



សហព័ន្ធទីខ្មែរកម្ពុជាក្រោម

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**Submission to the Human Rights Committee of
the United Nations on the Convention on the
Rights of the Child for the consideration of the
fifth and sixth periodic reports submitted by Viet
Nam (CRC/C/VNM/5-6) during the examination
of Viet Nam in the 90th Session**

January 2022

Introduction

On behalf of the Khmers Kampuchea-Krom Federation (KKF), representing the voiceless Indigenous Khmer-Krom Peoples in the Mekong Delta region of Viet Nam, we would like to submit this shadow report to the 90th Session of the Human Rights Committee on the Convention of the Rights of the Child (CRC), to reveal the current situation of the Khmer-Krom children whom their fundamental rights have been violated by the Government of Viet Nam not mentioned in Vietnam's report (CRC/C/VNM/5-6).

Since the last reporting cycle review in 2012, Viet Nam has not done much to improve the living condition of the Khmer-Krom children. Viet Nam has not fully allowed them to enjoy the fundamental rights as enshrined in the CRC that Viet Nam was the first country in Asia and the second in the world to ratify the CRC.

This shadow report aims to provide the actual living situation of the Khmer-Krom children, especially during the impact of the COVID-19 pandemic, who are discriminated against, treated as second-class citizens, and their basic fundamental rights are violated, an apparent contradiction to the report by Viet Nam. It also provides recommendations for Viet Nam to implement to ensure that the Khmer-Krom children's fundamental rights are protected and promoted as enshrined in the CRC.

Compliance with the CRC

Article 2: Non-discrimination

Paragraph 22 of Vietnam's report states that "*ethnic minority children, migrant children, children with disabilities, children living with HIV/AIDS and children living in remote areas are given priority access to social services. Most importantly, education, health care and social welfare are provided equally to all children.*" In reality, most of the Khmer-Krom children in the Mekong Delta have not received equal and qualified education, adequate healthcare, or any social welfare.

In paragraph 23, "*Everyone is equal before the law; No one is discriminated against on the basis of political, civil, economic, cultural or social life;*" In reality, Viet Nam has ratified CRC since 1990, but most of the Khmer-Krom, especially the Khmer-Krom children who are studying in high school do not even know the existence of this crucial convention. Viet Nam continues to deny recognizing the indigenous people's children and labeling them as "ethnic minority children" to disconnect them from their unique indigenous culture and ancestral lands.

Recommendations: we urge the committee to ask Viet Nam to:

- Provide detailed data and projects that Vietnam has helped the “ethnic minority children,” especially the Khmer-Krom children in the Mekong Delta. Importantly, provide details of the Khmer-Krom children who have completed high school and continue to study at the university levels.
- Recognize the indigenous children, not labeling them as “ethnic minority children.” So that the indigenous children, such as the Khmer-Krom children, can deserve their rights to enjoy the fundamental rights as enshrined in the United Nations Declaration on the Rights of Indigenous Peoples that Viet Nam signed to adopt in 2007.
- Publish the CRC document in the indigenous language for the indigenous children to learn about their rights enshrined in the CRC.

Article 6: The right to survive and to develop

Paragraph 36 of Vietnam’s report states that “*Viet Nam has achieved made progress in ensuring the right to survival and comprehensive development of children...*” In reality, most Khmer-Krom children do not receive vaccination because they don’t have proper healthcare facilities in their villages. Many Khmer-Krom children are still facing underweight malnutrition and stunting because of living in poverty. Moreover, when this report was written, the Delta and Omicron variant were surging in Viet Nam and caused many Khmer-Krom’s lives. Most of the Khmer-Krom children at the age-qualified for vaccination have not been vaccinated. Their lives are in grave danger.

In paragraph 37, “*The promotion of pre-school education for 5-year-old children across the country has achieved good results.*” In reality, most Khmer-Krom children start their schooling from first grade because there is no kindergarten school in their villages. There is no bilingual program for the Khmer-Krom children to begin their education. The Khmer-Krom children have faced the language barrier restricting them from doing well in school. This is one of the main reasons causing the Khmer-Krom to drop out of school at an early age.

In paragraph 39, “*Viet Nam is also facing the impact of climate change affecting human life, especially of children.*” Viet Nam has admitted the impact of climate change on children. Viet Nam has received millions of dollars from foreign aids to fight global warming in Mekong Delta. Unfortunately, most of the Khmer-Krom children, even studying in high school, do not know that their homeland, one day, might be under the water.

