



សហព័ន្ធនៃកម្ពុជាក្រាំង

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Shadow Report submitted to the Human Rights Committee of the United Nations on the International Covenant on Civil and Political Rights for the consideration of the Third periodic report submitted by Viet Nam (CCPR/C/VNM/3) during the examination of Viet Nam in the 125th Session

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Introduction

On behalf of the Khmers Kampuchea-Krom Federation (KKF) representing for the voiceless Khmer-Krom in the Mekong Delta region of Vietnam, we would like to submit this shadow report to the 125th Session of the Human Rights Committee on the International Covenant on Civil and Political Rights (CCPR), to reveal the current situation of the indigenous Khmer-Krom peoples whom their fundamental rights have been violated by the Government of Viet Nam not mentioned in Vietnam's report (CCPR/C/VNM/3).

Kampuchea-Krom is the Khmer name for the Mekong Delta and the region surrounding the Dong Nai River of the current state of Viet Nam. The indigenous peoples of Kampuchea-Krom are the Khmer-Krom, the ancient descendants of the people of Nokor Phnom (or Funan in the Chinese translation) empire. During the colonization of France, Kampuchea-Krom was called Cochin China. Kampuchea-Krom was transferred by France to the Vietnamese government (King Bao Dai regime) on June 4, 1949, without the consent of the Khmer-Krom people after almost one century of colonization. Since April 30, 1975, Kampuchea-Krom has been known as the Southern part of the Socialist Republic of Viet Nam.

Living under the control of Viet Nam, the indigenous Khmer-Krom peoples have suffered tremendous human rights violations. They are not allowed to call themselves as “Khmer-Krom” or be able to call their homeland by its indigenous Khmer name. They are not allowed to learn their language and history in public schools freely.

The Vietnamese government has rewritten the history to deny the indigenous status of the Khmer-Krom people. Those who attempt to teach Khmer language classes in the village pagodas have been intimidated and imprisoned. The government statistics of Khmer-Krom population is questionable.

As of today, millions of the Khmer-Krom people in Mekong Delta are living in poverty. Many Khmer-Krom farmers became landless and left their beloved villages to look for employment in already crowded cities. The government has established a Buddhist Association to monitor and control all religious activities of the Khmer-Krom Theravada Buddhist communities.

This shadow report aims to provide the true living situation of the Khmer-Krom people who are discriminated, treated as the second class citizens and their basic fundamental rights are violated, a clear contradiction to the report submitted to the Committee by Viet Nam. It also provides recommendations to the Committee members to ask Vietnam to clarify and genuinely implement the International Covenant on Civil and Political Rights (CCPR), so that the Khmer-Krom's fundamental rights are protected and promoted as enshrined in the CCPR.

Compliance with the CCPR

Article 1: The right to self-determination

Paragraph 32 of Vietnam's report states that "*Viet Nam is a unitary State of 54 ethnic groups which have been united to live together and to support each other for thousand years of history in order to build and safeguard the fatherland of Viet Nam. Neither indigenous people nor indigenous issues are found in Viet Nam.*" This statement clearly shows that the Vietnamese government does not respect the true history of the indigenous peoples in Viet Nam. The Khmer-Krom people have lived in their homeland for thousand years before the Vietnamese people obtained their foothold for the first time on their homeland in 1623. With the intervention from his Vietnamese wife, the Cambodian King granted permission for the Vietnamese people to conduct trade in the Prey Nokor (renamed to Vietnamese as Sai Gon, and now known as Ho Chi Minh city) areas.

These are some of the well-known Wat (temples) and Prasat (castles) that were built before the Vietnamese people arrived at the Kampuchea-Krom:

1. Sambour Reangsey Temple, in Preah Trapeang (Trà Vinh) province, was built in 373AD.
2. Kouk Treang Temple, in Moth Chrouk (Châu Đốc) province, was built in 400 AD.
3. Kampong Reachbopha Temple, in Long Hor (Long Hồ) province, was built in 623AD.
4. Mahatoop Temple, in Khleang (Sóc Trăng) province, was built in 1569.
5. Chot Mat Prasat, in Raung Domrei (Tây Ninh) province, was built in the 8th century.
6. Bathet Prasat, in Pol Leav (Bạc Liêu) province, was built in the 9th century.

According to the report, Article 5 of Vietnam's Constitution states that "*The national language is Vietnamese. Every ethnic group has the right to use its own spoken and written language to preserve its own identity and to promote its fine customs, practices, traditions and culture.*" If the Vietnamese government respects its constitution and allows the people in Vietnam to preserve their identity, then Viet Nam should allow the Khmer-Krom to be referred to as "Khmer-Krom" instead of labeling them as "Dân Tộc Thiểu Số Khmer" (ethnic minority Khmer). Viet Nam tactically keeps using argument denying the existing of indigenous peoples by claiming that the name of the indigenous peoples in Vietnam, such as the Khmer-Krom, the Montagnard/Degar are not suitable term using by the colonists. In reality, that is a term that the indigenous peoples prefer to be called, but Viet Nam has been forbidding.

