



Submission on the Implementation of the International Covenant on Civil and Political Rights (ICCPR)

(The Socialist Republic of Viet Nam)

The Khmer-Krom

December 2023

Submitting Organisation: Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization (UNPO) is an international, nonviolent and democratic membership organisation. Its Members are indigenous peoples, minorities, unrecognised States and occupied territories that have joined together to defend their political, social and cultural rights, to preserve their environments and to promote their right to self-determination. The Khmer-Krom are represented at the UNPO by the Khmer Kampuchea-Krom Federation (KKF). They have been a member of the UNPO since 2001.

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1. Overview

The Government of Viet Nam today engages in widespread restrictions and violations of the civil and political rights of citizens. As noted in January 2021 by the UN Office of the High Commissioner on Human Rights, “vaguely defined laws” are increasingly used to arbitrarily detain journalists, bloggers, commentators and rights defenders in the context of a systematic suppression of freedom of expression in the country.¹ Human Rights Watch have also detailed increasingly authoritarian tendencies, in which the Government: prohibits the formation and operation of any organization or group considered threatening to the controlling Communist Party; regularly blocks access to websites and removes content from social media; uses the police to intimidate, harass, assault and detain political opponents and civil society; and routinely prevents individuals from enjoying their rights to freedom of expression, association, assembly, religion and language.²

The indigenous Khmer-Krom peoples face specific harms within this repressive overall context. The **absence of indigenous status** denies them access to international bodies and laws that would otherwise promote their fundamental human rights, violating their right to self-determination. Viet Nameese policies also **prevent the use of the Khmer language and the practice of their religion**. Efforts to protest these conditions are regularly met with disproportionate uses of force including **assault and arbitrary detention**. Attempts to **form political or civil society organizations are banned**, further limiting the Khmer-Krom’s ability to advocate for their basic rights. **Restrictions on media** further hamper efforts to organize and raise awareness. **Lack of access to educational and political institutions** entrenches their position in society while an increasing urban-rural divide guarantees economic inequality. In total, these mutually reinforcing factors lead to an overall environment of discrimination and lack of access to economic opportunities and justice institutions.

Despite the Socialist Republic of Viet Nam’s accession to the International Covenant on Civil and Political Rights since 24 September 1982, it has persistently violated these rights. Moreover, despite the UNPO’s previous submissions to the Special Procedures and the corresponding joint allegation letters (JAL VNM 5/2022 and JAL VNM 3/2021), Viet Nam continues to commit a litany of violations of the Khmer-Kroms fundamental rights, and very concerningly, has carried out serious alleged acts of **intimidation and reprisals** against Khmer-Krom activists who engage with UN human rights mechanisms.³

Finally, the UNPO observes that the severe limitations imposed on civil society by the Government of Viet Nam, in the context of a hostile and repressive environment towards peaceful activists and human rights defenders, limit the ability to collect direct evidence from sources inside the country. In limited instances, as indicated in the corresponding citations, information on rights violations was provided directly to the UNPO and its member the Khmers Kampuchea-Krom Federation. The UNPO has strived to ensure in these instances that as many identifying details and relevant corroborating materials are provided without risking the safety of individuals.

¹ Office of the United Nations High Commissioner for Human Rights, Media Briefing, 8 January 2021, at <https://news.un.org/en/story/2021/01/1081632>.

² See e.g., Human Rights Watch, ‘Vietnam: Events of 2022’ (2023) <https://www.hrw.org/world-report/2023/country-chapters/vietnam>.

³ UNPO, Submission regarding acts of intimidation and reprisal committed by the Viet Nam government and local authorities against the Khmer-Krom (2023) [available upon request].

2. The Khmer-Krom

The Khmer-Krom live throughout the Mekong Delta region of Viet Nam, an area they have continuously inhabited for thousands of years. In Khmer it is known as Kampuchea-Krom. Despite being one of the largest indigenous groups in Viet Nam,⁴ they are not afforded indigenous status and instead are labelled by the Government as one of 53 ethnic minority groups.

The majority of the Khmer-Krom practice a version of Theravada Buddhism while a minority are Roman Catholic. Following the decline of the Khmer Empire in the 13th Century, the Khmer were subjugated first by the Viet Nameese, followed by French colonizers and again by the Viet Nameese administration upon its reestablishment in 1954.

The reunification of Viet Nam under a communist regime in 1975 led to collectivization of indigenous Khmer agricultural lands. Large resettlement efforts brought an influx of Kinh Viet Nameese into traditional Khmer lands. Government policies in the intervening years promoted the Viet Nameese language and resulted in decreased access to public institutions. Khmer agricultural practices, deeply intertwined with their use of their indigenous lands, have suffered due to confiscation of traditional lands and the introduction of new agrarian methods that destroy traditional habitats and require significant investments from outside sources.

Today, the Vietnamese government continues to impose restrictions on the civil and political rights of the Khmer-Krom. As referred to above and throughout this submission, they prohibit the establishment of organizations deemed threats to the Communist Party, censor the internet and social media, and employ the police to suppress political opponents and civil society activists. This results in violations of fundamental rights like freedom of expression, association, assembly, religion, and language.

3. Implementation of the International Covenant on Civil and Political Rights

a. Article 1: Right to Self-Determination

The right to self-determination is prominently placed as Article 1 of the UN Charter, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since the inception of these cornerstone human rights instruments, it has been recognized that the achievement of peace is closely tied to the respect for the right to self-determination, and it is emphasized as a foundational right serving as a prerequisite for the realization of subsequent social, political, and economic rights.⁵

It is by virtue of the right to self-determination that peoples are entitled to determine their political status and freely pursue their economic, social and cultural development. Accordingly, and as highlighted by the UN Human Rights Council, “*The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.*”⁶

Refusal to Recognise Indigenous Status

The Viet Nam Government refuses to designate the term “Indigenous Peoples” to refer to any of the 54 recognized ethnic groups in the country, including the Khmer Krom who self-identify as such. The

⁴ Minority Rights Group, ‘Khmer-Krom Profile’ at <https://minorityrights.org/minorities/khmer/>.

⁵ UNPO, ‘Sustainable and Peaceful Societies’ (2021) <https://unpo.org/article/22129>.

⁶ CCPR General Comment No. 12: Article 1 (Right to Self-determination) The Right to Self-determination of Peoples <https://www.refworld.org/docid/453883f822.html>.

failure of Viet Nam to formally recognize the Khmer-Krom's indigenous status obstructs their right to self-identify, and crucially, their pursuit of the fundamental right to self-determination.

As clearly described by the UN Office of the High Commissioner on Human Rights, self-identification is an essential component of any determination of indigenous status.⁷ Additional relevant criteria further reinforce the indigenous nature of the Khmer-Krom, including historical continuity with pre-invasion or pre-colonial societies, distinctiveness, non-dominance, determination to preserve their ancestral territories, a strong link to these territories and surrounding natural resources, distinct social, economic or political systems and distinct language, culture and beliefs.⁸ The Khmer-Krom, contrary to the determination of the Government of Viet Nam, meet every single listed criteria.

