 2008, and the criminal justice system in Cambodia continues to be abused by authorities and used to silence any opposition through intimidation, violence, spurious legal action, imprisonment and in some cases, death<sup>1</sup>.

Greatly affected by these abuses are the Khmer Kampuchea Krom People, (KKKP) an **indigenous Khmer** group originating from the Kampuchea Krom or ‘lower Cambodia’ region. Once known as Cochin China, it was ceded to Vietnam as part of the withdrawal of the French Protectorate in Indochina in 1949. It is estimated that currently **12 million** Khmer Kampuchea Krom people live **in Vietnam**. Those who opted to stay in Vietnam after Cochin China seceded became a **minority group**, as these people are regarded “Khmer” (Cambodian) when they are in Vietnam, and when they are in Cambodia they are seen as Vietnamese. The Cambodian law on Nationality and Constitution state that the KKKP can obtain full Cambodian **citizenship** with Cambodian residence or Khmer background, however, in reality; the Cambodian government does not provide the KKKP with sufficient documentation necessary to establish citizenship.

The Law of Nationality states that an individual shall obtain Khmer citizenship regardless of the place of birth for:

---

1 Human Rights Watch (2009): World report – Cambodia: <http://www.hrw.org/en/world-report/2009/cambodia>

“Any legitimate child who is born from a parent (a mother or father) who has Khmer nationality/ citizenship, or any illegitimate child who is born from and recognized by a parent (a mother or father) who has Khmer nationality, or any child who is not recognized by the mother and father (parents), when upon the court passed a judgment stating that such child was really born from a parent (a mother or father) who has Khmer nationality/citizenship, or shall obtain Khmer nationality/citizenship. Any child who is born from a foreign mother and father (parents) who were born and living legally in the Kingdom of Cambodia, any child who is born from an unknown mother or father (a parent) and a newly born child who is found in the Kingdom of Cambodia, shall also be considered as having been born in the Kingdom of Cambodia.”<sup>2</sup>

Though under this law the KKKP are entitled to the full rights of citizenship, it is not explicit. To avoid misunderstanding, the law must specifically state its stance on the citizenship for all ethnic minorities. Without citizenship, the KKKP and other marginalized communities cannot receive proper documentation and identification, and this often results in a situation of “statelessness.” Additionally, the **KKKP in Vietnam** suffer the loss of other freedoms, such as expression and movement, the right to assembly, personal security, land disputes and ultimately, succumb to statelessness. Many **migrate to Cambodia** in search of a place they can raise their family according to Khmer culture and tradition, but unfortunately, the Cambodian government fails to recognize most Khmer Krom from Vietnam as citizens.

“Vietnam’s official stance towards the ethnic Khmer minority, as one of the country’s 54 officially recognized ethnic groups, is to support their right to use their own languages, encourage the preservation and promotion of their ethnic identity and traditions, and implement poverty reduction and economic development programs in areas where they live. In the Mekong Delta the government has provided land and housing to low-income Khmer people, supported industries to create more jobs for Khmer workers, and made financial contributions to some Khmer Buddhist pagodas for renovation. While some Khmer Krom acknowledge these efforts by the Vietnamese government to support their culture and improve their livelihood, all of the Khmer Krom Buddhist monks and activists interviewed by Human Rights Watch stressed that fundamental issues have yet to be resolved. Compared to Vietnam’s seven other geographical regions, the Mekong Delta has the largest number of low-income people in Vietnam (4 million), the highest rate of public school drop-outs, and the second-highest level of landlessness in the country. Khmer Krom interviewed by Human Rights Watch say that discrimination against them by the Vietnamese government denies them equal rights and opportunities afforded to the majority”<sup>3</sup>

They cite similar denials with respect to their right to religious freedoms:

“Because of the affinity between most Cambodians and the Khmer Krom from Vietnam, Cambodian government officials have tolerated a degree of political activism by Khmer Krom in Cambodia as long as it does not anger or jeopardize Cambodia’s relations with Vietnam. However, after Vietnam’s harsh response to demonstrations by Khmer Krom monks and land rights activists in 2007, the Cambodian government launched its own crackdown on peaceful protests by Khmer Krom monks after some fled to Cambodia and began to publicly denounce the abuses they had experienced in Vietnam.”