Article 2: Ensure rights without discrimination

Paragraph 35 states that "*The civil and political rights of all persons under the Covenant are fully provided for in the Constitution and the laws adopted by the National Assembly, and are further specified in under law regulations.*" In reality, Viet Nam has not truly implemented its constitution and laws to protect and promote human rights for the people in Vietnam, especially the indigenous peoples.

Viet Nam has been criticized for using its ambiguities criminal law to silence the activists and imprisons them if they don't admit to a crime that they do not commit. The following cases are examples of how Vietnam used the ambiguities articles in the 1999 Penal Code to imprison the Khmer-Krom Buddhist monks for standing up for the basic rights:

On 8 February 2007, approximately two hundred Khmer-Krom Buddhist monks in Khleang province marched for religious freedom in response to an increased state of security measures against Khmer spiritual figures. The response of the government was public defrocking in the streets, intimidating monk's families as well as the spiritual leaders, and imprisoning those monks without legal representation or a fair trial. On 10 May 2007, five defrocked Khmer-Krom Buddhist monks (Venerable Kim Moul, Ven. Danh Tol, Ven. Thach Thuong, Ven. Ly Hoang, Ven. Ly Suong) were sentenced to imprison from 2 to 4 years under article 245 of the 1999 penal code for allegedly organizing the demonstration to “*causing public disorder*” and article 89 for “*disturbing security*”.

Venerable Tim Sakhorn, a Khmer-Krom Buddhist monk and an Abbot of North Phnom-Denh temple in Phnom-Denh village, Karivong District, Takeo province, Cambodia, used to help Khmer-Krom people fleeing Vietnam because they were facing the human rights oppression. On 30 June 2007, Viet Nam ordered the Cambodian authority to arrest, defrock, and deport Ven. Tim Sakhorn to imprison in Vietnam. On November 8, 2007, he was sentenced to one year prison for the alleged crime under article 87 of the Penal Code for “*undermines the unity*”.

The Vietnamese authority accused Venerable Thach Thuol, born 1985, at Ta Set temple, Vinh Hai commune, Vinh Chau district, Khleang province for contacting the Khmer-Krom media and Khmer-Krom living abroad to provide information about human rights violations against the Khmer-Krom. Ven. Thach Thuol said in his appealing video before he was arrested (<https://www.youtube.com/watch?v=3ZMef1nAtGQ>) that he just told the truth about the situation of the Khmer-Krom children who cannot learn their Khmer language freely during his interview with the Internet Radio of the Khmers Kampuchea-Krom Federation (vokk.net). Venerable Lieu Ny, born 1986, Abbot of Ta Set temple was accused of not obeying the Vietnamese authority to defrock Venerable Thach Thuol. Facing the oppression depressively, Ven. Thach Thuol and Ven. Lieu Ly escaped Vietnam along with other two Khmer-Krom Buddhist followers (Thach Quanh Tha and Thach Phum Rich). Unfortunately, they were arrested and then sentenced from 2 to 6 years with the alleged crime of article 91 for “*Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration*”.

Under heavy criticism of the world community, Viet Nam revised its 1999 criminal law, passed by the Vietnamese Assembly in June 2017, and made it effective on January 1, 2018. Instead of revising its 1999 criminal law to comply with the international laws, especially as stated in the article 2 of the CCPR, Viet Nam changed the article number and kept almost the same contents in the articles that have been criticized using to punish the activists, such as:

- Article 109 (previous article 79) – vaguely accuse activists to carrying activities or joining organizations to against the people's government, and can face up to a “penalty of 12 - 20 years' imprisonment, life imprisonment, or death”.
- Article 116 (previously article 87) – vaguely accuse activists to ‘sabotaging implementation of solidarity policies,’ and can face up to a “penalty of 08 – 15 years’ imprisonment”.
- Article 117 (previously article 88) – vaguely accuse activists to store or spreading information to opposing the State of Socialist Republic of Vietnam, and can face up to a “penalty of 10 - 20 years' imprisonment”.
- Article 119 (previously article 89) – vaguely accuse activists disrupting security, and can face up to a “penalty of 02 - 07 years’ imprisonment”.

This revised criminal law is now effective, and Viet Nam has used it to arrest and imprison the activists lately that have raised the serious concerns by the countries and organizations that are advocating for the fundamental rights for the people in Viet Nam.