Indeed, despite voting in favour of the United Nations Declaration on the Rights of Indigenous Peoples on 13 September 2007, the Government of Viet Nam has not developed any specific legislation on Indigenous Peoples, or ethnic minorities. The Declaration on the Rights of Indigenous Peoples, which clearly affirms that indigenous peoples have the right to self-determination, also outlines the unique challenges and importance of promoting and protecting the human rights of indigenous peoples, including the right based on their ties to the land and guarantees of equality and non-discrimination..

Vietnam's failures to respect the Khmer-Krom's right to self-determination has been raised in recent years by numerous UN Special Rapporteurs. For example, JAL VNM 5/2022, co-signed by seven special procedures mandates, concerns, among other raised human rights violations faced by the Khmer-Krom *"the alleged failure of the Socialist Republic of Viet Nam to recognize the right to self-determination of the Khmer Krom Indigenous Peoples"*.⁹ The Special Rapporteurs also explicitly highlight concern *"about the denial of the right of Khmer Krom peoples to identify as Indigenous Peoples, and laws and policies put in place towards their forced assimilation."*¹⁰

The Special Rapporteur on the right to development, following their country visit to Vietnam in November 2023, furthermore stated within their end of mission statement: *"I am aware that the government of Viet Nam does not accept the concept of indigenous peoples, though it had supported the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). This results in ethnic minorities being unable to avail important rights to self-determination and free, prior, and informed consent (FPIC). As self-identification is a fundamental principle of UNDRIP, the government should consider allowing individuals alone or in association with others to choose their identity, including the right to identify as indigenous peoples. The Government should also consider ratifying the ILO Convention No. 169 on Indigenous and Tribal Peoples."*¹¹

This lack of recognition is exacerbated by the absence of any domestic legislation governing the rights of ethnic minorities, and is a clear manifestation of Viet Nam's refusal to grant the Khmer-Krom access to their internationally recognized rights and cooperate in good faith to realize the rights set out in international instruments, in particularly the United Nations Declaration on the Rights of Indigenous Peoples.

⁷ Office of the United Nations High Commissioner for Human Rights, 'Fact Sheet No. 9: Indigenous Peoples and the United Nations Human Rights System' p.1 at <https://www.ohchr.org/documents/publications/fs9rev.2.pdf>.

⁸ Office of the United Nations High Commissioner for Human Rights, 'Fact Sheet No. 9: Indigenous Peoples and the United Nations Human Rights System' p.2 at <https://www.ohchr.org/documents/publications/fs9rev.2.pdf>.

⁹ JAL VNM 5/2022.

¹⁰ JAL VNM 5/2022.

¹¹ United Nations Special Rapporteur on the right to development, Mr Surya Deva Official country visit to Viet Nam 6 to 15 November 2023, Preliminary Observations and Recommendations <https://www.ohchr.org/sites/default/files/documents/issues/development/sr/20231115-eom-statement-viet-nam-sr-dev-en.pdf>.

This absence of indigenous status is both a cause, and an effect, of the general policy of discrimination and systemic rights violations imposed by the Government of Viet Nam against the Khmer-Krom, which are detailed in this submission. The UNPO firmly holds that recognizing the indigenous nature of their community is an essential first step towards rectifying discriminatory policies and ensuring that the Khmer-Krom's civil, political, economic, social and cultural rights are guaranteed.

Restrictions to Khmer-Krom Land and Livelihood

Article 1, Paragraph 2 of the ICCPR affirms a crucial economic aspect of the right to self-determination, namely that “*All peoples may, for their own ends, freely dispose of their natural wealth and resources(...)*”. However, decades of land appropriation have denied the Khmer-Krom access to their traditional lands and livelihood, which coupled with the overall systematic discriminatory and repressive practices, have left the Khmer-Krom in a vicious circle of endemic poverty.

Indeed, the vast majority of the Khmer-Krom live in agrarian societies with economic opportunity tied to farming and agriculture on their traditional lands. However, Government programs have collectively socialized land ownership and redistributed access to farmland.

The reunification of Viet Nam under a communist regime in 1975 led to collectivization of indigenous Khmer agricultural lands. Large resettlement efforts also brought an influx of Kinh Viet Nameese into traditional Khmer lands. As a result of the land redistribution reforms, Khmer-Krom farmers may only make use of land with the agreement of the State.

Since the 1970's, many Khmer farmers found themselves with only small plots of land unsuitable for agricultural purposes after the State's acquisition and redistribution of land in the Mekong region. Reforms in the 1980's and 1990's then saw the development of a household contract system initiated for farmers, who were allocated specific plots of land while still under state ownership.¹² Farmers were issued the rights to use and occupy the land, including the right to sell, exchange, transfer, lease, inherit, and mortgage their land use rights. However, research has shown that these reforms led to many Khmer Rom farmers being forced to sell their land in order to pay off debts and make ends meet, particularly in light of the growing costs of fertilisers, pesticides and the declining price of rice.¹³

This has resulted in escalating land disputes. However, Viet Nam has also not recognized the International Labour Convention on Indigenous and Tribal Peoples (ILO Convention 169), which offers mechanisms to resolve land disputes and addresses the right to ownership of land by indigenous peoples who have a historic claim to these lands.¹⁴ Instead land disputes are to be resolved via local conciliation processes. However, despite the provisions of the law, many Khmer-Krom farmers complain that corrupt local authorities are unresponsive to their land rights complaints or make biased decisions favouring ethnic Kinh government officials' illegal or below-market value acquisition of their land.¹⁵

Despite renewed land reforms in 2013, Viet Nam has still retained ownership of the land, with article 4 stating “*Land belongs to the entire people with the State acting as the owner's representative and uniformly managing land. The State shall grant land use rights to land users in accordance with this*

¹² Viet Nam's doi moi (renovation) policy, approved at the 1986 Sixth National Congress, launched the country's transition from a socialist, centrally planned economy to a market economy; Article 20, 1993 Land Law, published in A Selection of Fundamental Laws of Vietnam.

¹³ Human Rights Watch, ‘On the Margins Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta’ (2009) at https://www.hrw.org/report/2009/01/21/margins/rights-abuses-ethnic-khmer-Vietnam-mekong-delta#_ftnref45.

¹⁴ International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), Article 14.

¹⁵ Taylor, "Redressing Disadvantage," in Philip Taylor, ed., Social Inequality in Viet Nam and the Challenges to Reform, p. 263.

Law." This provision remains a root cause of the unrest around land issues in Viet Nam. Continuing the communist ideology of the "people's ownership", state management of the land has led to systematic land grabbing, which has pushed thousands of Khmer-Krom families living in poverty away from their farmlands and livelihood. Notably, and as raised in section 3.f. in recent years farmers advocating for access to their historical lands have been arbitrarily detained and forced to sign false confessions.

