



Investigative Research Report 2013 Khmer Kroms' Human Rights Situation



MARGINALIZATION OF WOMEN IN DISADVANTAGED COMMUNITIES



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1. Introduction

For more than two decades – since the Paris agreement was signed in 1991 – Cambodia has ratified many international treaties, covenants, conventions and agreements and transposed them into national law including such on ethnic minority rights¹. Despite these international and national commitments, ethnic minorities and Khmer Krom have been experiencing violations of their rights to receive a national identification card, gender equality, participation in the decision-making process or information access, etc.

The Khmer Krom (KK) are an indigenous Khmer group originating from Kampuchea Krom or ‘Lower Cambodia’. Once known as Cochinchina, it was ceded to Vietnam as part of the withdrawal of the French Protectorate from Indochina in 1949. It is estimated that around seven million Khmer Krom are currently living in Vietnam². Due to their Cambodian ethnicity, different religious and cultural traditions and tense relations between Vietnam and Cambodia in the past, the Khmer Krom living in the Kampuchea Krom region – especially Theravada Buddhist monks and women – are prone to arbitrary arrest, torture and racial discrimination in all aspects of life – ranging from land evictions to banning the teaching of the Khmer language³. Subsequently, they are accused of plotting against the Vietnamese revolution and national unity policy according to art. 87 Vietnamese Penal Code⁴ while the Cambodian authorities are concerting their efforts with the Vietnamese by allowing them to capture Khmer nationals on Cambodian territory⁵.

Those Khmer Krom who opted to stay in Vietnam are regarded as “Khmer” (Cambodian) under Cambodian law. However, although the government has made it clear on several occasions that it considers Khmer Krom to be Khmer nationals with full rights to citizenship and legal residence in Cambodia⁶, they are treated as Vietnamese by Khmer authorities. Consequently, their applications for Khmer ID-cards have oftentimes been refused⁷. A Cambodian ID-card is needed to enjoy land rights, access to employment and social benefits, such as education or free health care for the poor. Therefore, Khmer Krom in Cambodia – especially women and youth – are not only having legal identity problems but also lack sufficient access to employment, education, health care and land ownership, etc.

Thanks to intervention by NGOs such as the Khmer Kampuchea-Krom Human Rights Association (KKKHRA), since 2008 three registration campaigns⁸ for ID-cards were conducted by the government in Kandal province. Despite this fulfillment of its promises to make citizenship available to Khmer Krom, the police forced most KK applying for ID-cards

¹ Cf., International Convention on the Elimination of All Forms of Racial Discrimination, UNTS No. 9464, signed on 7 March 1966, entry into force on 4 January 1969, ratified by Cambodia on 28 November 1983.

² See, e.g. Khmers Kampuchea-Krom Federation (KKF), *Khmer-Krom: The Indigenous People of the Kampuchea-Krom*, p. 10.

³ Cf., e.g. Case of Buddhist monk Tim Sakhorn: see, Human Rights Watch, *On the Margins: Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta*, 2009, p. 68.

⁴ Penal Code of the Socialist Republic of Viet Nam, No: 15/1999/QH10, promulgated on 21 December 1999.

⁵ See, e.g. Deutsche Presse Agentur (4 August 2010), Vietnam applauds Cambodia’s help in combatting ‘plots’; Radio Free Asia (22 February 2009), Khmer Krom man on the run from Vietnamese arrest (inside Cambodia!).

⁶ Cf., e.g. King Sorodom Sihanouk (personal letter, 22 December 1992); Cambodian Ministry of Foreign Affairs letter No. 1419, 2 August 2005 to UNHCR Phnom Penh office; Deputy Prime Minister (letter no. 7725 to the Minister of Foreign Affairs, 21 November 2006); Bun, Tharum/Wells, Cameron (7 January 2010), ‘No Housing for Khmer Krom’, *The Phnom Penh Post*.

⁷ Cf., e.g. the case of 24 KK asylum seekers being deported from Thailand to Cambodia in December 2009: see, Wells, Cameron/Bun, Tharum (22 February 2010), ‘Khmer Krom ID denied’, *The Phnom Penh Post*.

⁸ One in 2008, one in 2009 and one just before the national elections in 2013.

to change their Vietnamese family names and places of birth to Cambodian ones⁹. Even though they are being persecuted in Vietnam, they consider their Vietnamese family names and places of birth as their inherent personal features which they are reluctant to surrender¹⁰. Therefore, this becomes a matter of lost identity.

2. Purpose and Methodology

As MIRO was still lacking information on the most recent developments in Khmer Krom communities and the present-day situation of Khmer Krom women and youth, we have conducted a fact finding mission to 4 provinces (Kandal, Takeo, Koh Kong and Sihanoukville). MIRO's head office staff – supported by its provincial staff and an intern – have interviewed 25 respondents as representatives of their respective communities in August and September 2013.