The focal problem therefore is that the KKKP and other minority groups live in a state of insecurity without full rights. KKKP children cannot attend school; KKKP and minority groups have no right to occupy property or land, and are not allowed to vote. As of 2005, KKKP who flee from Vietnam no longer receive refugee status from United Nations High Commissioner for Refugees, (UNHCR) a result of the claim by the Cambodian government that every Khmer Krom moving from Vietnam to Cambodia would be recognized as Cambodian citizen and receive full rights and protection. Since the KKKP flee to Cambodia to escape from political persecution in Vietnam, they thus face the prospect of a dangerous journey to a third country to seek asylum.

---

<sup>2</sup> Law on Nationality, 1996, Cambodia

<sup>3</sup> Human Rights Watch (2009): World report – Cambodia: <http://www.hrw.org/en/world-report/2009/cambodia>

## **2. Institutional and human rights infrastructure i.e. national protection system:**

Currently, the KKKP are not free to conduct any demonstrations to draw attention to their cause. Cambodian authorities and Vietnam spies intimidate those fearless enough to protest. A series of protests for Khmer Krom rights in 2007 resulted in the defrocking and imprisonment of dozens of monks by authorities. Many were ultimately deported back to Vietnam, and the cases of Tim Sakhorn and Eang Sok Thoeurn are enough to shake anyone of their activist inclinations. Tim Sakhorn was a leading Khmer Krom activist and Buddhist abbot in Takeo Province, Cambodia, and an avid participant in non-violent protests for human rights. He was arrested and tried with violating Vietnam's national unity policy and sentenced to one year in prison. When he was released, the statement said he was allowed to return to Cambodia, but instead he was taken to a Khmer Kampuchea Krom community in Vietnam and placed on house arrest indeterminably.

In February 2007, Khmer Krom monk Eang Sok Thoeurn was found dead with his throat cut in the Tronum Chhroeung Monastery in Kandal Province. He was discovered the morning after he participated in a demonstration in front of the Vietnamese embassy in Phnom Penh for the rights of Khmer Kampuchea Krom people living in Vietnam. Authorities were quick to declare the death a suicide and disposed of the body without further investigation, even though NGO's and Khmer Kampuchea Krom groups suspected the killing was politically motivated. The police took no further action on the case, despite an intervention and request from human rights NGO's. Furthermore, a group of Thoeurn's friends, all Khmer Kampuchea Krom monks, were prohibited by Kandal provincial police to hold religious funeral ceremony at the scene. The body was buried before his relatives and friends, other KKK monks, could see the grave.

According to Article 37 of the Cambodian Constitution, "The rights to strike and to organize peaceful demonstrations shall be implemented and exercised within the framework of law." Quite to the contrary, authorities continue to crack down on Khmer Krom Buddhist monks whenever they conduct a demonstration to promote human rights for the KKKP. In many cases, once a Khmer Krom monk has been involved in a demonstration, they are often excommunicated from their religious communities or their peaceful demonstrations are interrupted by violent authorities. Many flee to Bangkok to forcibly seek refuge there. However, the situation in Bangkok is not ideal either, as the UNHCR denies them refugee status, and the Thai police try to send them back to Cambodia and then Vietnam. In March 2009, 15 KKKP were arrested and deported to Cambodia from Bangkok. These individuals, now back in Cambodia, have no papers for employment, no means to sustain themselves, and are in poor health. The Cambodian government as it stands does not offer these people safety and refuge in their own country and that must change.

## **3. Promotion and Protection of Human Rights on the ground**

The Khmer Krom community suffers from their status, and the group that suffers the most is the children. Presently, the Cambodian government pays little attention to the future of the Cambodian children, particularly with respect to health care and education. The Khmer Kampuchea Krom children live in various communities across Cambodia and face an uncertain future. The inaccessibility of education renders them trapped and unable to alter their unfortunate circumstances. At least 70% of Khmer Kampuchea Krom children within 5 provinces of Phnom Penh, Takeo, Kandal, Sihanoukville and Koh Kong cannot attend school because of their families are so poor and lack legal documents, so those children will grow up without human resources and welfare, unless there is government action and aid.