By refusing to recognise the indigenous status of the Khmer-Krom and by asserting control over the ancestral lands of the Khmer-Krom people, denying them the means to sustain themselves and live with dignity, the State infringes its obligations under Article 1 of the ICCPR.

b. Article 2: Non-Discrimination

Article 2 sets out the principle of non-discrimination in the protection of the rights guaranteed in the ICCPR, including the obligation of State parties to take positive measures to eliminate discrimination. The Human Rights Committee defines discrimination as "*any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on equal footing, of all rights and freedoms*".¹⁶ Notably, enjoyment of rights and freedoms on an equal footing does not mean identical treatment in every instance.

Despite the State's denial and the absence of explicit discriminatory legal provisions, discrimination against the Khmer-Krom in Vietnam is a pervasive and constant reality. Many rights set out in the ICCPR are unevenly enshrined in Vietnam, including the right to self-determination, freedom of thought, conscience and religion, and freedom of expression, association, and assembly, among others. Therefore, all of the sub-sections in this report not only infringe upon the Khmer-Krom people's civil and political rights, but also constitute discrimination against them, as these violations specifically target them based on their membership in a particular group.

Such discrimination is particularly serious because Khmer-Krom individuals in rural villages are not integrated in the political, legal, economic, educational and health system due to the lack of inclusion of minorities' languages and high levels of illiteracy, poverty, and unemployment (particularly among women).¹⁷

By impeding the realization of the basic rights of the Khmer Krom people and perpetuating numerous forms of discrimination, Vietnam has neglected its responsibilities outlined in Article 2 of the ICCPR.

c. Article 3: Equal Rights of Men and Women

Article 3 of the Covenant obliges State parties "*to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.*" Despite Vietnam ratifying provisions ensuring gender equality in the national Constitution (Article 26) and being a member of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) since July 29, 1980 (Ratified on February 17, 1982), Khmer-Krom women face a multitude of obstacles and fundamental rights violations.

Khmer-Krom women, although not explicitly targeted or discriminated against in law, face heightened vulnerability to various human rights violations due to their gender. The intersection of

¹⁶ General comment of the HR Committee No. 18 (HRI/GEN/1/ Rev.9 (Vol.1)), § 6: <http://ccprcentre.org/ccpr-general-comments>.

¹⁷ UNPO "Hmong: Extreme Poverty and Humanitarian Crisis in Laos" (24 January 2019) <https://unpo.org/article/21420>.

their ethnicity and gender places them at a higher risk for experiencing systemic inequalities and abuses.

Institutionalized discrimination and limited access to education often confine Khmer-Krom women to gendered roles, hindering their ability to advance socially and economically. The shortage of job opportunities in the provincial regions, exacerbated by the land appropriation policies discussed in section 3.a compels Khmer-Krom women and girls to seek employment far from their home regions. Furthermore, Khmer-Krom women often face educational limitations and may be compelled to marry at a young age due to financial constraints and travel difficulties. Their educational opportunities are restricted, with significant restrictions on their ability to learn Khmer, as the primary language of instruction is Vietnamese (see section 3.k) The absence of independent unions or civil society organizations compounds the disadvantages Khmer women face, leaving them with no channels to report workplace abuses.

Some Khmer-Krom women have reportedly also become victims of trafficking rings, as illustrated by the reported case of a 20-year-old Khmer-Krom woman who went to Saigon city to find employment and fell into a ‘marriage trap’.¹⁸ In exchange for 500\$ for her family back home, the Khmer woman was made to marry a 47-year-old Korean Man, however in July 201, shortly after her arrival in Korea, she was killed by her Korean husband.

Moreover, when Khmer-Krom women stand up for the rights, they are oftentimes faced with arrests, interrogations, and imprisonment. For example, on March 8th 2023, Khmer-Krom women organised an event to celebrate International Women’s Day in the Tra Vinh province, to raise awareness about their rights as women and as indigenous peoples. However, it is reported that the Vietnamese authorities came to disrupt the event.¹⁹ Numerous arrests were made, and activists were taken to the police station, where authorities intimidated and threatened them to stop with their advocacy.

Through neglecting to address or prevent the systematic Khmer-Krom women face, the State failed to respect its obligations under Article 3 of the ICCPR.

d. Article 7: Prohibition of Torture

Article 7 provides that “*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*” The purpose of this article is “*to protect both the dignity and the physical and mental integrity of the individual*” including mental suffering as well as physical pain.²⁰ This article is absolute, non-derogable and does not allow for any exception, including an order from a superior officer. While this provision does not contain a definition of torture, the generally accepted definition is that of article 1 of the Convention Against Torture (CAT): “*acts of public officials that intentionally inflict severe physical or mental pain or suffering in order to fulfil a certain purpose, such as the extortion of information or confessions or the punishment, intimidation or discrimination of a person.*”

Despite Viet Nam having ratified the United Nations Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (UN CAT), the UNPO have been made aware of numerous instances of torture committed by Vietnamese authorities against the indigenous Khmer-Krom.

On 21 June 2023 the Khmers Kampuchea-Krom Federation (KKF) reported the arbitrary arrest and brutal treatment of Mr. Lam Vong, age 51, living in Ward 3, Soc Trang City, Soc Trang province, a

¹⁸ KKF ‘Shadow Report to HRC of CCPR – Viet Nam (CCPR/C/VNM/3)’ (2019) [https://ccprcentre.org/files/documents/INT_CCPR_CSS_VNM_33385_E_\(1\).pdf](https://ccprcentre.org/files/documents/INT_CCPR_CSS_VNM_33385_E_(1).pdf).

¹⁹ KKF, ‘Women Face Triple Discrimination and Oppression by Vietnamese Authorities: A Call to Action for Human Rights Council Members’ (March 2023) <https://khmerkrom.org/for-immediate-press-release-khmer-krom-women-face-triple-discrimination-and-oppression-by-vietnamese-authorities-a-call-to-action-for-human-rights-council-members/>.

²⁰ General comment No. 20 of the HR Committee (HRI/GEN/1/ Rev.9 (Vol. I) p.200): <http://ccprcentre.org/ccpr-general-comments>.

dedicated Khmer-Krom activist, by the Vietnamese authorities in Soc Trang province. On June 19, 2023, at 10 am, Mr. Lam Vong was arrested while visiting his friend at a guest house without any court order, handcuffed, and subjected to brutal intimidation tactics during interrogation at the police station. While Mr. Lam Vong was in custody, he was subjected to physical assault by the Vietnamese police. He endured a blow to his stomach and was struck twice behind his neck.

Notably, the arrest and torture of Mr. Lam Vong appear to be directly linked to his peaceful advocacy work, including the distribution of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the promotion of Khmer-Krom identity. Mr. Lam Vong was released at 7 pm on June 20 after 33 hours of detention.

