



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined fourteenth to seventeenth periodic
reports submitted by Cambodia under article 9 of
the Convention, due in 2012***


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Section 1

Introduction

1. Cambodia has a population of approximately 15,883,250 with the area of 181,035 km² which consists of 1 Capital, 24 Provinces, 26 Cities, 12 Khans, 159 Districts, 1406 Communes and 14,116 villages.¹

2. Cambodia is a developing country with an average economic growth of 7% in just over two decades and continues to grow around 7.1% in 2017 and the coming year. The total revenue in 2016 was US\$ 20.02 billion, and the average of gross domestic product (GDP) is US\$ 1,435 in 2017. These factors have made Cambodia, a developing country, graduated from the low-income country to the lower middle-income country where poverty rate has been reduced from 53% in 2004 to 11.5% in 2015.²

3. Cambodia is a signatory member of the International Convention on the Elimination of All Forms of Racial Discrimination which was adopted by the General Assembly of the United Nations on 21 December 1965 and entered into force on 4 January 1969 in accordance with the provisions of Article 19. Cambodia became a State Party on 28 November 1983. The Royal Government of Cambodia (RGC), as specified in Article 31 of the Constitution of the Kingdom of Cambodia, has recognized and abided all principles of this Convention.

4. In accordance with Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination, the RGC submitted its first report to the Committee on the Elimination of Racial Discrimination on 23 December 2008, which made it the 13th report. This report is the compilation of the 14th, 15th, and 16th reports that responded to the Committee's recommendations from 2009 to 2017.

Section 2

Responding to the Committee's Recommendations

1. The Economic and Social Situation of Indigenous People (Recommendations No. 12, 16 and 20)

Recommendation No. 12

5. In the Kingdom of Cambodia, there are 24 races of indigenous people who have been living with Khmer people harmonically such as:³

¹ National Strategic Development Plan 2014–2018.

² National Strategic Development Plan 2014–2018.

³ The Annual Report of the Ministry of Rural Development in 2016.

No.	Indigenous People	Ratanak Kiri	Mondul Kiri	Kratie	Preah Vihea	Kompong Thom	Stung Treang	Udon Meanchey	Kompong Cham	Pursat	Kompong Speu	Battambang	Banteay Meanchey	Sihanuk Ville	Stiem Reap	Koh Kong	Total
1	Kouy			9 242	16 731	13 044	5 755	2 203					8		244		47 233
2	Phnornng	559	29 383	13 556	24		652	699					3				44 876
3	Tumpoun	35 644	343		5		15	281					16				36 304
4	Charay	22 879	119				12	158					14				23 183
5	Kreung	21 383	126				287	124									21 911
6	Steang		642	9 406				27	2 564								12 639
7	Prov	8 869					504										9 373
8	Kavet	3 983					2 710	18									6 711
9	Krorl		727	3 755				29									4 511
10	Mel			3 375													3 375
11	Kachork	3 161						52									3 213
12	Por								1 207			563					1 770
13	Khonh			754									433				1 187
14	Chong								774							1 064	1 838
15	Souy										1 833						1 833
16	Thmoun		242	856													1 098
17	Lun	492					268										760
18	Saouch													106			106
19	Roder	2						16									18
20	Khe							15									15
21	Ro ang																0
22	Spung																0
23	La-eun																0
24	Samre																0
	Total	96 972	31 582	40 944	16 760	13 044	10 194	3 622	2 564	1 981	1 833	563	474	106§	244	1 064	22 1953

6. All these indigenous people have maintained their national unity, social, culture and economic by practicing their lifestyles, traditions, beliefs, and different languages of each group. They are living by traditional nomadic farming, shifting cultivation, harvesting fruits in the forest, hunting, fishing and raising animals based entirely on the natural environment.

7. The RGC has formulated a policy on indigenous people development in 2009.⁴ Through this policy, the socio-economic situation of indigenous people has subsequently developed in all areas. The infrastructure has been constructed to accommodate their living such as roads, schools, health centers and mobile health centers in order to provide health services to nomadic farmers.

8. According to the dissemination and education of this development policy, it has made indigenous people's living condition become better such as having decent shelters and clothes through the exchanges of goods collected from products and by-products of agriculture, farm, forest, hunting, fishing for selling at market and buying materials, clothes and food for family supply.