Therefore, the purpose of this research will be to collect data on the current living conditions of KK-women and youth in the fields of gender equality, political participation, housing and work conditions as well as their and their children's access to citizenship, education, information, equitable treatment by the authorities and health services. This field study will enable MIRO to identify the most urgent problems that the target group is facing today. Hence, it will lay the foundation for the impacts, outcomes and outputs as mentioned in the “Concept Note on Minority Women and Youth Empowerment” – such as KK-women and youth being able to enjoy full Khmer citizenship as well as being elected as representatives of their peers, being equitably treated in front of courts and by the police and, finally, setting up self-sustaining community networks for the target group, etc.

The field research in Kandal province was conducted on 4 August 2013 in three communities¹¹ by interviewing 6 Khmer Krom respondents¹². The village of Ang Kor Chey is home to around 30 Khmer Krom families while in Popel Khe village there are approximately 25 of them and 5 families can be found in Robor Ang Kanh village. The family sizes vary from 5 to 11 members.

Subsequently, MIRO staff interviewed five women¹³ in four KK-communities¹⁴ in Takeo province on 8 August 2013. There, Deum Ampel village is housing 16 Khmer Krom families while five are living in Rokar Krao, seven in Trapeang Ang and an approximated 13 in the village of Lory. All of the respondents' families ranged in size from 5 to 10 members.

⁹ See, e.g. People's Empowerment Foundation (PEF), *Refugee Protection in ASEAN*, 2010, p. 12.

¹⁰ Cf. e.g., Interviews 001, 004 and 005, conducted in Kandal province on 04.08.2013.

¹¹ Kien Svay district, Banteay Dek Commune, Ang Kor Chey (formerly Kshom) village; Kien Svay district, Dey Ith Commune, Popel Khe village; Mean Chey district, Prek Eng Commune, Robor Ang Kanh village: this commune has recently been incorporated to Phnom Penh.

¹² 5 female, 1 male, aged 44-65, all married, born in Kampuchea-Krom (mostly from Preah Trapeang, An Giang and Khleang provinces) but living in Cambodia since 1980s-90s and of Theravada Buddhist faith.

¹³ All aged 28-58, married, born in Kampuchea-Krom (mostly from Preah Trapeang, An Giang and Khleang provinces) but living in Cambodia since late 1970s to early 2000s and of Theravada Buddhist faith.

¹⁴ Don Keo district, Rokar Krao commune, Deum Ampel village; Don Keo district, Rokar Krao commune, Rokar Krao village; Don Keo district, Rokar Krao commune, Trapeang Ang village; Don Keo district, Rokar Kanong commune, Lory village.

The survey on Khmer Krom women and youth for Koh Kong province was conducted on 31 August 2013 in two villages¹⁵ interviewing five respondents¹⁶. Both villages are home to around 50 KK-families while the whole Sre Ambel district houses approximately 400 families. Family sizes vary from 4 to 7 members.

The two villages¹⁷, home to the five respondents¹⁸ interviewed in Sihanoukville province, are each housing 200-300 Khmer Krom families. According to a survey conducted in 2005 by KK-activist Mr. Meas Mi, the whole province of Sihanoukville is inhabited by 3,000-4,000 Khmer Krom families. Mr. Meas estimates that their total number today will be higher although there are probably less newcomers from Vietnam due to the ameliorating situation in Kampuchea Krom. Each family consists of around five members.

The main methodological problem encountered during research was the lack of respondents in between the ages of 18 and 30. This was due to the fact that most members of this target group do not live in their home villages but left to other provinces, the capital or even abroad (if they are in possession of identity documents) in order to find work as house maids or grocery porters in markets. MIRO staff tried to remedy this problem by asking the respondents and community leaders about the general situation of the youth in their respective communities.

3. Research Outcome

The following challenges for Khmer Krom women and youth have become clear during the field research:

1. Lack of access to Khmer citizenship and identity papers/statelessness
2. Lack of access to education
3. Gender issues
4. Lack of political participation and understanding of political rights
5. Lack of economic independence and opportunities
6. Deplorable housing conditions
7. Lack of access to information
8. Lack of access to health services
9. Non-equitable treatment by executive and courts

3.1. Lack of access to Khmer citizenship

The government has made it clear – as shown above¹⁹ – that it considers Khmer Krom to be Khmer nationals with full rights to citizenship and legal residence in Cambodia. Therefore, they are to be considered Khmer citizens according to art. 2 of the Law on Nationality (LN)²⁰ and eligible for having an ID card issued in accordance with art. 19 LN and art. 3 of the Sub

¹⁵ Sre Ambel district, Sre Ambel commune, Trapeang village; Sre Ambel district, Sre Ambel commune, Sre Ambel village.

¹⁶ 3 female, 2 male; aged 43-51; 1 female married, 1 female widow, 1 female divorces, 2 males married; all born in KK (mostly from Khleang province) but living in CMB since around 1990; all of Theravada Buddhist faith.

¹⁷ Sihanoukville district, Sangkhat 4 commune, Village 1 Group 21; Sihanoukville district, Sangkhat 4 commune, Village 5.