Similar, The KKF also reported that on 20 January 2023 the Vietnamese Police summoned Trieu Sieu, born in 1989, to the local police station at Trung Binh village, Tran De district, Soc Trang province, to "discuss some issues related to using social media (Facebook)". Mr. Trieu Sieu was interrogated for about an hour by the local Police and then transferred to the police station in Soc Trang city for detention. While he was being detained for interrogation for about 30 hours about his activities of sharing information on the Internet, especially sharing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) document, the Police also used torture against him. He was punched twice in the face and beaten up on his body causing bruises. Further examples of abuse taking place in custody are noted in the next section.

Vietnam's perpetration of torture against Khmer-Krom individuals directly contravenes its obligations under Article 7 of the ICCPR, which unequivocally prohibits torture or cruel, inhuman, or degrading treatment.

e. Article 9 and 10: Prohibition of Arbitrary Detention and Conditions of Detention

Article 9 provides that the arrest or detention of a person must not be arbitrary and should be lawful. The right includes the right to be informed promptly, the right to habeus corpus, the right to be promptly brought before a judge, and the right to compensation for anyone who is unlawfully arrested or detained. Article 10 concerns the living conditions in detention, including in pre-trial detention and migrant holding centres, including torture and ill-treatment of detainees including solitary confinement, as also raised in the previous sub-section.

Arbitrary arrests and detention by the Government of Viet Nam are frequently used as tools to suppress the Khmer-Krom, particularly against individuals attempting to peacefully advocate for their rights. Special Rapporteurs highlight this in both JAL VNM 3/2021 and JAL VNM 2/2022, which details a number of cases of the alleged arbitrary arrest, questioning, detention, incommunicado detention and sentencing of Khmer Krom people in relation to their online and offline exercise of fundamental freedoms and activism to promote the rights of Khmer Krom Indigenous Peoples.²¹

For instance, the case of Mr. Duong Khai, raised in both JAL VNM 3/2021 and JAL VNM 2/2022, details how the youth and human rights defender active in the promotion of the rights of the Khmer-Krom peoples has faced numerous instances of arbitrary arrest and detention. On the 13 April 2021, Mr. Duong Khai was temporarily detained and questioned by the Dong Nai province police, without being presented a warrant. He was arrested for his efforts in the dissemination of United Nations documentation, the UN Declaration on the Rights of Indigenous Peoples. In the response of the Permanent Mission of the Socialist Republic of Viet Nam, No.143/VNM.21, it was argued that Mr. Duong Khai's dissemination of this information was an "*abuse of propaganda of instruments and conventions on human rights*" with intent to "*distort and spread false news*". Upon arrest his phone was confiscated, his mother was forbidden from accompanying him, and he was allegedly subjected to intimidation and threatened with physical force. Mr. Duong Khai was released the following day

²¹ JAL VNM 2/2022.

due to the police's inability to charge him. After his release, Mr. Duong Khai expressed acute concern that he would be placed under police surveillance and receive further reprisals in the future.

Later, on 4 February 2022, Mr. Duong Khai attended the Soc Trang police station after receiving a summons. Following 30 hours of interrogation, Mr. Duong Khai was released after refusing to sign a confession letter that implied he had shared illegal information on the internet, in the form of the UNDRIP. During the process he was reportedly denied access to a lawyer, and he was not provided with legal documents upon his release. On 30 July 2022, Mr Duong Khai was temporarily detained and questioned by the Ho Chi Minh Police along with another Khmer-Krom youth advocate, Mr. Thach Cuong. After several hours of interrogation, the two men were released.

It is notable that following the submission of AL VNM 5/2022, Mr. Duong Khai has explicitly faced further incidents of intimidation/reprisal due to the engagement of the Khmer-Krom with UN mechanisms.

Another reported incident of arbitrary arrests and detention concerns, again highlighted by Special Procedures in JAL VNM 2/2022, concerns the case of Mr. Danh Set, a 30-year-old Khmer Krom man, friend of Mr. Duong Khai, who lives in Vinh Chau Town of Soc Trang province.

On 18 February 2022, at around 09:00, Mr. Danh Set was allegedly temporarily detained, questioned, and tortured by the Soc Trang province police. He attended the police station in Vinh Phuoc Ward, Vinh Chau Town, Soc Trang province in response to a summons letter stating the police wanted to “verify a couple of things”. Upon entering custody, Mr. Danh Set’s phone was confiscated. The police repeatedly requested the login passcodes for Mr. Danh Set’s phone and Facebook account, but he refused to share this information. The police also questioned Mr. Danh Set regarding sharing information on the internet and his contact with Khmer-Krom individuals outside Viet Nam. In response to Mr. Danh Set’s refusal to provide his passcodes, a Soc Trang provincial police officer forcefully struck him on the head with a water bottle. After this physical abuse, he yielded his phone and Facebook passcodes. On the 18 February 2022, Mr. Danh Set was reportedly interrogated from 09:00-23:00. The following day he was interrogated from 08:00-17:00. On 19 February 2022, the police threatened to extend Mr. Danh Set’s detention and fine him VND 70 million (USD 2,984) if he did not sign a confession letter in which he accused Mr. Duong Khai. The police also specified that he must be recorded reading the letter. Mr. Danh Set agreed to sign and read the false confession and was released, without having to pay the fine, at 17:00 on 19 February 2022. The Police did not return Mr. Danh Set’s phone. Mr. Danh Set was denied access to a lawyer during the entire process of interrogation and no legal documents stating the reasons for his temporary detention were provided to him.

Another case, also mentioned in the aforementioned JAL, concerns the case of Mr. Thach Rine. Mr. Thach Rine is a 62-year-old Khmer Krom man arrested for reportedly sharing an animated picture of Ho Chi Minh, although it appears that his arrest may have been due to his wearing a T-shirt with the UN SDGs logo. JAL VNM 5/2022 details how, on the 25 June 2021, the Tra Vinh province police entered the home of Mr. Thach Rine during his absence. Additionally, on the 25 June 2021, Mr. Thach Rine was temporarily detained and questioned. On the 14 October 2021, Mr. Thach Rine was arrested without a warrant and held in police custody. He was informed that he would be detained for 2 months. On the 24 January 2022, Mr. Thach Rine was placed in a closed-court trial with no lawyer, was forced to accept the alleged crimes, and was sentenced to a 6-month prison term. During his detention, Mr. Thach Rine’s access to medicine for his declining health was delayed or denied. On the 13 April 2022, Mr Thach Rine was released from prison in Vung Tau province, far from Tra Vinh where he was arrested, and family believed he was being held; de-facto enforced disappearance.

Since Mr. Thach Rine's release, it has been demanded that he report his activities to the police every 3 months for 2 years; a clause that was not specified in his court sentence. Additionally, Mr. Thach Rine was fined 200,000 Dong (around 8 dollars), to pay for the court fee.