Recommendation No. 16

9. The RGC has considered national economic development as a promotion of the rights of people. Therefore, the RGC always considers and guarantees the balance between development and rights to which citizens are entitled without making people, especially indigenous people losing their rights as stipulated in the Convention.

10. The RGC has formulated a policy, for indigenous people, on land and natural resources management as a basis for promoting their livelihoods and quality of life. This policy is implemented through development programs and projects, in collaboration with development partners and civil societies.

11. While preserving good culture, traditions, customs and beliefs of indigenous people, the RGC has also promoted welfare and hygiene by providing public health services to local people, and by prioritizing the extension of study up to higher education. Additionally, the RGC has also urged to establish communities as legal entities for receiving rights to land possession and using collective ownership.

12. The provision of land collective ownership is guaranteed by the Constitution of the Kingdom of Cambodia and the Land Law 2001. Article 25 of the Land Law states, "Land of indigenous communities is not only the land that is actually cultivated, but there is a necessary reserve land for shifting cultivation which is required by previously extracting method and recognized by the administrative authorities. The land measure and demarcation of these communities are determined according to the actual situation as claimed by the community with the consent of their neighbours."

13. On legal basis, the RGC has developed its policy on land registration and rights to use the land of the indigenous communities. Through this policy, the indigenous communities which are legal entities have full qualifications to manage and use land in collective and traditional context, and they can apply for their land frontage registration at the Urban Planning and Construction Office and land administration of City, District, and Khan where the communities are located. By 2017, 19 indigenous communities have received certificates of land titles and used collective land which were equal to 519 certificates within 1,784 families in 16,271 hectares of land in which there were 9 communities in Ratanakiri Province, 7 communities in Mondulakiri Province, 2 communities in Kratie Province, and 1 community in Steung Treng Province.⁵

14. Even though, there are laws, legal norms and provisions, the implementation of land registration procedures of communities has faced some obstacles causing delay in land registration process such as:

- Some indigenous people have suggested to register the land that they have legally occupied as private ownership. During the process of private land registration, they

⁴ National Policy on Indigenous People Development 2009.

⁵ Annual Report of the Ministry of Land Management, Urban Planning and Construction, 2017.

also intended to be a member of communities by transferring their private land into collective land of community;

- Some indigenous people who are members of the communities have intended to withdraw membership from communities during the implementation of collective land registration procedures and have also applied for private land registration on the piece of land that they have legally occupied;
- Some communities which do not have legal qualifications to apply for registration because they do not establish communities recognized by the Ministry of Land Management, Urban Planning and Construction or the Ministry of Interior;
- Some communities have demanded bigger land size beyond their needs; and
- At the same time, some economic land concessions have affected indigenous people's collective land which has caused disputes of rights on the ownership and usage and which has delayed the provision of land titles to the communities.

15. To ensure and protect legitimate interests of indigenous people, the RGC has imposed the following measures and directions:

- To stop providing more economic land concessions but speed up the registration process at least 10 indigenous communities a year since 2013;
- To expand the awareness and respect of multi-cultures of indigenous people, participate in setting up communities as required, and provide knowledge to maintain good tradition and culture, and utilization of land and natural resources in order to ensure sustainable socio-economic development;
- To enhance the standard of living and livelihood by strengthening education on agriculture, infrastructure construction paralleling to the priority needs, health system development, education on general knowledge and skills associated with good tradition and culture, and the use of local languages of indigenous people in the curriculum, in the radio and television news programs, especially news related to economic, social and cultural development; and
- To organize the measures to protect the right to use land and natural resources of indigenous people in accordance with forestry management standard in order to ensure economic benefits and community development with the consultation and attention on the opinion of indigenous people.

Recommendation No. 20

16. Nowadays, the RGC has the Education Strategic Plan 2014–2018, whose the first goal is to ensure quality, equitable, and inclusive education in order to promote lifelong learning for all. The Strategic Plan had been actively implemented in the academic year of 2016–2017 with the results as follows⁶

- Children from 0 to 5 years old have received all forms of education in total 426,025 (214,249 females) which equal to 21.8 percent. 5-year-old children have received all forms of education services in total 196,669 (97,127 females) which equal to 66.3 percent. Meanwhile, the RGC has also developed a mobile curriculum covering children from 3 to 5 years old for indigenous people region where their families have moved to places far away from community kindergartens. This curriculum has been implemented in 2 villages of Koh Peak Commune, Veun Sai District and Taveng Krom Commune, Taveng District, and a seasonal mobile curriculum has been implemented in 3 villages in Talav Commune, Andong Meas District, and Taveng Leu Commune, Taveng District, Ratanakiri Province;
- Meanwhile, the RGC also paid much attention to children with disabilities through the establishment of inclusive curriculum for children with disabilities at kindergarten level which was implemented in Siem Reap Province, Battambang Province, Kampong Thom Province, Prey Veng Province, Ratanakiri Province and

⁶ Congress on Education, Youth and Sport for Academic year 2015–2016 and Objectives for Academic year 2016–2017.