Article 3: Ensure equal enjoyment of treaty rights between men and women

In paragraph 40 states that “*The Constitution confirms that female and male citizens are equal in all respects; the State has policies to ensure gender equality in terms of rights and opportunities, and gender discrimination is strictly prohibited (Article 26).*” It might be true that Vietnam has all types of law to protect the rights of women, including in its constitution, but in reality, the fundamental women rights, especially the rights of the indigenous women, are continuously being violated.

Vietnam has been a member of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) since July 29, 1980, and ratified this Convention on February 17, 1982. Most of the indigenous women in Vietnam do not know anything about their rights that are enshrined in CEDAW. Unfortunately, when the women stood up for the rights, they faced arrests, interrogations, and imprisonment:

In 2007, the Khmer-Krom women, Mrs. Neang Mit, Mrs. Neang Phen, Mrs. Neang Mon, Mrs. Neang Don, were arrested and interrogated in An Hao village, Tinh Bien district, An Giang province because they demanded to return their confiscated farmland.

In 2008, a young Khmer-Krom woman, Mrs. Neang Savong helped her father, Mr. Chau In, to lead the Khmer-Krom farmers to demand to return confiscated farmlands in An Giang province. She was beaten severely by Vietnamese police and got sick after that. She was discriminated and ignored when seeking treatment at the Vietnamese hospital in Tri Ton district and Sai Gon city. Unfortunately, she passed away on Saturday, September 25, 2010.

On April 22, 2010, Mrs. Tran Thi Chau was arrested and later sentenced by the Court of Tra Vinh for two and a half years in prison. Mrs. Tran Thi Chau had a land-grab dispute with the local Vietnamese authorities at the Nhi Truong market in Nhi Truong village, Cau Ngang

district, Tra Vinh province. The authorities arrested her on her way to a wedding and then accused her of the alleged crime of retaking her land without approval from the authority. Since she had been released from prison, she has been so depressed and living in poverty.

As of today, the confiscated farmlands that the Khmer-Krom women demanded are still unresolved. Facing landless and lacking job opportunities in the provincial region has meant Khmer Krom girls have been forced to travel outside of their region and some have become victims of trafficking rings. For example, a 20-year-old Khmer-Krom woman, Mrs. Thach Thi Hong Ngoc left a poor village in Prek Russey (renamed to Vietnamese as Cần Thơ) province to look for work in Saigon city. She fell into the arranged marriage trap to marry a Korean man, Jang Du Hyo, 47 years old, without knowing anything about him. She married him to get \$500 for her family and left to live with him in Korea. Unfortunately, on July 8, 2010, shortly after her arrival in Korea, she was killed by her Korean husband. The Vietnamese government media reported that she was a Vietnamese girl, not a Khmer-Krom girl to cover up the true identity of the victim.

On May 13, 2013, the Vietnamese police of Soc Trang province arrested Mrs. Lam Thi Loan, Mrs. Ly Thi Danh, and Mrs. Ly Thi Sabon because these women tried to protect Venerable Ly Chanhda from being arrested. They believed that Ven. Ly Chanhda did not violate any Buddhist rule and just demanded to teach the Khmer language freely in his temple. On May 16, 2013, Venerable Ly Chanh Da was arrested, defrocked, detained and tortured. He was forced to confess his alleged crimes on the Vietnamese Television. On September 25, 2013, the Vietnamese authority sentenced Mrs. Lam Thi Loan and Mrs. Ly Thi Danh for one year in prison with the alleged crime of creating “public disorder.”

Article 12: Right to liberty and freedom of movement

After April 30, 1975, thousands of the Khmer-Krom escaped their beloved homeland, Kampuchea-Krom to avoid the persecution by the Vietnamese Communist regime. Many of them died on their way to seek for political asylum in the free world. Some of them, fortunately, received the political asylum and had lived mostly in the US, Australia, Canada, and Europe. Many of them also escaped settling in Cambodia.

When the Vietnamese government opens its door to allow the people who left Vietnam as refugees to go back to visit their relatives, the Khmer-Krom refugees started traveling back to meet their families or relatives. Unfortunately, they always feel unsafe and intimidating because of the unfair treating by the Vietnamese customs officers or the local police.

On March 22, 2011, H.E. Son Sobert, an adviser to the King of Cambodia, and his friends were stopped at the border and not allowed to enter Vietnam even they had Visa issued by the Vietnamese Embassy in Cambodia. Mr. Son Sobert planned to travel to Vietnam and visit his relatives in Preah Trapeang province.