Recommendations: we urge the committee to ask Viet Nam to:

- Provide the vaccinations to the Khmer-Krom children, especially Khmer-Krom infants, to ensure they are immunized from known diseases that might threaten their lives.
- Provide the COVID-19 vaccination for the Khmer-Krom children.
- Provide detailed data of how many Khmer-Krom children have lost their parents due to the COVID-19 pandemic. Does Viet Nam have any plans to assist those Khmer-Krom children who lost their parents?
- Provide bilingual education to help the Khmer-Krom children from kindergarten.
- Provide detailed projects to mitigate the impacts of climate change on the Khmer-Krom children in the Mekong Delta.
- Publish educational documents to educate the Khmer-Krom children about climate change and mitigate its impact in their Khmer language.

Article 7: Birth registration, name and nationality

Paragraph 43 of Vietnam's report states: *"The Children's Law of 2016 states that children have the right to have their births and deaths registered with a surname and nationality."* In reality, the indigenous peoples face the stateless issue due to lacking birth registration. Many Khmer-Krom children do not have a birth certificate right after birth. The Khmer-Krom parents have faced many obstacles when registering for their child's birth certificate in the local authority at their villages. The Vietnamese officers at the local authorities still have the discriminated attitudes to the Khmer-Krom when they see the Khmer-Krom write their child's name pronounced in the Khmer language. The Vietnamese offices have commonly forced the Khmer-Krom to register their child's name in Vietnamese using the excuse of having difficulty writing and pronouncing the Khmer name. Thus, there are many Khmer-Krom now having two names. They have Vietnamese names in the official document and their Khmer name used in their Khmer-Krom community.

Recommendations: we urge the committee to ask Viet Nam to:

- Ensure that all the indigenous peoples, including the Khmer-Krom, have the birth certificate if they are born on their ancestral land in Viet Nam.
- Educate the local Vietnamese officers to stop using the discriminated attitude toward the Khmer-Krom and allow the Khmer-Krom to register their child's name in their language without discrimination.

Article 8: Preservation of identity

Paragraph 46 of Vietnam's report states that *"The 2013 Constitution clearly states: 'Every ethnic group has the right to use its own language and system of scripts, to preserve its national identity, to promote its fine customs, habits, traditions and culture' (Article 5)." In reality, the Khmer-Krom does not have the right to self-identify themselves as "Khmer-Krom." The government of Viet Nam labels them in Vietnamese as "Khmer Nam Bo." As the Mekong Delta's indigenous peoples, the Khmer-Krom prefers to identify themselves as Khmer-Krom to preserve their identity tightening to their ancestral land in the Mekong Delta and distinguish with their Khmer siblings in Cambodia.*

The government of Viet Nam has continued to implement assimilation policies against the indigenous peoples within its border. The Khmer-Krom children are not allowed to study their true history in public schools or call their villages, districts, or provinces in their Khmer language.

Recommendations: we urge the committee to ask Viet Nam to:

- Allow the Khmer-Krom children to have the right to self-identify as the Khmer-Krom.
- Allow the Khmer-Krom children to learn about their true history in public school. They should have the right to know and call their villages, districts, and provinces in the Khmer name to preserve the historical names of their homeland.

Article 12: Respect the opinions of children in legislative, executive and judicial decisions

Paragraph 40 of Vietnam's report states that *"The 2013 Constitution (Article 37) recognizes the right of children to be involved in the formulation and implementation of policy and programs that affect them. The 2016 Law on Children includes a chapter regulating the participation of children."* In reality, Viet Nam is still a one-party communist regime. The government controls and monitors the people's political and social activities. The Khmer-Krom cannot participate in a free and fair election to elect the leaders to represent their common interests. Lacking representation in the government, it is impossible that the Khmer-Krom children's voice would be heard in Viet Nam's legislative, executive, or judicial decisions.

Recommendations: we urge the committee to ask Viet Nam to:

- Allow the Khmer-Krom to exercise their rights to freely elect their leaders so that the Khmer-Krom children's voice could be heard in the Viet Nam's legal system.