1.5 million Khmer Krom live in Cambodia; 60% are women. Among this 60% of KKK women, 80% of are illiterate, so their only option is to work in the field with their husbands. These women also have domestic responsibilities, and there is significant evidence that they are often victims of domestic violence. Since the KKK women are often uneducated and illiterate, they lack the resources to learn about their human rights and the social and political issues that affect them, and to seek help when they need it. They view domestic violence in their families as an internal conflict, not as something they have the power to change. The KKK women have also been victims of human trafficking.

It is not surprising then, that these women are largely inactive within their communities with respect to social and political issues. It is only through outreach and education that they will be able to grasp the concept of human rights and begin to understand that they deserve more than they have, and begin to take action. The main issue here is a general lack of education. Without proper documents, without access, without knowledge, the KKKP will never be able to rise above the poverty and circumstances that their unfortunate background has left them. The implementation of a public education policy and healthcare would go a long way towards reducing this poverty.

#### **4. Identification of achievements, best practices, challenges and constraints, include:**

Challenges we face include:

- The vulnerable victims are reluctant to provide information to the KKKHRA and local authorities because of contradicting political motivations, intimidation and pressures.
- The high percentages of illiteracy among women make it difficult to measure their understanding and progress with respect to human rights workshops and trainings.
- KKKHRA trainers still lack materials and technique, methodology of teaching for community people who are mostly uneducated.
- Local authorities often monitor and follow up on our activities, sometimes delaying the permission to proceed with trainings.

We recommend to the UNHR-Council the following:

- Conduct refugee status determinations for Khmer Krom asylum seekers in Cambodia who the Cambodian government has not formally recognized as Cambodian citizens and provided official documentation to that effect.
- Insist that Cambodia – as a party to the 1951 Refugee Convention – take responsibility for protecting those individuals recognized as refugees by UNHCR or the Cambodian government, in particular the provisions on non-refoulement. Exercise UNHCR's mandate to recognize and protect such refugees in the absence of protection by the Cambodian government.
- Exercise UNHCR's mandate regarding stateless persons by assisting the Cambodian government in resolving nationality issues for stateless Khmer Krom, intervening with the Cambodian authorities on behalf of Khmer Krom seeking assistance to obtain national identification cards establishing their citizenship, and protecting stateless Khmer Krom when the Cambodian government fails to do so.
- Provide national identity cards and other documentation to Khmer Krom recognized by Cambodian law as Cambodian citizens.
- Ensure that Khmer Krom in Cambodia have equal opportunities for education, employment, religion, and are entitled to vote and own property.

- Provide Cambodian citizens abroad full protection by the Cambodian state
- Conduct a thorough investigation into the murder of Khmer Krom monk Eang Sok Thoeun, which took place February 27, 2007, and bring the perpetrators to justice.
- Press the Vietnamese government to release those imprisoned for peaceful expression of their views.
- Use high-level diplomatic contacts with the Vietnamese and Cambodian governments to press for improvement in their respect for fundamental human rights and religious freedom for Khmer Krom communities

Additionally, the KKKHRA and other NGOs should lobby the government for a sub-decree about the Khmer Kampuchea Krom in Cambodia. This will help to provide the Khmer Kampuchea Krom with legal rights for their living situation. Additionally, the KKKHRA should increase its cooperation with other Khmer Krom organizations, while creating a more public forum on rights and advocacy skills. Collaboration with other NGO's will increase awareness on the issue and yield some new ideas and approaches to help these people receive their rights.

We hope that the implementation of successful outreach activities thus far can now be transferred to similar issues with Vietnam and Cham People and other provinces. Moreover, we have seen that our target groups are capable of helping themselves, when properly educated. They disseminate information learned from human rights workshops amongst their communities, and with this knowledge they are better able to fight for their rights independently.

The project works with many organizations: minority groups and victims of the groups, the local authorities, involved government officials, other human rights NGOs, human rights defenders such as Adhoc, Licadho and Human Rights Watch, the media and the UN human rights body, to promote and protect the human rights of Khmer originated from Kampuchea Krom and other ethnic minorities and to help realize democracy in Cambodia.

As it stands, the Cambodian government has failed to meet its obligations to protect the Khmer Krom from Vietnam, who have similarly failed to meet their obligation to protect the basic rights and freedoms for all within its territory. In order to proceed as a true democracy, the Cambodian government must clearly establish in its Law on Nationality and its Constitution whether Khmer Krom and other ethnic minorities receive the status and security of citizens, and ensure that they have equal opportunity to education, employment and religion, and the freedom to vote and own property.