On April 12, 2013, Mr. Ly Chhuon, his wife, and his daughter left Phnom Penh, Cambodia, to visit his relatives in Kampuchea-Krom during the Cambodian New Year. When Mr. Ly Chhuon and his family arrived at the border of Cambodia and Vietnam, they were not allowed to enter Vietnam. They had been detained, interrogated, and searched by the Vietnamese customs officers. For his family safety, they escaped Cambodia to seeking refugee status in Bangkok, Thailand.

Even the Khmer-Krom living abroad received Visa to enter Vietnam, but they are required to report to the local police about how many days they are going to stay and where they will go. This requirement does not apply to the Vietnamese because there is no such law, but it applies to the Khmer-Krom. If the Khmer-Krom travelers do not report to the local police, they will face harassment or even arrestment. If the Vietnamese authority suspects something, the Vietnamese police pretend to visit the Khmer-Krom travelers, in reality, it is an indirectly intimidating them. As of today, the Khmer-Krom people living abroad have not enjoyed visiting their homeland.

Article 14 & 15: Right to equality before the law; the right to be presumed innocent until proven guilty and to have a fair and public hearing; No one can be held for an offense that was not a crime at the time it was committed

In paragraph 136(iii) states that “*Persons who are arrested, held in temporary custody, temporarily detained, charged, investigated, prosecuted, or tried are entitled to self-defense or be defended either by a lawyer or by some other people.*” In reality, when the Khmer-Krom people are arrested, they never have a lawyer or have a right to freely defend for themselves in front of the Vietnamese’s court.

When Venerable Kim Moul, Ven. Danh Tol re-ordained as a Buddhist monk in the United States; they told their stories about how they were tortured by the Vietnamese police and the guard prison during their interrogation to force them to admit the crime that they did not commit. When they were brought to the court, they had no lawyer to represent for them. This happened the same to the cases of the other Khmer-Krom activists, such as the case of Venerable Lieu Ny and Venerable Thach Thuol when they faced the Vietnamese court in 2013.

Article 18: The freedom of thought, conscience, and religion

In paragraph 166 states that “*everyone has the right to freedom of belief, of religion, of or against any religion. Religions are equal before the law. The State respects and protects freedom of belief and freedom of religion.*” In reality, the people in Vietnam must register their religious organization to practice their religion.

The Khmer-Krom people have centered their community on a strong belief in Buddhism for thousand years. Before 1975, Khmer-Krom people used to have independent Buddhist associations. When the north communist government took over the Mekong Delta on April 30,

1975, the Khmer-Krom Buddhist associations were disbanded, forcing the Khmer-Krom Buddhist monks from these organizations to join the Patriotic United Buddhist Association (PUBA - Hội Đoàn Kết Sư Sãi Yêu Nước) under the umbrella of the Vietnam Buddhist Sangha (VBS - Giáo Hội Phật Giáo Việt Nam). The VBS is strongly tied to the Vietnam Fatherland Front Central Committee (FFCC - Mặt Trận Tổ Quốc Việt Nam), a committee of the Vietnamese Communist Party (VCP). This relationship between the VCP and the current Buddhist association has led to a repression of the Khmer-Krom through the very same religion that once was the foundation of the community. The Khmer-Krom temples are under strict control of the VCP, which exercises its powers through religious, political, and even military means.

The Vietnamese government tactically offers a small amount of salary to most of the Abbots (head monks) that are leading the PUBA in each province throughout Mekong Delta. Like the Buddhist monks, they are not allowed to receive any salary. When they receive a salary, it means that they have to follow the orders from the government. The Khmer-Krom people do not feel comfortable going to the temples like before, because they know that they are being watched even by the head monks who serve for the government in their temple.

On November 18, 2016, the 14th National Assembly passed a so-called “Law on Belief and Religion”. This law sparks the concerns for the people in Viet Nam because it requires all religious groups to register with the authorities and report on their activities. Moreover, the authorities claimed that they have the rights to approve or refuse requests. This new law clearly shows that it does not help to promote the religious freedom in Viet Nam, but tightening up and controlling how the people in Viet Nam practice their religion.

On May 21, 2017, Venerable Lieu Ny, a former abbot of the Ta Set temple in Soc Trang province, was released after serving four years in prison. While being imprisoned, Ven. Lieu Ny received sad news that his father passed away. He was not allowed to attending his father’s funeral. He prayed to his father’s soul that when he is released, he will re-ordain to pay respect to his father.