Article 13: Freedom of expression and the right to search, receive and impart information of the child

Paragraph 49 of Vietnam's report states that *"The 2013 Constitution provides that citizens (including children) have the right to freedom of speech, freedom of the press, freedom of access to information, of assembly, of association and demonstration."* In reality, the contradiction of those freedoms is shown in the following sentence: *"The exercise of these rights is governed by the rule of law."*

If Viet Nam provides freedom, why does Viet Nam forces people to follow the "rule of law" which Viet Nam uses to persecute whoever stands up for those freedoms using the ambiguities of the revised criminal law came to effective in 2018, such as:

- Article 109 (previous article 79) – vaguely accuses activists of carrying activities or joining organizations 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 accuses activists of "sabotaging implementation of solidarity policies," and can face up to a "penalty of 08 – 15 years' imprisonment."
- Article 117 (previously article 88) – vaguely accuses activists of storing or spreading information to oppose 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 accuses activists of disrupting security, and can face up to a "penalty of 02 - 07 years" imprisonment."

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 use the Internet. Moreover, on 3 February 2020, the Government of Vietnam issued Decree No. 15/2020/ND-CP and became effective on April 15, 2020. The government of Viet Nam has used the Cybersecurity law and Decree 15 to summon the Khmer-Krom youths who share the information on social media to see the police and fined them, such as the cases of To Hoang Chuong and Thach Cuong.

The Khmer-Krom children are very cautious about sharing information on social media because Viet Nam can use the criminal law, cybersecurity law, or Decree 15 to fine, arrest, and imprison them without a fair trial.

There are no newspapers, magazines, or children's books published independently in the Khmer language for the Khmer-Krom children to read or learn about their history or culture. Any efforts to print these documents are being viewed as violating the publication rules of Viet Nam because they don't have a license which Viet Nam never issues it.

Recommendations: we urge the committee to ask Viet Nam to:

- Revise the criminal law, cybersecurity law, and Decree 15 to comply with the International law, especially article 13 of CRC, to ensure that the Khmer-Krom children are not targeted

when exercising the freedom of expression on social media because of those ambiguity laws.

- Allow the Khmer-Krom to freely publish the newspapers, magazines, children's books for the Khmer-Krom children to read in their Khmer language independently.

Article 14: Freedom of thought, belief and religion

Paragraph 51 of Vietnam's report states that "*The 2013 Constitution states: 'Everyone has the right to freedom of belief, of religion, or against religion. All religions are equal before law. The state respects and protects freedom of belief and religion. No one can violate the freedom to believe in religions [and attempts to restrict this freedom] violates the law.' The Law on Children also affirms that children have the right to hold religious beliefs and must not be discriminated on the basis of their beliefs.*" In reality, there is NO freedom of religion in Viet Nam. The people in Vietnam must register their religious organizations to practice their religion.

As indigenous peoples living in Mekong Delta, the Khmer-Krom people have centered their community on a strong belief in Buddhism for thousands of years. Before 1975, Khmer-Krom people used to have independent Buddhist associations. Since the north communists took over their homeland in 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).

On November 18, 2016, the 14th National Assembly passed a so-called "Law on Belief and Religion." This law sparks 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 right to approve or refuse requests. This new law clearly shows that it does not help promote religious freedom in Viet Nam but tightens up and controls how the people in Viet Nam practice their religion.

Culturally, the Khmer-Krom children have to ordain as Buddhist monks to learn about the principles of Buddhism and the morality of being a good person. Ironically, the parents of the Khmer-Krom children have to apply for permission for their children to ordain as a Buddhist monks. Without consent from the local authority, the Khmer-Krom children have no right to ordain. Moreover, the Khmer-Krom Buddhist monks have been forced to join the Vietnam Buddhist Sangha (VBS) association established by the Viet Nam government. If the Khmer-Krom Buddhist monks in a temple refuse to be members of the VBS, they will be threatening and intimidating until they agree to join or have to leave their monkhood.

As of today, the VBS has successfully controlled how the Khmer-Krom practices their religion, such as:

- Appoint the Abbot (head monk) in the Khmer-Krom temples
- Change the Khmer-Krom temple's stamps to have only Vietnamese language
- Change the Khmer-Krom Buddhist Identification to have only Vietnamese language
- Force the Khmer-Krom Buddhist monks to attend the so-called workshop "National Defense and Security" to train and brainwash the Khmer-Krom Buddhist monks
- Force the Khmer-Krom to hang the Vietnamese Communist founder, Ho Chi Minh's picture in the temple along with Vietnam's flag instead of the Buddhist flag
- Do not allow Khmer-Krom Buddhist monks to speak in the Khmer language in the conferences to study the Khmer-Krom Theravada Buddhism
- Monitor the teaching curriculum in the Khmer-Krom temples.