Kratie Province and Phnom Penh Capital City by networking with the public kindergartens accommodating 165 children with disabilities (49 females);

- In public primary schools, there are 2,022,061 students (974,231 females) which equal to 48.2 percent, and in private primary schools, there are 89,570 students (44,095 females) which equal to 49.3 percent; and
- In public secondary schools, there are 585,971 students (51.8 percent are females) and in private secondary schools, there are 22,984 students (49.4 percent are females). In public high schools there are 279,480 students (51.33 percent are females) and in private high schools there are 17,244 students (48.2 percent are females).

17. Together with the Education Strategic Plan, the Ministry of Education, Youth and Sports (MoEYS) has also developed a National Action Plan on Multi-Languages Education 2015–2018 aiming to ensure all indigenous children receive the foundation education including the use of their mother languages as well. Regarding Multi-languages curriculum of kindergarten, the MoEYS has applied to 6 ethnic groups of indigenous people such as Kuoy, Kreung, Tumpoun, Phnong, Kavet and Prov in 15 targeted districts of 5 provinces such as Ratanakiri Province, Mondulakiri Province, and Kratie Province where there were 49 kindergartens with a total of 971 students (501 females). For multi-languages curriculum of primary school level, the MoEYS has applied to 5 ethnic groups such as Kreung, Tumpoun, Phnong, Kavet and Prov in 15 targeted districts in 4 provinces such as Ratanakiri Province, Mondulakiri Province, Kratie Province and Steung Treng Province, and there were 78 primary schools which pupils from grade 1 to grade 3 students were of 4,513 (2,170 females).

18. Despite having specific policy and strategic plan, the implementation in education sector still has some challenges that Cambodia is facing, such as the difficulty in communicating with indigenous people because some of them are not able to use Khmer language fluently. Constantly, the MoEYS does not have enough time to mobilize indigenous children to schooling because of their living in remote areas, and some of them are seasonal shifting cultivators.

19. To resolve these challenges, the RGC has been pushing for the establishment of all indigenous people groups as legal entities, so that can guarantee their education as well as development of all parts of the living status of each indigenous group.

2. Legal and Judicial Reform (Recommendations No. 11, 13 and 17)

Recommendation No. 11

20. Pursuant to Article 31 of the Constitution of the Kingdom of Cambodia and Article 1 of the Convention, the Criminal Code of the Kingdom of Cambodia defined “racial discrimination” as the refusal to supply goods or services or hire employees, termination of employment, or removal from office; and the denial of the rights by public officials based on the grounds that the persons are the member or non-member of any ethnic groups or races and that discriminatory act shall be punishable by Criminal Law as stipulated from Article 265 to Article 270 in the Criminal Code.

21. Rights of each individual to entitle for all rights as enshrined in Article 5 of the Convention are guaranteed by laws without discrimination as stated from Article 31 to Article 50 of the Constitution of the Kingdom of Cambodia.

Recommendation No. 13

22. In the 5th Mandate of the Legislature, the RGC has promoted and paid attention to legal and judicial reform. In 2014, there were 3 fundamental laws on the judiciary systems having been promulgated, namely:

- The Law on the Organization of the Courts which determines the structure and competence of all court levels, and administrative unit was established to serve administrative services of courts;

- The Law on the Status of Judges and Prosecutors which determined the qualification, term, and rank of judges and prosecutors in fulfilment of their functions in all court levels; and
- The Law on the Organization and Functioning of the Supreme Council of Magistracy which determines term, function of the Supreme Council in monitoring judges such as appointment, transferring, termination from position, and judge punishment, under the presidency of the highest majesty of the King, to guarantee the independence of the judicial power.