Through recurrent instances of arbitrary arrests and detentions of Khmer-Krom activists, accompanied by inhumane treatment and denial of legal rights, Vietnam disregards its obligations under Articles 9 and 10 of the ICCPR, which mandate that arrests or detentions must not be arbitrary, ensuring lawful procedures and humane conditions in detention.

f. Article 18: Freedom of Thought, Conscience and Religion

Article 18 protects the freedom of all individuals to have, not to have, or change one's thought, conscience, religion or belief. The HR Committee points out that recognition of State religion(s) or the existence of a majority religious group shall not result in any discrimination against adherents to other or minority religions, or non-believers.²² It should also be noted that rights of persons belonging to a religious minority are also protected under article 27.

For thousands of years the Khmer-Krom have been practising Theravada Buddhism, with over 400 temples standing on their ancestral lands. For the Khmer-Krom, the temple is not only a place of worship, but a centre for education and preservation for their language and culture (see section 3.k).

Despite freedom of religion being enshrined in the Viet Nameese Constitution,²³ the State employs various tactics to limit religious freedom. For example, in November 2016, the 14th National Assembly passed the Law on Belief and Religion.²⁴ The Law requires all religious groups to register with the authorities and report on their activities. However, this registration can be refused for unknown reasons. The Law also provides for government control over religious practices and permits restrictions on religious freedom in the interest of "national security" and "social unity" not otherwise defined. With its ability to regulate religious groups' activities, the Viet Nameese authorities have been able to use the Law on Belief and Religion to target and silence certain groups or dissidents.²⁵

These issues were raised by raised by Special Rapporteurs in JAL VNM (5/2022)²⁶, and also corroborated during the United States Commission on International Religious Freedom's visit to Viet Nam in September 2019, whereby multiple religious groups that have applied for registration reported that local officials regularly exceeded their authority in the process of registration, for instance by demanding additional information not explicitly required by the law, such as congregates' names.²⁷ Applications were reportedly often pending without formal decision for months or even years. The Commission further reported that throughout the year, authorities interrogated, harassed, or physically assaulted individuals affiliated with unregistered religious groups.²⁸

²² Human Rights Committee, CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion), 30 July 1993, CCPR/C/21/Rev.1/Add.4, <https://www.refworld.org/docid/453883fb22.html>.

²³ See: Article 24, 24, 70, Vietnam Constitution

²⁴ Law on Belief and Religion, November 18, 2016, 02/2016/QH14.

²⁵ Submission to the UN Office of the High Commissioner for Human Rights - The 3rd Cycle Review of the Universal Periodic Review of the Socialist Republic of Vietnam 32nd Session," Khmers Kampuchea-Krom Federation, January - February 2019, at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=5940&file=EnglishTranslation>.

²⁶ See for eg: "While freedom of religion is enshrined in the Vietnamese Constitution, the 2016 Law on Religion and Belief poses severe limitations to freedom of religion and belief on religious groups, especially for those that have not been recognized by the State as a religious organization or are not affiliated with a registered religious organization. Moreover, authorities maintain the right to approve or refuse requests for registration as religious group, or systematically deny registration, or exceedingly delay it, resorting to the protection of national security and social unity as a justification."

²⁷ Annual Report and Recommendations for World's Most Egregious Violators of Religious Freedom, USCIRF (2019) at https://www.uscifr.gov/sites/default/files/Viet%20n%20am%202018_French.pdf.

²⁸ Annual Report and Recommendations for World's Most Egregious Violators of Religious Freedom, USCIRF (2019) at https://www.uscifr.gov/sites/default/files/Viet%20n%20am%202018_French.pdf.

Notably, the Viet Nameese government has refused to recognise Khmer Theravada Buddhism as an authorised religion. Rather, Theravada Buddhism has been classified as a religious organization, thereby stripping its practitioners of important protections, such as reading relevant religious material, such as Khmer-language books and publications, or holding such materials in the libraries.²⁹ Consequently, Khmer-Krom Buddhist monks have been forced to join the Viet Nam Buddhist Sangha (VBS) association established by Viet Nam's government.

The Khmer Kampuchea-Krom Federation's (KKF) have reported that where Khmer-Krom Buddhist monks refuse to be members of the VBS they receive threats and intimidation until they agree to join or are forced leave their monkhood. As a result, the VBS is authorized to control how the Khmer-Krom practice their religion in numerous ways, including: the appointment of the Abbot (head monk) in Khmer-Krom temples; changes in Khmer-Krom temple stamps and Buddhist identification to include only the Viet Nameese language; mandatory attendance of 'National Defence and Security' workshops, which propagate propaganda; forced display of a portrait the Viet Nameese Communist founder, Ho Chi Minh, in the temple along with Viet Nam's flag instead of the Buddhist flag; prohibition of speaking the Khmer language in study conferences by Khmer Buddhist monks; and overall monitoring of the teaching curriculum in the Khmer-Krom temples.

The Government of Viet Nam has also forcibly defrocked dozens of Khmer Krom Buddhist monks, including the Venerable Tim Sakhorn, who was disrobed and disappeared in 2007 for "undermining national unity" under Article 87 of Viet Nam's Penal Code.³⁰ Furthermore, celebration of Khmer Krom cultural and religious holidays are prohibited in schools and elsewhere while children who wish to study their cultural and religious traditions of Theravada Buddhism have to apply for permission from the government to do so.³¹

By refusing to recognize Khmer Theravada Buddhism as an authorized religion and subjecting its practitioners to discriminatory measures, such as forced membership in the Vietnam Buddhist Sangha (VBS) and restrictions on religious practices, the Government of Vietnam violates its obligations under Article 18 of the ICCPR.

g. Article 19: Freedom of Expression

Article 19 (1) protects the right to freedom of opinion, to which no exception or restriction is permitted.³² Article 19(2) stipulates the right to freedom of expression including the right to information and covers, for instance, political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching and religious discourse. Article 19 also includes freedom of press and media, which according to the Human Rights Committee in General Comment No.34, "*implies a free press and other media able to comment on public issues and to inform public opinion without censorship or restraint*".³³

The Viet Nameese government consistently infringes upon the Khmer-Krom community's freedom of expression, utilizing press and publication laws to suppress and criminalize dissent.

Restrictions on Activism

²⁹ Human Rights Watch, 'On the Margins: Rights Abuses of Ethnic Khmer in Vietnam's Mekong Delta' (2009) at <https://www.hrw.org/report/2009/01/21/margins/rights-abuses-ethnic-khmer-Vietnam-mekong-delta>.

³⁰ Human Rights Watch, 'Vietnam: Restore Full Freedom to Buddhist Monk Tim Sakhorn' (2008) at <https://www.hrw.org/news/2008/07/03/Vietnam-restore-full-freedom-buddhistmonk-tim-sakhorn>.