On July 3, 2017, Venerable Lieu Ny wrote a letter to the Vietnamese local authority of the Vinh Hai village asking for permission to re-ordain as a Buddhist monk. The authority did not respond to his request. Ven. Lieu Ny could not wait because he had to ordain as a Buddhist monk before the Buddhist three month retreat season starts. Thus, on July 8, 2017, Ven. Lieu Ny’s family and Buddhist monks and Buddhist followers of the Ta Set temple organized the re-ordain ceremony for Ven. Lieu Ny. During the ceremony, the Vietnamese authority came to disrupt the ceremony. After disrupting the re-ordain ceremony successfully, the local authority also threatened to arrest anyone who would help to re-ordain Ven. Lieu Ny again.

On October 19 and 20, 2018 the VBS hosted a conference in Teuk Khmau (renamed to Vietnamese as Ca Mau) province about the Theravada Buddhism. In the summary of the activities of the VBS, Venerable Thich Hue Thong who is the deputy secretary general of the

VBS proudly said that the VBS successfully replaced almost 100% of the Khmer-Krom temples' stamp which only has the Vietnamese words instead of having the Khmer language that the Khmer-Krom temple used to have. The VBS also successfully controlled whom they will appoint to be the Abbot and committee members for the Khmer-Krom temples. Those nominated candidates are usually under influenced and controlled by the government. This is a clear evidence to show that the Vietnamese government controls the way that the Khmer-Krom practice their religion and seriously create a distrusted environment inside the Khmer-Krom temples and communities. Religiously and culturally, the Khmer-Krom Buddhist monks and Buddhist followers have a traditional way to appoint who to become the Abbot of their temple. Each temple has a unique symbol in their temple's stamp and having only Khmer words on it.

In paragraph 173 mentions that the government established the institution to support the religious activities of the “ethnic minority communities,” such as “the Khmer Nam Tong Institute of Buddhism.” Venerable Dung Tran graduated and became an instructor in that institution. He is currently living in San Jose, California and told the truth about that institution. Even that institution was established to teach Khmer-Krom Buddhist monks, any higher institution in Vietnam does not recognize the so-called degree from that institution. In 2012, Venerable Dung registered to study the master program at the Tra Vinh University. He was surprised when the University rejected his application because his degree from this institution was not valid.

The United Nations Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt was due to visit Viet Nam from 21 to 31 July 2014, but his planned visits to Moth Chrouk province was interrupted. He said: “*I received credible information that some individuals with whom I wanted to meet had been under heavy surveillance, warned, intimidated, harassed or prevented from travelling by the police,*” he added. “*Even those who successfully met with me were not free from a certain degree of police surveillance or questioning.*”

(<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14915&LangID=E#sthash.fdvnlN9Q.dpuf>)

Article 19: The freedom of opinion and expression

In paragraph 175 mentions that “*citizens have the right to freedom of speech, freedom of the press*”. In paragraph 176 mentions that “*the press is not censored prior to printing, transmitting and broadcasting. The State does not censor works before publication*”. In reality, this fundamental freedom of opinion and expression are restricted in Vietnam.

In paragraph 187 mentions that Viet Nam has “*826 newspapers, 162 e-news agencies, and 66 radio and television stations with 182 broadcasting channels*”, but Viet Nam does not mention that those media organizations are affiliating with the government. There are millions of the Khmer-Krom people living in Mekong Delta, but they do not have a single independent media. Some television programs are broadcasting in the Khmer language, but the content of those

programs are being used as the propaganda to promote the policies of the government instead of allowing the Khmer-Krom to express their opinion or raising their concerns freely.

The websites that promote human rights are being blocked in Viet Nam. The website www.khmerkrom.org of the Khmers Kampuchea-Krom Federation (KKF) is being blocked in Viet Nam as well because the Vietnamese government does not want the Khmer-Krom to know about the fundamental rights that KKF is advocating for them.

The Khmer language is not used properly in the broadcasting programs. It is indirectly to educate the Khmer-Krom youths to learn to speak Khmer language mixing with Vietnamese words. The names of the Khmer-Krom's villages, districts and provinces are not allowed to be called in Khmer name, but Vietnamese name in the media.

In May 2017, the Khmer-Krom youths living in the Preah Trapeang province was summoned by the Vietnamese police to interrogate them because they wore the T-shirt that has a logo designed by the Khmer-Krom youths abroad. The Vietnamese authority did not want the Khmer-Krom youths to wear that T-shirt, because it just has this slogan: “Revitalization of our Khmer-Krom Identity through the implementation of UNDRIP”

On 28th November 2014, a Khmer-Krom symbolic gate leading the entrance to the Preah Trapeang province was demolished without consent or consultation with the Khmer-Krom people. After the Khmer-Krom using the social media to condemn what the Vietnamese government had done to their cultural heritage, the local authority verbally promised that they would build a new one bigger and better with the new design of the Khmer architecture. As of today, there is no action by the government to rebuild the gate yet. In June 2017, when a Khmer-Krom youth posted on her Facebook page a question publicly asking why this symbolic gate is not rebuilt yet? The Vietnamese police saw her post and summoned her for interrogation and ordered her to stop questioning about this issue publicly on the Internet. This incident clearly shows that Viet Nam is monitoring the Internet heavily to silence the social media users.