Recommendations: we urge the committee to ask Viet Nam to:

- Allow Khmer-Krom to freely practice Theravada Buddhism without FEAR by enabling them to re-establish an independent religious organization before 1975, free from government interference.
- Stop requiring the Khmer-Krom children to have permission to be ordained as Buddhist monks.
- Remind Vietnam that religious freedom is a right, not a privilege granted by the government. The Khmer-Krom should not have to ask for permission to practice or even just to organize a simple Buddhist ritual.

Article 15: Freedom of association, peaceful assembly

Paragraph 51 of Vietnam's report states that "*The right to form associations of citizens, including children, is provided for under Article 25 of the 2013 Constitution. The Law on Children 2016 authorizes (Art. 34) freedom of assembly in accordance with the law...*" Ironically, all the freedoms, that the people enjoy in Viet Nam, must "*accordance with the law.*" No organization is allowed to create or operate independently in Viet Nam.

The government has created and monitored the children organizations mentioned in paragraph 52. The activists in Viet Nam name those organizations as the "Government-Organized Non-Governmental Organization (GONGO)."

Khmer-Krom children are not allowed to form any Khmer-Krom student clubs or associations independently.

Recommendations: we urge the committee to ask Viet Nam to:

- Allow Khmer-Krom children to freely form any associations so they can meet, learn, and play together without interference from the government.

Article 17: Access to information from multiple sources and protection from materials harmful to the safety of children

In paragraphs 58 and 59, Viet Nam mentioned having laws to help protect the children from the "harmful materials", but the "harmful materials" that the government considers also includes the information about fundamental freedoms enshrined in the treaties that Viet Nam signed with the United Nations.

On September 20, 2021, Viet Nam responded to the UN Special Rapporteurs (*Fernand de Varennes, Special Rapporteur on minority issues; Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Mary Lawlor, Special Rapporteur on the situation of human rights defenders; José Francisco Cali Tzay, Special Rapporteur on the rights of indigenous peoples*) regarding the arrest and detention of a Khmer-Krom Youth, Duong Khai, who tried to distribute the United Nations Declaration on the Rights of Indigenous Peoples. Paragraph 3 of a letter states that "*The propaganda of instruments and conventions on human rights is not prohibited in Viet Nam... Vietnamese laws strictly forbid the abuse of propaganda of instruments and conventions on human rights to distort and spread false news on Viet Nam's policy of promotion and protection of human rights, to sow division and undermine national unity.*" The UN human rights and conventions are not propaganda but make the basis of the international rules of law. The contents of the UN conventions, such as the CRC, do not contain any information that can be used to "undermine national unity."

The Khmer-Krom children do not have access to the Library that has books published in the Khmer language to read nor learn about their culture and history. Viet Nam has published some textbooks in Khmer for the Khmer-Krom children to learn the language, but those books contain propaganda information and have so many grammatical errors.

Recommendations: we urge the committee to ask Viet Nam to:

- Allow the UN human rights documents and conventions, such as CRC, to be distributed freely for the Khmer-Krom children to learn about their rights.
- Build libraries with internet access and provide textbooks in the Khmer language for the Khmer-Krom children to freely access information that they want to know.

Article 27: Living standards and measures implemented

Paragraph 129 of Vietnam's report states that "*Viet Nam is implementing the National Strategy on Nutrition for the period 2011- 2020 with a vision to 2030.*" In reality, most Khmer-Krom do not

even know what those programs are, so the Khmer-Krom children have no benefits from the *"National Strategy on Nutrition."*

In paragraphs 130 and 131, there are programs to help the children to *"to poverty reduction to a multi-dimensional approach (income/expenditure combined with access to basic social services: health, education, housing, clean water, access to information)."* In reality, those programs might only exist on the government's paper. The Khmer-Krom children are living in poverty in the Mekong Delta, especially during the pandemic. They have not received any benefits from those mentioned programs.

Most of the Khmer-Krom people are farmers, but the Khmer-Krom farmers cannot make enough profits from farming for many reasons, such as facing the tactically reduced rice price during the harvest season. They left their beloved villages to look for works in the big cities or factories in the industrial zones far away from their home. Some young Khmer-Krom couples have to bring their children with them. Those children mostly cannot go to school because they don't have proper documents as legal residents to attend public school.