¹⁸ 4 female, 1 male; aged 23-72; all married; all but the 23-year-old woman born in KK (mostly from An Giang province) but living in CMB since the mid-1980s to 2005; all of Theravada Buddhist faith.

¹⁹ See fn. 6.

²⁰ Law on Nationality, Preah Reach Kram NS/RKM/1096/30, promulgated on 09 October 1996.

Decree on Khmer National Identity Cards (SDIC)²¹. On the other hand, art. 4 SDIC stipulates that Khmer ID cards can only be issued to persons having at least one parent who is holding Khmer nationality (according to *ius sanguinis*). As a result of this requirement, the KK face trouble proving their parents' nationality as they – just like themselves – have been born in Vietnam and possess no Khmer identity documentation.

Another hindrance for Khmer Krom in obtaining a Cambodian ID card is the issuing authorities' requirement of a permanent address on Cambodian soil²². As KK – coming from Vietnam and arriving into Cambodia – they do not have a permanent address in Cambodia yet, they are not able to have documents issued that proof their Khmer nationality which they are entitled to according to the Law on Nationality. Furthermore, there exists no legal stipulation for this practice rendering the permanent address requisite completely arbitrary. Moreover, neither the SDIC nor the LN or any other legal body provides a basis for demanding any processing fees. Consequently, if applicants are asked to give money to the authorities in exchange for receiving an ID card, we are dealing with cases of bribery and corruption.

Finally and most threatening to Khmer Krom identity, it has become habitual practice by the Khmer authorities to require Khmer Krom – when applying for Cambodian ID cards – to change their family names into Cambodian sounding ones as well as their Vietnamese places of birth into ones that are located on Cambodian territory. Neither the LN nor the SDIC give a legal basis for this approach. Furthermore, it does not seem necessary because Cambodia is following *ius sanguinis* in matters of awarding citizenship according to art. 4 (1) LN. This means, it is merely necessary to prove that at least one parent is a Khmer citizen in order to obtain the Cambodian nationality. As Khmer Krom are regarded as Khmer citizens – no matter where their residence lies, their children must also be entitled to Cambodian citizenship without having to change their identity.

During its fact finding mission, MIRO found that two thirds of all Khmer Krom under scrutiny have been issued national identity cards and, thereby, have been granted access to Khmer citizenship during numerous registration campaigns from 2001 to just before the national elections in 2013. The remaining third had not been able to access citizenship because they had either been working in far-away provinces, did not know when the authorities would conduct registration campaigns during which the police do not demand bribes for issuing ID cards or they had not been able to afford the bribes ranging from a few thousand riels up to \$50. The higher bribes applied to situations where the applicants were not able to submit a birth certificate to the police as proof of their identity. In Takeo province the police even kept one woman's family book as collateral for one year because she was not able to pay the \$20 bribe.

Nearly all KK-women without proper identity documentation felt that their stateless situation was causing their bad living conditions or threatening their children's future. Only one female respondent in Kandal province was not able to give MIRO her personal opinion on her stateless condition. She did not understand the whole purpose of ID cards because she had received no education and did not access any information on current events. Another woman from Koh Kong, on the other hand, was worried about not being financially able to give money to the authorities for processing her ID card application rather than being angry at the police for demanding the bribe in the first place.

²¹ Sub-decree No: 36 on Khmer National Identity Cards, KHM 220, promulgated on 26 July 1996.

²² Cf. Wells, Cameron/Bun, Tharum (22 February 2010), „Khmer Krom ID denied“, *The Phnom Penh Post*.

A third group of KK includes those who have attained ID cards in 2001 – this was especially the case in Koh Kong and Sihanoukville – and whose documents have, consequently, expired in 2011. While they were waiting for another registration campaign which would enable them to renew their documents free of charge, they heard through government announcement that their expired ID cards will retain validity as legal instruments to prove their identity.

Another major problem encountered during the application process was that over 90 % of the respondents had been forced during registration to change their places of birth and family names. A further 6 % of the respondents voluntarily changed their identity for security reasons – because they are afraid of Vietnamese spies and deportation to Vietnam. Only one family in Kandal province was able to maintain their identity thanks to NGO invention. 90 % of the KK who lost their identity feel angry about this practice and regret the loss but they see this as the only option to attain the ID documents to which they are legally entitled. The rest appear to not realize the importance of the right to identity. They are convinced that it is normal to have one's surname and place of birth changed during the application process and that being Khmer means to have a Khmer surname and place of birth. These respondents tend to only perceive the advantages coming with the possession of ID cards and were, therefore, willing to give up their identity. Moreover, long processing periods – one woman in Sihanoukville had to wait for four years until her ID card was finally issued – are not out of the ordinary.

No matter how the respondents felt about their lost identity, they all agreed that ID cards are essential to many aspects of their lives ranging from getting access to education and work – especially for their children – over borrowing loans from banks and taking part in elections to the enjoyment of more freedom of movement inside of Cambodia without having to be afraid of being extorted or arrested by the police. One fifth of the interviewed KK even use their ID cards to enter Vietnam (often in combination with bribes for the border officials)²³ but another quarter of the respondents are afraid to make use of their transnational freedom of movement because they were members of a Cambodian opposition party or are wanted in Vietnam for “crimes against the revolution” after having left the country²⁴. Therefore, they fear interrogation and arrest by the Vietnamese authorities.