³¹ Office of the High Commissioner on Human Rights, Vietnam Shadow Report to the United Nations Convention on the Rights of the Child at https://www.ecoi.net/en/file/local/1104900/1930_1344247141_Vietnam-indigenous-crc60.pdf.

³² General comment No. 34 of the HR Committee (CCPR/C/ GC/34): <http://ccprcentre.org/ccpr-general-comments/>

³³ Human Rights Committee 102nd session Geneva, 11-29 July 2011 General comment No. 34 Article 19: Freedoms of opinion and expression.

For example, as raised in section 3.e, in May 2021 one Khmer-Krom activist who was wearing a T-shirt with the logo of the Sustainable Development Goals (SDG) was detained by the Vietnamese police and the agents confiscated 150 copies of the UN International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous People (UNDRIP).

In April 2021, over 100 police officers were reported to have raided the home of indigenous Khmer-Krom youth activist and human rights defender Mr. Duong Khai, without a warrant, and confiscated 100 copies detailing the content of the UNDRIP, his cell phone and his computer.³⁴ The books were not returned, and he was charged with publishing without permission and tax evasion.³⁵ This raid took place in the context of a ban on Khmer-Krom human rights publications and, as previously detailed, tight control over the practice of Theravada Buddhism.

Reports also note that three Khmer-Krom youths were fined for up to 300 USD for posting comments on social media about their indigenous history while others have been fined for wearing shirts marking the anniversary of the loss of the Khmer territory to Viet Nam.³⁶

Consequently, Special Rapporteurs in JAL VNM 3/2021 expressed serious concern over the actions of the police authorities, and raised particular concern for its *“chilling effect on any expression, by all those, including human rights defenders, who draw attention to minority and indigenous people’s issues in the country.”*³⁷

Restrictions on Media Freedom

Censorship within Viet Nam’s media is pervasive. Media organisations and social media are tightly controlled by and affiliated with the government. This significantly limits the ability to raise awareness of violations and disseminate information to local communities.

All press in Viet Nam is state-owned, with foreign language press published in the country closely monitored by the government. Certain topics, especially in relation to political dissidents and human rights abuses, are forbidden or censored in a variety of ways by the government, including via the use of physical intimidation, imprisonment, destruction of materials and cyber-attacks on websites.³⁸

Websites that promote human rights in Viet Nam are typically blocked. In recent years, Viet Nam has enacted stringent cybersecurity laws to control use of the internet.³⁹ The government has used this legislation to heavily fine and summon Khmer-Krom to police stations. UNPO in coordination with the KKF have recorded a number of instances demonstrating the arbitrary application of these laws, for instance:

On February 2, 2020, Venerable Seun Ty, a Khmer-Krom Buddhist monk living in Cambodia, visited his family in Kampuchea-Krom. His passport was confiscated because he shared information about Khmer-Krom activities abroad on his Facebook page while he was in Cambodia.⁴⁰

³⁴ See section 3.e.

³⁵ Radio Free Asia, ‘Vietnamese Authorities Detain Ethnic Khmer Krom Publisher of Book on Indigenous Rights’ (2021) at <https://www.rfa.org/english/news/cambodia/publisher04142021172346.html>.

³⁶ Radio Free Asia, ‘Vietnamese Authorities Detain Ethnic Khmer Krom Publisher of Book on Indigenous Rights’ (2021) at <https://www.rfa.org/english/news/cambodia/publisher04142021172346.html>.

³⁷ JAL VNM 3/2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26456>.

³⁸ Freedom House, ‘Freedom on the Net 2019’, (2019) at <https://freedomhouse.org/country/Vietnam/freedom-net/2019>.

³⁹ The Law on Cybersecurity (2018); Decree No. 15/2020/ND-CP (2020). The Decree provides for monetary fines for people and internet companies for posting or publishing a sweeping range of items with “forbidden contents” or materials that promote “reactionary ideas” or “have not been allowed for circulation, or have been prohibited for circulation or have been confiscated” or “distort historical truth, dismiss revolutionary achievement, insult the nation or national famous people and heroes.”

⁴⁰ Unrepresented Nations and Peoples Organisation, ‘UNPO Calls on Vietnamese Authorities to Return Cambodian Passport of Venerable Seun Ty Immediately’ (2020) at <https://unpo.org/article/21740>.

In February 2020, Kurt Lee, a Khmer-Krom living in the US, visited his father, who was sick in Kampuchea-Krom. While he was in his home town, he shared his village pictures on Facebook, using keywords such as “Kampuchea-Krom.” The cyber army force detected and summoned him for interrogation for more than 4 hours. He was forced to sign a confession which included certifying that he would not repeat his action. He was informed he could not return home until the confession was signed.⁴¹ On June 2, 2020, Thach Cuong was fined 7.5 Million Dong (about \$360) for sharing “fake news”.⁴²

On June 8, 2020, To Hoang Chuong was fined 7 Million Dong (about \$350) for sharing information relating to KKF’s activities.⁴³

These concerns are corroborated by Special Rapporteur, who in JAL VNM 5/2022 express concern that *“the 2018 Cybersecurity Law, together with Decree No. 15/2020/NDCP on penalties for administrative violations against regulations on postal services, telecommunications, radio frequencies, information technology and electronic transaction, as well as restrictive and vaguely formulated articles of the Criminal Code, have been reportedly used in Viet Nam to restrict freedom of expression online and offline by all citizens, including the Khmer Krom. Cases of the alleged arbitrary arrest, questioning, detention, incommunicado detention and sentencing of Khmer Krom people in relation to their online and offline exercise of fundamental freedoms and activism to promote the rights of Khmer Krom Indigenous Peoples include the following cases”*.⁴⁴

The systematic violation of the Khmer-Krom community's freedom of expression by the government of Vietnam, through stringent press and publication laws, censorship, and cyber-attacks, contravenes the principles outlined in Article 19 of the ICCPR.

h. Article 21: Freedom of Assembly

Article 21 protects the right of everyone to freedom of peaceful assembly, which covers preparation and conduction of an assembly and the right to participate in it.

The Government of Viet Nam systematically cracks down against its people’s right to freedom of assembly, particularly against the Khmer-Krom. The inability to protest and bring to light the discrimination and repression suffered by the Khmer-Krom facilitates the violations outlined in this submission while also causing peaceful protesters to suffer violence at the hands of government forces. This also contravenes the right to freedom of opinion and speech as guaranteed in Viet Nam’s Constitution and in international human rights instruments.⁴⁵ As detailed above, national security provisions in Viet Nam's Penal Code and in press and publication laws are also regularly used to prohibit and criminalize peaceful speech and assembly.⁴⁶

Peaceful activism and expressions of dissent are seen by the Government of Viet Nam as a threat to national unity. Disproportionate responses illustrate the Government of Viet Nam’s intention to intimidate minority activists and instill a culture of fear.