Some Khmer-Krom families face financial hardship. They have to ask their children to drop out of school early going to work. Because they are not old enough to work in the factories, the Khmer-Krom parents have no choice but to bribe the Vietnamese local authority to make the fake birth certificate, so their children are old enough to get a job.

Recommendations: we urge the committee to ask Viet Nam to:

- Ensure that the program that Viet Nam mentioned includes the Khmer-Krom children.
- Assist the Khmer-Krom children, who live with their parents in the big cities or near the factories, have the opportunities to go to school.
- Assist the Khmer-Krom families facing hardship so that their children do not need to drop out of school to start working at the age they should enjoy going to school with their friends. The Khmer-Krom children should not be exploited due to living in poverty.

Articles 28–31: Educational, recreational and cultural activities

In paragraph 136, *"The Government has established a system of boarding schools for ethnic minority children."* In reality, the boarding schools are not for all *"ethnic minority children,"* as the

government claims. Many Khmer-Krom children are being considered not "*qualified*" for the boarding schools. Ironically, some boarding schools now have Vietnamese children who are the children or relate to the Vietnamese government officers.

In paragraph 138, "*Children have the rights to use their languages and scripts, to the preservation of their group identities and to the protection of their cultural traditions and customs*" In reality, most Khmer-Krom youths now cannot read and write the Khmer language fluently. Even the Khmer language has been allowed to teach in public schools, especially in the boarding school, where the Khmer-Krom are most populated. However, the Khmer-Krom students only can learn Khmer for about two hours a week. Thus, the Khmer-Krom children cannot master their Khmer mother tongue language. The Khmer-Krom Buddhist monks have tried to open the Khmer class in their temples to preserve the Khmer language. Unfortunately, the Khmer-Krom Buddhist monks frequently face oppression because the government wants to control what is being taught at the temple.

In paragraph 139, "*The Ministry of Education and Training has introduced human rights education into school curricula.*" In reality, the right to celebrate freely International Women's Day or International Human Rights Day is also prohibited. In March 2021, the Khmer-Krom youth printed the T-shirts having a message: "Khmer-Krom Celebrate International Women's Day." The Vietnamese police of Tra Vinh province confiscated those T-shirts. On June 25, 2021, the Vietnamese police confiscated 150 booklets that the Khmer-Krom youths printed. Those UN documents are the International Covenant on Civil and Political Rights (ICCPR), the Universal Declaration of Human Rights (UDHR), and the Declaration on the Rights of Indigenous Peoples (DRIP). Mr. Thach Rine was summoned and detained from 8 am - 6 pm on June 25, 2021, because he was wearing a T-shirt printed by Khmer-Krom youth having message: "with the SDGs logo surrounding the message in Khmer, translating to English as: "*Implementing the United Nations 2030 Agenda for Sustainable Development to ensure No Khmer-Krom are left behind*". He was released and then arrested again on October 14, 2021, with another alleged crime of sharing the animated picture of Ho Chi Minh, which he was already excused on June 25. He is being detained and will face the charge of violating Article 331 ("abusing democratic freedoms to infringe upon the interests of the State...") of the criminal code.

In paragraph 140, "*The Law on Children 2016 stipulates that children have the rights to have fun supported by equal opportunities for participation in cultural, art, physical education, sports and tourism activities in accordance with age.*" In reality, most indigenous Khmer-Krom children enjoy this cultural activity inside their own temple, funded by their own Khmer-Krom community, not the government. The Khmer-Krom children cannot form any dance groups or organize any cultural activities without permission from the local authority. Whatever activities dedicated to preserving the Khmer-Krom cultural identity are always considered politically motivated.

Recommendations: we urge the committee to ask Viet Nam to:

- Ensure that the boarding school is available to all Khmer-Krom children if they want to attend.
- Improve the teaching Khmer language program in both public schools and boarding schools so that the Khmer-Krom children have enough time to learn and master their mother tongue language.
- Stop threatening or monitoring the Khmer-Krom Buddhist monks when they merely want to teach the Khmer language to the Khmer-Krom children in their temple.
- Allow the Khmer-Krom children to learn Human Rights in public school and ensure that the UN Human Rights documents can be distributed freely in the Khmer-Krom community without facing oppression and imprisonment.
- Assist the Khmer-Krom children in preserving the Khmer-Krom cultural activities, such as forming the traditional dance groups freely.