Finally, while in Kandal only 10 % of the KK's underage children are not equipped with birth certificates, this number rises to over 75 % in the three other provinces. The main reason for this can be traced to the families' poverty as they are not able to pay the required bribes. This situation leaves many children in limbo as they are not able to pay the high bribes that are demanded of them once they apply for ID cards themselves.

In conclusion, MIRO found that it has become a habit of authorities to force KK to change their family names and places of birth as well as to issue no documents without a bribe – except for the duration of registration campaigns. These campaigns, useful as they may be for the people staying at their main residence all year, can oftentimes not be attended by family members who are working in cities far away from their home community. Another major threat to the right to identity for the future generation is the lack of birth certificates for children. Once they will try to apply for ID cards, they will have to pay high bribes or their applications will not be processed.

²³ See, Interviews 013 and 018 conducted in Koh Kong and Sihanoukville provinces on 31.08. and 01.09.2013 respectively.

²⁴ See e.g., Interviews 017 and 019 conducted in Sihanoukville province on 01.09.2013.

Furthermore, many Khmer Krom are too scared to make use of their freedom of movement that comes with their official identity. For diverse reasons, they are scared of arrest by the Vietnamese authorities if they were to return to their homelands in the Mekong Delta.

Finally, the lack of knowledge about their rights – especially among women – is another reason why a number of Khmer Krom have not attained ID cards yet. Many do not know that demanding bribes or change of identity are illegal practices. This highlights how in-built and second nature these illegal practices are in Cambodian culture.

3.2. Lack of Access to Education

On the international level, art. 13 of the International Covenant on Economic Social and Cultural Rights (ICESCR)²⁵ obliges the Kingdom of Cambodia to provide compulsory primary education that is free of charge to all its citizens and give them access to secondary schooling, progressively rendering it also free of charge.

Furthermore, the Khmer government is bound to make the right to education in all its aspects accessible to all parts of its population without discrimination as to social origin, property or birth status according to art. 13 in conjunction with art. 2 (2) ICESCR. This means, Khmer Krom children must not be excluded from compulsory and free attention of primary schools due to their families' financial situation or social origin in Kampuchea Krom.

In accordance with its' ICESCR-obligations, the Constitution of Cambodia (CoC)²⁶ provides, in art. 65 (1) in conjunction with art. 31 (2), the right for every citizen to enjoy quality education non-discriminately on the grounds of birth origin, social status or wealth. Therefore, also according to national law, Khmer Krom children must not be turned away by schools due to their families' financial situation or origin in Kampuchea Krom. Further, art. 68 CoC, enacts free primary and secondary education so that every citizen will be entitled to at least 9 years of schooling. Art. 66 CoC, finally, reaffirms the importance of education for the opportunity to earn a good living which is immensely important for the children of the respondent Khmer Krom families.

In its field study MIRO found that over half of the female respondents had never attended school. Only one woman graduated from primary school in Vietnam and another from a Vietnamese secondary school. A further 10 % of the respondents had been taught in Khmer language in Khmer Krom pagodas in Kampuchea Krom. The remaining women never completed their basic education. Therefore, approximately ninety percent of all women under scrutiny remain illiterate in Khmer.

At their present settlements in the four surveyed provinces schools can be found in a radius of 5 km. However, these distances may be difficult to cover for the children during the rainy season when the roads turn muddy. Despite the rather convenient school locations, a quarter of the respondents' children have never been sent to school. More alarming, however, is the dropout rate: 25 % of the children did not finish their primary education while another 20 % dropped out in secondary school. A Further 20 % is still studying at primary school whereas only half of the remaining ten percent are attending secondary or high schools. The rest consists of high school dropouts. On the other hand, according to the respondents, the

²⁵ International Covenant on Economic Social and Cultural Rights, UNTS No. 14531, signed on 16 December 1966, entry into force on 3 January 1976, ratified by Cambodia on 26 May 1992.

²⁶ The Constitution of the Kingdom of Cambodia, promulgated on 21 September 1993.

situation has improved since they have come to Cambodia. Today 85 % of the primary school-aged KK-children are enrolled in schools whereas still only a disappointing 25 % of them go on to secondary schools.

All respondents stated their poverty as main reason for not sending their children to school or having them drop out of school. They have to earn money to help maintain their families' livelihood as soon as possible by working on the fields, as vendors or on construction sites.

According to Mr. Khean Vankhet, a Group Chief in Village 1/Sihanoukville, the children in his village, at least, receive the chance to go – after having completed primary schooling – on to a vocational training center for mechanics and garment workers.