⁴¹ See: Interview between the KKF and Mr. Kurt https://www.youtube.com/watch?v=oa8Srnl_B90.

⁴² See: Evidence of fines <https://www.facebook.com/vokk.net/photos/pcb.3429909447027505/3429907870360996/> and <https://www.facebook.com/vokk.net/photos/pcb.3429909447027505/3429907887027661>.

⁴³ Reuters, ‘Vietnam Jails Facebook User Over ‘Anti-State’ Posts’ (2020) at <https://www.voanews.com/press-freedom/Vietnam-jails-facebook-user-over-anti-state-posts>.

⁴⁴ JALVNM 5.2022.

⁴⁵ Article 26, Vietnam Constitution.

⁴⁶ For instance, Vietnam’s penal code includes crimes related to: “activities aiming to overthrow the people’s administration” (penal code article 79, penalty up to death sentence); “undermining national unity policy” (article 87, penalty up to 15 years in prison); “conducting propaganda against the State of the Socialist Republic of Vietnam” (article 88, penalty up to 20 years); “disrupting security” (article 89, penalty up to 15 years); and “abusing the rights to freedom and democracy to infringe upon the interests of the state, the rights and interests of individuals” (article 258, penalty up to 7 years).

The following cases illustrate a pattern of repression and intimidation against civil society and peaceful protesters, in violation of their right to freedom of expression and freedom of assembly:

In May 2020, Viet Nameese police attacked Khmer-Krom civilians working on historical farmlands in the southern Mekong Delta. Upon arrival, the police confiscated farming equipment at which time a protest against the police actions occurred with, according to reports, 10 farmers injured.⁴⁷ Shortly thereafter, on 7 June 2020, Viet Nameese authorities sent approximately fifty police officers to arrest six individuals. After hours of interrogation five individuals were released, while Mr. Huynh Van Dep remained in custody for over three months. In December 2020, the Mr. Dep and three others were convicted, with Mr. Dep sentenced to up to two years and six months in prison.⁴⁸

In 2007, over two hundred Khmer-Krom Buddhist monks at the Pali language school in the Soc Trang province organized a peaceful protest to demand religious freedom. The authorities used military force to arrest and disrobe nine Khmer-Krom Buddhist monks. Five Khmer-Krom Buddhist monks have been sentenced from two to four years in prison for “causing public disorder” under Article 245 of the 1999 Penal Code.⁴⁹

The suppression of peaceful protests, use of national security provisions and laws to criminalize dissent contravenes the fundamental rights of the Khmer-Krom community, contradicting Article 21 of the ICCPR.

i. Article 22: Freedom of Association

Article 22 protects the right to freedom of association including the right to form and join trade unions. The right to freedom of association includes within its scope registration of associations including human rights organisations and nongovernmental organisations (NGOs).⁵⁰

The Khmer-Krom people, like other ethnic groups in Viet Nam, are unable to form independent associations. Viet Nam exerts significant control over registration and operation of independent civil society organisations.⁵¹ Accordingly, the Government effectively bans the formation of any independent associations advocating for human rights and tightly controls those that do operate. Authorities require approval for public gatherings and systematically refuse permission for meetings, marches, or public gatherings they deem to be politically unacceptable. The state issues harsh punishment for association with Khmer advocacy groups.⁵²

Viet Nam also restricts the formation of independent trade unions. Although the country’s Labour Code had recently been reformed to permit workers representative organisations, they remain unable to form sectoral or regional trade unions to represent the interests of workers from different companies.⁵³ UNPO members reported that, in particular, during the COVID-19 pandemic, some Khmer-Krom workers faced discrimination in the hiring process because they are Khmer-Krom, or were laid off for the same reason. For example, the company “San Lim Furniture” at Bau Xeo Industrial Park in Dong Nai province laid off around one thousand workers in April 2020, most of

⁴⁷ Radio Free Asia, ‘Vietnamese Authorities Detain Ethnic Khmer Krom Publisher of Book on Indigenous Rights’ (2021) at <https://www.rfa.org/english/news/cambodia/publisher04142021172346.html>.

⁴⁸ Unrepresented Nations and Peoples Organization, ‘Vietnamese Authorities Sentence four Khmer-Krom Farmers to Prison’ (2020) at <https://unpo.org/article/22119>.

⁴⁹ KKF’s Shadow Report to HRC of CCPR – Vietnam (CCPR/C/VNM/3) 2019 at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/VNM/INT_CCPR_CSS_VNM_33385_E.pdf.

⁵⁰ https://ccprcentre.org/files/media/Simple_guide_on_The_International_Covenant.pdf

⁵¹ Human Rights Watch, ‘On the Margins Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta’ (2009) at https://www.hrw.org/report/2009/01/21/margins/rights-abuses-ethnic-khmer-Vietnam-mekong-delta#_ftnref45.

⁵² UNPO, Alternative Report to CESR - Vietnam CERD/C/VNM/10-14 (2012) at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10317_E.pdf.

⁵³ Deutsche Welle, ‘Vietnam’s labor rights make two steps forward, one step back’ (2021) at <https://www.dw.com/en/Vietnam-labor-rights-make-two-steps-forward-one-step-back/a56653076>.

whom were Khmer-Krom.⁵⁴ These laid-off Khmer-Krom workers had not received any unemployment benefits. Some Khmer workers had written complaints to the Viet Nameese authority but did not receive any response. The lack of independent unions or civil society organizations further disadvantages Khmer women for whom no avenues to report abuses at work are available.

By systematically restricting the formation and operation of independent associations, including human rights organizations and trade unions, and punishing those associated with Khmer advocacy groups, Vietnam violates its responsibilities under Article 22 of the ICCPR.

j. Article 25: The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service

Article 25(a) protects the right of citizens to participate in public affairs, paragraph (b) guarantee the right of citizens to take part in genuine and periodic elections, as voters or as candidates, while paragraph (c) guarantees equal access of all citizens to public service in their own country. In order to guarantee these rights, States should take positive measures to address factors that are hindering effective enjoyment of these rights by their citizens, such as impediments to freedom of movement, physical disability, illiteracy, or language barriers. Relevant information about the exercise of these rights should also be made available to all citizens, including in minority languages.⁵⁵

However, the Khmer-Krom remain severely unrepresented in Viet Nam's one party communist state. Additionally, a poor knowledge of Viet Nameese similarly brings severe obstacles in the comprehension of, and active participation in, Viet Nameese public life. While the Viet Nameese political system sets out guarantees to ensure the rights of all citizens, and in particular minorities, these standards are implemented only on paper and do not serve to protect the rights of the Khmer-Krom.

The lack of representation of the Khmer-Krom in the Viet Nameese public life is a consequence of different elements and policies mandated by the Viet Nameese government. For instance, the lack of linguistic and education rights, plus lack of indigenous status, significantly impacts the Khmer-Krom's right to participation in public affairs and contributes toward the absence of an independent media.