On June 12, 2018, the National Assembly of Viet Nam passed a cybersecurity law, and became effective on January 1, 2019, to control how the people in Viet Nam to use the Internet. This cybersecurity law raises a serious concern because the Vietnamese government can arrest human rights advocates using this law.

Article 21 & 22: Right to peaceful assembly; freedom of association and to join a trade union

In paragraph 192 states that “*Citizens have right to assembly, right to association, and right to demonstration (Article 25). Detailing this constitutional provision, many legal instruments are adopted to promote, ensure and protect the right to assembly and demonstration*”. In paragraph 200 also mentions that “*Associations in Viet Nam develop in different sizes, scales and capacities. In terms of quantity, there are about 67,627 associations in Viet Nam, of which 506*

associations operate nationwide.” While we are encouraged by the number of associations in Vietnam, Viet Nam fails to mention that these associations have to register to work under the control of the government. During Viet Nam Second Cycle of the Universal Periodic Review (UPR) held on February 5, 2014, it rejected the recommendation by the Members States to allow the people in Vietnam to form independent associations freely. As of today, the Vietnamese government does not allow Khmer-Krom to form an association. Throughout Mekong Delta, there is neither independently Khmer-Krom association, such as Khmer-Krom Buddhist association, nor Khmer-Krom student club.

In paragraph 201 mentions that *“By the end of December 2016, Viet Nam had 710 district-level Labor Federations; 48 trade unions of industrial parks; 361 local sector-based trade unions; 125,560 grassroots unions with 9,636,417 members. As compared with 1990, the number increased by more than 5 million members”*. In reality, those unions were established by the Vietnamese government. There are thousands of Khmer-Krom youths left their beloved villages to work for the Vietnamese companies in the big cities. There is no independent trade union to protect the labor rights for the Khmer-Krom workers. Viet Nam has not agreed to ratify the ILO 169 yet.

Article 25: Right to participate in public affairs, to vote and to be elected and access to public service

Living in a one-party Communist state, most of the Khmer-Krom people have no interest to vote, except for some Khmer-Krom officers who work for the government. The candidates are nominated by the communist party that is the only party in Viet Nam. During the election, the Khmer-Krom people were asked to participate in voting. Even they know that their votes are not counted, but they have to go. If not, they might get into trouble. Thus, the election has no meaning because there is no competition and no democracy in the election process.

In paragraph 236 states that *“The Vietnamese Government advocates the expansion of direct democracy, such as dialogue between local authorities and the people through in-person meetings or video-conference; and program “People ask, Ministers respond,” “People ask, leaders respond”; surveys on citizen’s satisfaction with public administrative services.”* In reality, those dialogue programs are just the showcases to the world. The questions for the dialogues are submitted and screened before answered. The indigenous peoples in Viet Nam are completely excluded from those dialogues because they live mostly in the remote areas.

Since 2003, the blindness issues of the Khmer-Krom in Khleang province are still prevalent. There are thousands of Khmer-Krom people who are affected by the blindness of either the left or right eye and in some case both eyes. The main problems that cause the blindness are from contaminated drinking water from their surroundings which are largely polluted by pesticides, herbicides, and fertilizers. This problem has been reported to the Vietnamese government, but

the Vietnamese government has taken no actions about it because the victims are primarily Khmer-Krom.

Article 27: Right for members of ethnic, religious, or linguistic minorities, to enjoy their culture, profess and practice their religion and use their language

In paragraph 239 states that “*In the organizational structure of the State, the Ethnic Council is elected by the National Assembly. The Ethnic Council has the duty to make recommendations on issues related to ethnic affairs*”. In reality, Viet Nam created the so-called “ethnic council” is to propagate the state’s policies and uses the indigenous peoples who work for that agency to oppress its people if their people stood up for their rights. Mr. Huynh Ba, a Khmer-Krom land rights activist, led the Khmer-Krom farmers from Khleang province to demand to return their confiscated farmlands so many times at the ethnic minority agency belonging to the ethnic council in Prek Russey (Cần Thơ) province. The ethnic minority agency has no power to resolve any issue and even threatens the Khmer-Krom farmers to go back to their village or face arrest. Because Mr. Huynh Ba was the leader, he was arrested on May 30, 2009, and released in February 2011 without a free and fair trial. He had no lawyer or right to defend in front of the Vietnamese court. As of today, the confiscated farmlands of the Khmer-Krom farmers have not yet been returned. The Khmer-Krom farmers have nowhere to turn to for justice.