In conclusion, not only the respondent families' extreme poverty prevents their children from attending school but also their mothers' uneducated statuses (90 % illiteracy) often add to this situation as they are not able or unwilling to convince their children of the necessity and importance of continuing their education to secondary and high schools. Therefore, the children remain cut off from the future prospects that come with a higher education because nowadays skilled workers are in more demand than unskilled day labor. With their extremely limited education the KK-children and the women themselves are, hence, encountering great difficulties in finding employment that can help them improve their living conditions.

Finally, the lack of education in Khmer language of 90 % of the KK-women can also be attributed to the fact that the Vietnamese authorities in Kampuchea Krom are prohibiting the founding of Khmer schools. This makes it even harder for KK-women to adapt to their new Khmer environment in finding work and participating in communal activities with other Khmer once they try to settle down in Cambodia.

3.3. Gender Issues

According to art. 2 (1) and 3 ICCPR, art. 2 (2) and 3 ICESCR and art. 31 (2) CoC all rights and obligations are to be enjoyed and fulfilled without discrimination on grounds of gender with a special focus on gender equality in art. 3 ICCPR and ICESCR. This means, that men and women have the same entitlements to human rights. Additionally, art. 45 CoC stipulates the abolition of all forms of discrimination against women. It goes on to prohibit the exploitation of women at work and aims to create equality between men and women especially in family matters.

Applying this idea to the daily lives of KK-women means for them not only to have an equal share of responsibilities for feeding and caring for their families but also to be equally supported by their male relatives and to have a say in important family decisions.

The most crucial problem observed by MIRO pertaining to gender issues was that 90 % of the respondents were not able to formulate what 'gender equality' meant to them although 90 % of them did participate in women's rights workshops organized by KKKHRA over the last eight years. The women simply forgot about what they had been taught in the workshops because they immediately went back to the hardships of their living environment and were, therefore, not able to contemplate or even apply their newly gained knowledge to their daily lives. Another reason can be traced to the women's low education and illiteracy which impedes them to recapitulate the workshops' content by themselves. Therefore, gender equality and women's rights trainings should be conducted two or three times per year so that their messages can make impact on the women's daily lives.

Those women, who did have an idea about gender equality, only named the right to equitable remuneration and that husbands should help their wives in taking care of the household as aspects of gender equality.

According to MIRO's research 40 % of Khmer Krom women consider themselves as the head of their respective households. For nearly 75 % of them the reasons for this can be traced to their husbands either being sick or dead or having abandoned their families. Due to their uneducated situations the women were either still relying heavily in family decisions on their husbands or were struggling to make a living when their husbands were no longer around. Only two couples – in Kandal and Sihanoukville – could be found to be genuinely sharing responsibilities and rights in their relationship. Nearly 100 % of the women in all four provinces earn money through unskilled jobs like washing clothes or as vendors or day laborers while 90 % of the men help with the daily chores around the house and also take care of the children.

Finally, more cases of alcohol-related domestic violence in Koh Kong and Sihanoukville constitute a striking difference to the other two provinces under scrutiny. In general, alcohol abuse – especially by the male KK community members – was quite visible even to the visiting MIRO staff. Adding to this problem, many community members, here, claimed to be reluctant to help the victims of domestic violence because they fear to be regarded as intruding into the couples' privacy.

Concluding the section on gender issues, it has become apparent that nearly all of the respondent KK-women are ignorant of the concept of gender equality and women's rights. This lack of knowledge, further, shows in the attitude of more than half of the community members, who do not intervene when they are witness to cases of domestic violence, because they have no idea about the rights of women in general and especially in marriage.

Moreover, although the women work very hard for the well-being of their families and over 90 % of the married ones are even supported by their husbands in matters of housework, only less than 10 % of the families under scrutiny could be found to share all responsibilities and rights equally between husband and wife. Other women, who alleged to have become the head of their household, are still not having the last word in important family matters but are – due to their low education – relying heavily on their husbands. Hence, the problem remains that the voices of KK-women are not being heard in important family decisions. The result of this dilemma is that the women are not able to earn a proper livelihood on their own once their husbands are deceased or have abandoned the family.

3.4. Lack of Political Participation and Understanding of Political Rights

Art. 25 ICCPR and art. 34 (1), 35 CoC recognize the right of every Khmer citizen to take part in the conduct of public affairs either directly or through chosen representatives. These stipulations include the right to vote in as well as to stand as candidates for elections and also to actively and passively take part in meetings on the different local levels. These institutions – such as community meetings and government- or NGO-workshops on promotion of human rights – are perhaps most important in this regard to the respondent KK-women. They can attend these meetings in order to raise their awareness about communal, national and global political issues which can eventually empower them to voice their own opinions.

Although roughly two thirds of the interviewed KK-women participated in the 2013 general elections, more than half of them were unaware of the election's actual purpose. They only cast their ballot because their Community Chief had told them to or because all of their neighbors and friends did. Those who did not vote – especially in Koh Kong and Sihanoukville – had not been allowed to do so because they were not in possession of ID- or voter cards at the time of the election.