For the right to participate in public affairs to be respected, minority groups have to be fairly and effectively represented. Viet Nameese law sets that a minimum of 18% of final candidates for the National Assembly must be from minority groups. However, in reality, the candidates representing minority groups have to be accepted by Viet Nam's only political party, and usually they are unable to evolve to senior positions. The election process is generally controlled at all levels by the Viet Nameese Communist Party (VCP). Thus, the participation of the minorities in the National Assembly may be seen as merely symbolic. Consequently, citizens are not truly free to stand for election, to elect representatives of their choice, or to participate in public affairs.

By imposing significant obstacles, including linguistic and educational barriers, and neglecting to implement effective representation measures, Vietnam hinders the Khmer-Krom's right to participate in public affairs, violating its responsibilities under Article 25 of the ICCPR.

⁵⁴ Office of the United Nations High Commissioner for Human Rights, 13th session Regional meetings of the Expert Mechanism on the Rights of Indigenous Peoples, KKF Submission (2020), at <https://www.ohchr.org/Documents/Issues/Ipeoples/EMRIP/Session13/submissions/AP/2020-12-01-statement-khmer-krom-federation-kkf-southern-Vietnam-kkf.docx>.

⁵⁵ Centre for Civil Political Rights, 'Simple guide the International Covenant on Civil and Political Rights' (October 2021) https://ccprcentre.org/files/media/Simple_guide_on_The_International_Covenant.pdf.

k. Article 27: Rights of Individuals Belonging to Minorities

Article 27 provides the right for members of ethnic, religious, or linguistic minorities to enjoy their culture, profess and practice their religion and use their language. General Comment No.23 notes *“The protection of these rights is directed towards ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of society as a whole”*.⁵⁶

The Viet Nam government systematically denies the Khmer-Krom their right to enjoy their culture, practice their religion and use their language. The Khmer language is an integral component of the Khmer-Krom’s identity, traditions and culture. While the Constitution of Viet Nam provides that *“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”*,⁵⁷ in reality the Khmer-Krom are severely limited in their ability to speak and learn their own language due to lack of active support and restrictions from the Government.

For example, the Khmer language is only taught in a limited number of schools for a few hours a week.⁵⁸ Young Khmer are therefore unable to speak their own language while also unable to fully speak Viet Nameese—the primary language in Viet Nam—as it is not spoken at home. This limits students in their studies and erodes the use of the Khmer language in the community.⁵⁹

In response to the absence of a multilingual curriculum, and in order to preserve the Khmer language, Khmer-Krom Buddhist monks attempt to teach Khmer in their temples. However, religious teachers attempting to teach Khmer language classes in village pagodas are often subject to intimidation and imprisonment.⁶⁰ For example, in 2013, Venerable Lieu Ny, an Abbot of the Tra Set temple, refused to follow the Viet Nameese authority's order to defrock Venerable Thach Thoul, who had opened a Khmer-language school in his temple. Police oppression led to Ven. Lieu Ny and Ven. Thach Thuol fleeing to Cambodia for safety. They were arrested and sentenced from four to six years for “fleeing abroad to act against the people’s administration” under Article 91 of the 1999 Penal Code. Restrictions on the Khmer language, accordingly, are deeply related to significant restrictions on freedom of religion as detailed earlier in this submission.

Other forms of language suppression practised by the state include the replacement of Khmer language with Viet Nameese in the state associated Viet Nam Buddhist Sangha (VBS) – which Khmer-Krom Buddhist monks are forced to practice (see section 3.f). The Khmer-Krom are also prevented by the government from having their own independent media. Broadcasting, which is provided in the Khmer language in Kampuchea-Krom, is controlled by the government and used to propagate its own policy and agenda.⁶¹ The media also cannot refer to place names in the Khmer language – having to use the Viet Nameese version instead.

⁵⁶ UN Human Rights Committee (HRC), *CCPR General Comment No. 23: Article 27 (Rights of Minorities)*, 8 April 1994, CCPR/C/21/Rev.1/Add.5, <https://www.refworld.org/docid/453883fc0.html>.

⁵⁷ Article 5, Vietnam Constitution; see also, Article 21 of Law 28/2001 on Cultural Heritage, as amended by Article 1, paragraph 6, of the Amended Law 32/2009/QH12 on Cultural Heritage, which provides for the protection of the spoken and written languages of ethnic groups in Vietnam.

⁵⁸ Submission to the UN Office of the High Commissioner for Human Rights - The 3rd Cycle Review of the Universal Periodic Review of the Socialist Republic of Vietnam 32nd Session,” Khmers Kampuchea-Krom Federation, January - February 2019, at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=5940&file=EnglishTranslation>.

⁵⁹ Submission to the UN Office of the High Commissioner for Human Rights - The 3rd Cycle Review of the Universal Periodic Review of the Socialist Republic of Vietnam 32nd Session,” Khmers Kampuchea-Krom Federation, January - February 2019, at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=5940&file=EnglishTranslation>.

⁶⁰ Report of the Special Rapporteur in the field of cultural rights (2015) A/HRC/28/57/Add.1, p. 16.

⁶¹ Submission to the UN Office of the High Commissioner for Human Rights - The 3rd Cycle Review of the Universal Periodic Review of the Socialist Republic of Vietnam 32nd Session,” Khmers Kampuchea-Krom Federation, January - February 2019, at <https://uprdoc.ohchr.org/uprweb/downloadfile.aspx?filename=5940&file=EnglishTranslation>.

Accordingly, the inability for the Khmer-Krom to freely use their own language severely hampers their ability to express their cultural heritage.

In the 1970's, a government policy was undertaken forcing all the Khmer-Krom, and other minorities, to change their names to Viet Nameese names.⁶² Khmer people have complained about distortions created by the phonetic transcription of Khmer names into Viet Nameese script, as a result of which, people feel they cannot use indigenous names for their children or for places.⁶³ Reportedly, changes in the administrative structure of the territory have had a significant impact on topographical names, and Khmer family names and the names of localities and institutions, such as pagodas, have been replaced by Viet Nameese names.⁶⁴

By systematically restricting the use of the Khmer language, suppressing its teaching in schools, and replacing it with Vietnamese in various contexts, including religious practices, media, and personal names, the Vietnamese government violates the Khmer-Krom's rights to enjoy their culture, practice their religion, and use their language, contravening its obligations under Article 27 of the ICCPR.

⁶² Unrepresented Nations and Peoples Organisation, 'The case of the indigenous Khmer-Krom people - Conference report November 2018' (2018) at <https://unpo.org/downloads/2507.pdf>.

⁶³ Report of the Special Rapporteur in the field of cultural rights (2015) A/HRC/28/57/Add.1, p. 16.

⁶⁴ Report of the Special Rapporteur in the field of cultural rights (2015) A/HRC/28/57/Add.1, p. 16.