The Khmer-Krom people have lived on their ancestral lands for thousand years. The current government of Viet Nam has tactically denied the Khmer-Krom people's identity as the indigenous peoples. The Khmer-Krom could be detained, arrested and imprisoned if they would publicly say or write something to identify themselves as Khmer-Krom. The government of Viet Nam has been tactically implementing the assimilation policies by scaring the Khmer-Krom to learn and preserve their true identity.

The Khmer-Krom people are not allowed to call their villages, districts, and provinces in their original Khmer names. For example, Viet Nam has attempted to confiscate a temple’s inherited seal containing the word “Kampuchea-Krom” in Khmer script. On August 5, 2014, according to the Khmer-Krom Buddhist followers of this temple in Preah Trapeang province, Major General Le Thanh Dau, Provincial Police Director came in person to ask the Abbot to hand over the seal to the authority. The Abbot was interrogated and fearful for his life; he told the Vietnamese Police that he threw the seal to the river.

In recent years, Viet Nam starts allowing the Khmer-Krom student to learn the Khmer language in couple hours per week in public school where the Khmer-Krom student are most populated, especially in the Khmer-Krom boarding schools. However, learning a language from two to three hours a week does not help the Khmer-Krom to know their Khmer mother tongue language fluently. Many Khmer-Krom youths now cannot read and write Khmer. The Khmer-Krom Buddhist monks have tried to open the Khmer classes in their temples and have faced oppression from the local governments because the government wants to control what is being taught at the

temple. Venerable Thach Thuol has been defrocked, arrested, and sentenced to 6 years in prison since 2013 because he just wanted to teach the Khmer language in his temple freely.

Two famous traditional sports in the Mekong Delta are boat racing in Khleang and Preah Trapeang provinces and Ox (Bull) racing in Moth Chrouk province. The Khmer-Krom had organized the Boat racing and Ox racing themselves during their cultural festivals for hundred years. Unfortunately, the government of Viet Nam has exploited the boat racing and ox racing festivals to attract tourists to make lots of profits from providing the tourist services and advertisements. The Khmer-Krom people do not gain a penny from those profits, except the winning teams may get some awards. These traditional sports should be preserved and used at the cultural festivals for the Khmer-Krom to enjoy, instead of changing the traditional ways that these sports have been performed to commercialize and attract tourists.

The Khmer-Krom farmers in Mekong Delta have raised serious concerns about the Khmer-Krom youths start dropping out of schools and going to big cities to look for works. They cannot stay back in their villages working as farmers because the expenses of farming are too high. They cannot make profits after each harvest season. Lacking education and vocational skills, the Khmer-Krom can only get low paid jobs working as servants in the Vietnamese families or as factory workers in/near Prey Nokor city. During their traditional holidays, such as Khmer New Year or the festival of Bonn Pjum Ben (or also known as Bonn Don-Ta), the Khmer-Krom workers are not allowed to take days off to celebrate their cultural festivals even these businesses are operating on their ancestral lands.

Recommendations

KKF believes that the Khmer-Krom, the indigenous peoples of Mekong Delta, should not be punished for exercising their fundamental rights and should fully enjoy the fundamental freedoms that have been enshrined in the CCPR that Viet Nam ratified. KKF would like to suggest the Committee to ask Vietnam to clarify:

- **When does Viet Nam consider recognizing the indigenous peoples in Viet Nam? Would Viet Nam consider to implement the UNDRIP that it ratified in 2007 and show the outcome of its implementation?** In 2012, during Vietnam's CERD review, after listening to the explanation from the members of the committee about the different between the indigenous peoples and ethnic minority, the Head of the Vietnamese delegation, Mr. Ha Hung, told the committee that he would take the suggestion from the members of the committee to his government. As of now, Viet Nam still refuses to recognize the indigenous peoples. Viet Nam should implement a procedure to establish a legal document to start recognizing the indigenous peoples. By recognizing the Indigenous Peoples, it shows the commitment of Vietnam to resolve the differences between the government and the indigenous peoples and establish better policies to help the indigenous peoples to enjoy their fundamental rights as enshrined in the UNDRIP.