Another reason, having been brought to MIRO's attention by KK-community members in Sihanoukville, for not participating in elections is the high financial burden of the voter registration process. The women need to take at least half a day off from work, pay to get to the registration site and possibly will have to bribe the authorities. KK-women, therefore, consider the expected financial gains of half a day of work to outweigh those expenses. Mr. Meas Mi, further, contends that the low electoral turnout in the KK-communities in Sihanoukville can also be traced to their disappointment with the CPP's politics and policies. Besides the government aid in the health sector through the issuance of the poor card they do not feel sufficiently supported in matters of school funding, employment schemes and information about social land concessions. Another reason for the discontent is the ever-present corruption. On the other hand, they do not see the alternative to vote for the opposition.

Moreover, not even one quarter of Khmer Krom women have ever attended communal development meetings on infrastructural projects. Even if they did so, they never voiced their own opinion because they were afraid to be considered as belonging to the opposition or because they did not understand the issues being discussed in the meeting due to their low education. Consequently, no KK-women at all, ever, got actively involved in communal affairs or hold any administrative positions on communal, district or provincial levels.

All KK-women, who have never attended community development meetings, have not done so because they never received an invitation from their respective community leaders. Nearly a third of them also state that they are too busy trying to feed their families to even take half a day off from work to participate in this decision making process. In Koh Kong, on the other hand, one KK-woman has the feeling not to be invited because she is Khmer Krom whereas another claimed not to be allowed to attend any community meetings because she and her neighbors are accused of squatting on the land they inhabit. However, the latter woman does not feel discriminated on grounds of her social status or living conditions. She is, obviously, not able to grasp the concept of unequal treatment. In Village 5/Sihanoukville, according to Mr. Meas, the NGO "Mlop Tapant" did organize a few community development meetings that were attended by a handful of Khmer Krom. The government, on the other hand, never conducted such meetings.

However, even the KK-communities themselves hardly ever organize community meetings. Only in three out of the eleven villages under scrutiny Khmer Krom sometimes meet to discuss their common concerns while, currently, in Village 1/Sihanoukville the community leaders are planning to set up a community association which shall deal with all kinds of communal matters.

All these findings indicate that KK-women have not yet understood the importance of political involvement. All they are concerned with is how to feed their families, working hard every day without taking a break to enjoy their political rights. While their poverty may provide one important reason for not participating in the decision making process, more than

75 % claim to never have been invited by community leaders to participate in the democratic process.

As a result, no KK-women can be found holding representative communal or high administrative positions in any of the communities, districts and provinces under scrutiny. The absence of KK-women from even the electoral process – especially in Koh Kong and Sihanoukville provinces – can – beside general discontent with the current political situation and ignorance of the importance of the public decision making process – be attributed to the financial difficulties they face during voter registration.

3.5. Lack of Economic Independence and Opportunities

Art. 6 ICESCR, and art. 36 CoC give every person the right to freely pursue the vocation of their choice.

The main sources of income for Khmer Krom women in Kandal range from rice and lotus farming on rented land over duck breeding and running small grocery businesses to fishing or collecting crustaceans in the lakes during the rainy season. In the village of Robor Ang Kanh most women were getting by on land-caretaker-jobs. In this community the people are especially worried that they do not possess own land but depend on private landowners to let them stay on and take care of their land.

The main sources of income in Takeo's KK-communities are less widely ranging. Most women make a living by collecting and recycling garbage, selling small food dishes, sewing shoes or selling shells.

The respondent KK-women in Koh Kong province were washing clothes or working as day laborers on the fields in order to make a living. Other occupations in the villages under scrutiny included the running of small grocery shops, driving mototaxi and garbage recycling.

Most women in Sihanoukville relied on selling fruit or vegetables in front of their homes for earning money or sold various items to tourists at the beach (e.g. bracelets, ornamental sea shells or small rice dishes and shellfish).

All the respondents who are working as farmers or animal breeders on rented land or as day laborers wish that they will soon be able to grow crops or breed animals on their own land thanks to “social land concessions” according to the Sub Decree on Social Land Concessions (SDSLC)²⁷. Chap. 1 SDSLC stipulates that poor families can receive state owned land to cultivate as their own in order to meet their basic needs.

One problem pertaining to this government policy, having been observed by MIRO during the interviews is that – especially in Koh Kong and Sihanoukville provinces – most KK have heard about social land concessions but do not know how to apply for them. Therefore, it should be up to the government – supported by NGOs – to inform Khmer Krom on how to get access to land concessions. This situation is even harder to understand if one takes into account that although over 80 % of the respondents have been living in Cambodia for 20 years or longer, none of them are in possession of their own land despite the SDSLC's existence.

²⁷ Sub Decree No. 19 ANK/BK on Social Land Concessions, promulgated on 19 March 2003.

3.6. Deplorable Housing conditions

Art. 11 ICESCR provides the right to an adequate standard of living – including adequate housing conditions. The Khmer government has – under the Social Land Concession Regime – enacted a policy which also grants land ownership to the poor in order for them to use it for residential purposes, i.e. to build their own houses on that land.