23. In strengthening the judicial independence, the RGC also paid attention to promote capacity of judges in all sectors. All judges are trained by the Royal Academy of Judicial Professions and also trained other skills of both criminal and civil. At the same time, judges are also trained on ethic code of judge which was held by the Supreme Council of the Magistracy in 2016 for 4 courses.

24. Meanwhile, in order to take part in strengthening the judicial independency, the Supreme Council of the Magistracy also paid strongly attention in monitoring the disciplines implementation of judges. Since 2015, the Supreme Council of the Magistracy has punished 8 judges and 5 prosecutors who had misconducted in their profession.

25. The RGC has also strongly taken measures to prevent corruption in judiciary system by providing power and competence to the Anti-Corruption Unit to monitor and investigate corruption offenses and to arrest corrupt perpetrators. Previously, there were 2 judges, 2 prosecutors and 4 court clerks having been arrested by the Anti-Corruption Unit and were punished by the Courts of committing corruption.

Recommendation No. 17

26. The Kingdom of Cambodia does not have any principle to implement the enforced eviction to any citizens even they are indigenous people; what the RGC has previously done is housing relocation for development through peaceful resolution.

27. So far, the competent authorities never pressured, alleged and arrested any indigenous villagers based on their protestations against the economic land concessions. The allegation and arrest of the indigenous people in the past was because they had committed criminal offenses. In this case, not only indigenous people but also everyone who committed crime shall be alleged and arrested according to the existing laws.

28. Despite having laws and legal norms for implementation, challenges still exist such as:

- Citizens, especially indigenous people did not understand clearly about the laws especially the strengthening of laws enforcement that they think it can affect their living; and
- The understanding of law among law enforcement officers is still limited. Both law and ethic code in the implementation on site affect the protest of citizens' protestation.

29. To resolve these challenges, the RGC has imposed laws dissemination to citizens and law enforcement officers subsequently in order to ensure their comprehension through participation and obligations of people as stated in Article 49 of the Constitution of the Kingdom of Cambodia which states that all Khmer citizens shall respect the Constitution and laws.

3. Refoulment

30. The Kingdom of Cambodia is a country that respects the Principle of Rule of Law through laws establishment and strengthening of laws enforcement. The illegal entrance of 20 ethnic Uyghurs into Cambodia abused the Law on Immigration of Cambodia; and in this case, the Minister of Ministry of Interior had the power to deport them back to the home country. Therefore, the decision to deport 20 ethnic Uyghurs from Cambodia is the implementation of the laws of the Kingdom of Cambodia.

4. Provision of National Identity Cards to Khmer Kampuchea Krom (Recommendations No. 18 and 19)

Recommendation No. 18

31. The Kingdom of Cambodia recognizes Khmer Kampuchea Krom and Khmer who are living in other countries as Khmer. However, the recognition of Khmer nationality is in accordance with the terms and principles determined in the existing legal norms.

32. The Law on Nationality (1996) stipulates that obtaining Cambodian citizenship have conditions as follows:

- Receiving Khmer nationality wherever born:
 - The wedlock child was born from Khmer father and Khmer mother;
 - The non-wedlock child was born from Khmer parents; and
 - The child whose parents did not recognize, but the court has given a verdict that he/she was exactly born from Khmer parents.
- Receiving Khmer nationality while born in the Kingdom of Cambodia:
 - The child was born from foreign parents who were born and live legally in the Kingdom of Cambodia; and
 - The child was born from unknown parents and a child who was just born and found in the Kingdom of Cambodia are considered to be born in the Kingdom of Cambodia.

33. Not only for Khmer Kampuchea Krom, but for any person who fulfils the aforementioned conditions will be entitled to receive Khmer nationality. Otherwise, obtaining Cambodian nationality must complete the conditions of marriage as specified in Article 5 or through the naturalization as defined in Article 7 of the Law on Nationality.

Recommendation No. 19

34. Not only Khmer Kampuchea Krom but also every citizen who is eligible to receive a Cambodian identity card must complete the following conditions:

- Must be a permanent resident in Cambodia;
- Must have a birth certificate indicating as Khmer;
- Must have a family book (A4) 2;
- Must have a verdict verifying that this person was born from Khmer parents or a Royal Decree recognizing as Khmer nationality; and
- Must have a proof that he/she was born from Khmer parents.