- **Why doesn't Viet Nam allow the Khmer-Krom to exercise the right to self-determination to refer them as "Khmer-Krom"?** Allow Khmer-Krom to identify whatever they prefer will be a true step forward to help Khmer-Krom to preserve their Khmer-Krom identity in their homeland.
- **When will Viet Nam ensure that the indigenous peoples in Viet Nam, especially the Khmer-Krom, can freely teach and use their language without facing intimidation or facing the imprisonment by the government officers?** Teaching the Khmer language in Vietnam's public school cannot help Khmer-Krom to read or write their language fluently. Viet Nam should not threaten or monitor the Khmer-Krom Buddhist monks when they merely want to teach the Khmer language in their temple.
- **Why doesn't Viet Nam allow the Khmer-Krom to call the name of their village, district or province in the Khmer language in the radio or television programs that Viet Nam allows broadcasting?** Allowing the Khmer-Krom to call their village, district, and province in the Khmer language helps to show that Viet Nam commits to teaching the Khmer young generation to learn about the true history of their homeland.
- **Why doesn't Viet Nam allow the people in Viet Nam have the right to freely open the association to promote and protect human rights because it is guaranteed in Vietnam's Constitution?** Allowing Human Rights associations to open freely will help Vietnam to ensure that the government officers and the police do not abuse their power and comply with the law, especially to prevent and reduce corruptions that happen at all level in the Vietnamese government. The NGOs or associations have been operating in Viet Nam are the government's affiliations. Those organizations are not truly representing for the people in Viet Nam, especially the indigenous Khmer-Krom peoples.
- **How does Vietnam guarantee that the activists advocate for the fundamental rights would not be arrested and imprisoned with the ambiguity of the Penal Code in the Criminal Law without having the right to freely select lawyer or even defend in front of the Court? Would Vietnam consider revising those Penal Codes again to comply with Article 2 of CCPR?** Viet Nam should stop forcing the Khmer-Krom prisoners of conscience to admit the alleged crimes that they do not commit. They should have a right to defend themselves during the trial.
- **Does Viet Nam plan to translate the CCPR into the language of the indigenous peoples, such as the Khmer language, and freely distribute to the Indigenous peoples in Viet Nam?** Most of the indigenous peoples, especially Khmer-Krom, do not know the existence of the CCPR that Vietnam ratified since 1982.
- **How does Viet Nam guarantee that the Khmer-Krom can practice their Theravada Buddhism peacefully without fear? Could Viet Nam allow the Khmer-Krom to form**

an independent Buddhist association to operate without under the control of the VBS? Vietnamese authority should not use police force to threaten and disrupt the ceremony of a Khmer-Krom who wants to ordain as the Buddhist monk, just like the case of Ven. Lieu Ly. Religious freedom is a right, not a privilege granted by the government just as the new religious law that Viet Nam just passed in 2016. Ven. Thach Thuol should be released from prison without any condition. Viet Nam also should stop using PUBA or VBS to control the way Khmer-Krom practice their religion and culture in their temples. The Khmer-Krom should be allowed to create an independent religious organization to promote their rich history, religion and culture and not one that only promotes the one policy propaganda of the Vietnamese government.

- **Does Viet Nam reconsider to revise the cybersecurity law to comply with the international laws, especially Article 19 of CCPR?** It is encouraging to see the increasing number of people in Viet Nam using the Internet as mentioned in Vietnam's report. The cybersecurity law becomes effective on January 1, 2019, will be a step backward for the people in Viet Nam to enjoy the Internet Freedom. Vietnam should stop blocking the websites of the organizations advocating for the fundamental rights in Vietnam, such as www.khmerkrom.org
- **Does Viet Nam have a plan to improve the teaching curriculum at the “Khmer Nam Tong Institute of Buddhism” so that the Khmer-Krom Buddhist monks graduated from this institution can continue higher education at the Vietnamese Universities or can apply for a scholarship to study abroad?** This institution is administrating by the Khmer-Krom Buddhist monks but under control of the VBS. The VBS requires the Khmer-Krom Buddhist monks to study the courses not related to Buddhism, but Communist theory or the history of the Vietnamese communist party in Vietnamese. Ironically, the VBS does not provide funding to hire the Vietnamese instructors. The Khmer-Krom Buddhist monks who are administrating this institution have to look for donation to pay the Vietnamese instructors. It is challenging for this institution to stay open because the Khmer-Krom Buddhist monks (students) don't see the value to attend this institution because the degree that they will receive after graduation is not recognized by the Vietnamese Universities. Moreover, this institution does not receive funding from the Vietnamese government which contradicts with what Viet Nam is propagating about helping this institution to have a place for Khmer-Krom to study their Buddhism.
- **When will Vietnam allow the Khmer-Krom, especially the Khmer-Krom girls, to receive the scholarship to study abroad, such as the European Union scholarship under the program named “Erasmus Mundus”?** Viet Nam has sent thousands of Vietnamese students to study abroad, especially in the United States, Canada, Australia, and European countries, but the Khmer-Krom students have not received those benefits.