While most of the KK-families in Kandal’s Robor Ang Kanh and Popel Khe villages live in their own houses on rented land, the families in Ang Kor Chey are living every day in fear of eviction from state owned land on which they have built their homes.

In all four communities under scrutiny in Takeo province Khmer Krom are living in rented (\$8-10 per month) run-down shacks often with holes in their tin roofs making it impossible to sleep while it is raining. The housing conditions in Trapeang Ang are especially dire. Most families had to build their houses on top of or next to open sewers because they are unable to pay the rent for proper real estate. Consequently, ten KK-families, who could afford it, have already moved away. The others – especially the children – have to deal with serious health problems.

In the communities under scrutiny in Koh Kong most Khmer Krom are living in their own houses on their own land thanks to a donation by the nearby Buddhist temple. However, they do not dispose of farm land to grow crops.

In Sihanoukville’s Village 1 the Khmer Krom, up to now, have rented land for \$40 per year and built their own houses on it. However, their rental contracts will be terminated next year so that the landlord can develop the plots for more upscale housing projects. Consequently, the KK will not be able to afford the higher rent and will, therefore, have to move to another area. The situation in Village 5 is quite similar. Although the inhabitants have not yet been advised to vacate the rented premises, they are living in constant fear of it.

Therefore, all community members in all villages hope that they will soon be able to own some adequate land on which to build their houses. MIRO has high hopes that, if they are made aware of the application process, they will as soon as possible become beneficiaries under the SDSLC’s scope. Finally, half of the time the KK are not able to pay the rental fees at the end of the month or year which constitutes another reason to have their children drop out of school to help earn money.

3.7. Lack of Access to Information

Art. 19 (2) International Covenant on Civil and Political Rights (ICCPR)²⁸ stipulates the freedom to seek information of any kind.

Art. 41 CoC is not as elaborate as its ICCPR counterpart. It does not include the right of every individual to access information but only the right to publish. Furthermore, all existing TV stations are owned by the ruling party which rules the TV out as a means to access information independently. There exist only a few independently working radio stations around Cambodia. Therefore, it is ever so important for all citizens – including the Khmer Krom under scrutiny – to have access to radio broadcasts.

²⁸ International Covenant on Civil and Political Rights, UNTS No. 14668, signed on 16 December 1966, entry into force 23 March 1976, ratified by Cambodia on 26 May 1992.

The main problem encountered during the field research can be boiled down to the fact that nearly half of the KK-women rely on biased sources for their information on current and political events, such as ruling-party-run TV stations. Another 30 % did not access this kind of information at all.

As reason for not accessing political information on current events all KK-women contended they were either too exhausted after working all day every day to maintain an interest in politics or they were too poor to afford a radio.

In conclusion, over three quarters of the respondent KK-women were unaware of current news due to the lack of access to independent information broadcast via foreign radio stations. Therefore, those women are not able to form their own opinion on political and social issues.

3.8. Lack of Access to Health Services

Art. 12 ICESCR entitles every person to enjoy the highest attainable standard of mental and physical health. Art. 72 CoC stipulates a policy on disease prevention and medical treatment for Khmer citizens. Even the free medical treatment for poor people in state run hospitals is prescribed as well as the commitment to constructing infirmaries and maternities in rural areas. The above mentioned free medical services for the poor are being put into effect by the distribution of the so called “poor cards” among the target group which allow them to access health care free of charge in state-run hospitals.

MIRO found that more than half of the respondent KK-women had been issued a poor card. One woman in Sihanoukville receives – instead of government help – financial support from the NGO “Mlop Tapant” and is, therefore, able to get treated at private health centers. The remaining women either stay at home when they get sick or have to borrow money from relatives and friends in order to get treated at private health care facilities, call community health workers or just buy medicine.

Nearly 75 % of the women in possession of a poor card use it to get free medical services at state hospitals. The remaining women prefer to get treated at private institutions or stay at home and buy medicine. Two of them – from Kandal and Takeo – were refused treatment by the staff of a state run hospital requiring them to pay the full price which they were not able to²⁹. A third woman from Takeo stays at home when she gets sick because the free blood pressure medicine she was given at a state run hospital was not strong enough³⁰. Another woman from Sihanoukville told MIRO that she is not taking advantage of the free treatment at state hospitals because she felt discriminated by the staff due to her social background. She claims to have been treated very unfriendly by the personnel who also did not tend properly to her needs³¹.

In the case of access to health care, the failing is clearly to be found on the government’s side which is unable or not willing to combat corruption in the health care system. It sometimes even fails to issue poor cards to those in need. This lack of public support leads to many of the women loaning money from neighbors or friends. These additional expenses for health services also hinder the KK-families to save money for buying land to cultivate or live on.

²⁹ See interviews 001 and 011 conducted in Kandal and Takeo provinces on 04.08. and 08.08.2013 respectively.

³⁰ See interview 008 conducted in Takeo province on 08.08.2013.

³¹ See interview 018 conducted in Sihanoukville province on 01.09.2013.