35. Khmer Kampuchea Krom as well as other individuals who wish to obtain a Cambodian identity card must complete all the requirements as stated above. This is not a pressure for changing personal information background, but it is a requirement of legal norms that must be equally applicable to all individuals without discrimination.

36. Although legal norms have identified specific conditions, the implementation is still challenging:

- All citizens including Khmer Kampuchea Krom have not fully understood about legal conditions and obligations to acquire citizenship as well as Cambodian identity card;
- The local authorities have not understood about the details of procedures for granting Khmer nationality as well as the Cambodian identity cards which make the implementation not smooth; and
- The above cases have been confusing that there is discrimination in issuing Cambodian identity cards to Khmer Kampuchea Krom. In fact, not only Khmer

Kampuchea Krom, so far, some Cambodians have not yet received Cambodian identity cards because they must complete legal requirements.

37. The RGC has urged to issue the Cambodian identity cards to citizens for fulfilling their legal obligations. However, they must apply in accordance with the conditions set by the law.

5. National Human Rights Institution

Recommendation No. 15

38. The RGC has, in principal, agreed to establish a national human rights institution through the establishment of a law on the establishment of a National Human Rights Institution in accordance with the Paris Principles. So far, the Cambodian Human Rights Committee have cooperated with civil societies to draft a law on the establishment of the national human rights institution.

39. The draft law has been initiated by working group of civil societies and has been brought up for discussion with the Cambodian Human Rights Committee many times. Until now, the draft law has not been finalized yet. The Cambodian Human Rights Committee will raise the draft law for consultation with relevant parties, especially with the Office of the United Nations High Commissioner for Human Rights in Cambodia in order to make the draft law applicable to the Paris Principles.

6. Ratification of International Treaties

Recommendation No. 21

40. The RGC has paid full attention to the adoption of international human rights treaties pertinent to human rights by becoming a treaty signatory. However, there are a few treaties that the RGC is still considering for ratification such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

41. Before ratifying each international treaty, the RGC has always scrutinized and considered to ensure the implementation. The RGC has been considering the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in cooperation with UN Women that have:

- Organized technical inter-ministerial working group to review the content of the Convention for capacity building and to widely broaden the dissemination; and
- Organized several workshops to raise awareness of the context of the Convention for effective Implementation.

7. Implementation of the Durban Declaration

Recommendation No. 22

42. Based on this recommendation and the conference in Durban, South Africa, the Kingdom of Cambodia has committed to implementing all international conventions and covenants to which Cambodia is a party. The respect and practice are clearly stated in Article 31 of the Constitution of the Kingdom of Cambodia in 1993.

8. Declaration of the Recognition of the Committee's Competence

Recommendations No. 24

43. The RGC will consider the declaration of recognition of the Committee's Competence in recognizing and considering of an individual complaint as defined in Article 14 of the Convention. However, in the Kingdom of Cambodia, any person who claims that

his/her rights as set out in this Convention having been violated can file a complaint to report any crimes to the three levels of courts for seeking resolutions and compensation for damages.

9. Ratification of the Amendment of Article 8 of the Convention

Recommendation No. 25

44. The RGC has been discussing internally on the procedure to ratify the amendment of Article 8, paragraph 6 of the Convention on the Elimination of All Forms of Racial Discrimination and shall have a writing note to the Secretary-General of the United Nations in the future.

10. Consultation with Civil Societies

45. Not only the report of the elimination of all forms of racial discrimination but also every report on the implementation of international human rights treaties has been submitted by the responsible institution with a consultation with relevant civil society organizations. This report was also consulted among civil society organizations through consultative meetings held on 20 December 2017, with 10 representatives from various organizations providing advices and recommendations.

References

1. The Constitution of the Kingdom of Cambodia (1993);
 2. Cambodia's Law on Nationality (9 October 1996);
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 4. National Policy on Indigenous People Development (24 April 2009);
 5. Policy on Land Entitle and Rights to Use of Community Land of Indigenous People (24 April 2009);
 6. National Strategic Development Plan (2014–2018);
 7. Strategic Plan on Education (2014–2018);
 8. Strategic Action Plan on Multi-Languages Education (2015–2018);
 9. Annual Report of the Ministry of Rural Development (2017);
 10. Annual Report of the Ministry of Land Management, Urban Planning and Construction (2017); and
 11. Congress on Education, Youth and Sports for Academic Year 2015–2016 and Objectives for Academic Year 2016–2017.
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