3.9. Non-equitable Treatment by Executive and Courts

Art. 26 ICCPR constitutes the states parties duty to protect its citizens indiscriminately by the law. This means that the state is obliged to prevent crimes from happening and – in the case that crimes have been committed – to prosecute the perpetrators and to remedy as far as possible the damages caused. Furthermore, this obligation must be adhered to no matter of the victim’s gender, social origin or wealth. According to art. 14 (1) and (3c) ICCPR a person charged with a crime has the right to be tried without undue delay in a fair hearing by a competent, independent and impartial court established by law.

The Constitution provides in its art. 128 (1) and 129 (1) for the independence of the courts and guarantees trials in accordance with the laws.

Cases of impunity and conspicuous imprisonments of Khmer Krom by Cambodian authorities, such as the following, are common since the 2007 crackdowns on Khmer Krom rights protesters. On 27 February 2007 a Khmer Krom monk was found dead – with his throat repeatedly slit – at his pagoda in Kandal province after having participated in an anti-Vietnamese protest. The police, however, labeled his death as suicide and refused to conduct any investigation³². Also in February 2007 three Khmer Krom men were convicted of “disinformation” because they allegedly distributed brochures “criticizing the Cambodian government for not standing up to Vietnam”³³.

Similar cases were uncovered in Takeo province through the present survey. In Trapeang Ang village one of the respondents’ brother in law had been killed by unknown assailants. Although this case of homicide has been brought to the attention of the police by the victim’s relatives, no official inquiry has been conducted nor has the case been brought before the courts³⁴. In Deum Ampel/Takeo one member of the KK-community has been accused of drug trafficking. Allegedly another Khmer Krom slipped him the drugs before crossing the border from Vietnam. In this case the accused has been held for more than one year in pre-trial custody without being tried³⁵. The delay in this case is even unexplainable to MIRO’s provincial staff.

MIRO’s field research, therefore, shows that beside bribes for issuing identity documents and harassment of Khmer Krom allegedly illegally residing in Cambodia, the target group has to deal with executive and judicial failings that threaten other basic rights such as the right to a fair and speedy trial as well as their right to protection under the law.

³² Cf. e.g., Human Rights Watch (2012), *Tell Them that I Want to Kill Them – Two Decades of Impunity in Hun Sen’s Cambodia*, pp. 55-56.

³³ Human Rights Watch (2009), *On the Margins, Rights Abuses of Ethnic Khmer in Vietnam’s Mekong Delta*, pp.64-65.

³⁴ See interview 007 conducted in Takeo province on 08.08.2013.

³⁵ See interview 010 conducted in Takeo province on 08.08.2013.

4. Conclusion

The lack of knowledge about women's rights, gender equality and the impact those can have on their daily lives as well as about the importance of participation in public affairs on the communal, regional and national level has been found to be the major problems that KK-women are facing today.

Although women earn money to help feed their families, they struggle to make a livelihood once they need to take care of their families without their husbands. Women who had lost their husbands became poorer and poorer because – due to their limited or non-existing education and lacking professional work experience – they had not been able to find adequately paid jobs to feed their families. The root cause for this can be, again, traced to their ignorance of the concepts of gender equality in marriage.

Another crucial problem for KK-women and their children is their low level of education. This results in bad job opportunities as unskilled laborers and eventually in poverty. If this vicious circle is allowed to continue, Khmer Krom women will never become successful, bold and knowledgeable members of their communities who get involved in communal and other political affairs. This also has repercussions on the Cambodian society as a whole. When KK-women do not get politically involved and create adequate living condition for themselves and their families, society cannot prosper and move forward.

Furthermore, all villagers in all four provinces are desperate – after having lived in Cambodia for more than twenty years on rented or public land – to get access to land property so that they need no longer be afraid of eviction or be dependent on the will of land owners to let them use or take care of their land. The KK in Trapeang Ang/Takeo are most urgently in need of land concessions due to their health threatening living conditions on top of open sewers. Finally, many of the villagers in Koh Kong and Sihanoukville asked about social land concessions which they had heard of and wanted to benefit from but had no idea how to apply for.

Moreover, despite the greater freedom of movement that comes with the possession of ID cards, more than half of the respondents remain afraid of going back to their original Kampuchea Krom homelands in Vietnam due to fear of arrest and torture by the Communist authorities.

If Khmer Krom try to bring their cases in front of a court, MIRO has – in accordance with numerous precedent cases since 2007³⁶ – also been able to confirm that the law enforcement agencies and the judiciary tend to ignore their complaints and grievances.

Finally, as to the evaluation of the development of their living conditions, 40 % of the respondents told MIRO that they themselves or their children had gained access to work over the last year and found it, therefore, easier to feed their families. 60 % of the respondent KK-women in Takeo are relieved that since they officially attained Khmer citizenship, they do not have to fear police extortion for money.

All in all, three quarters of the respondents contend that their living conditions are at least better than during their first few years in Cambodia and while living in Kampuchea Krom.

³⁶ Cf., *ibid.*

5. Recommendations

1. *The competent authorities should comply with existing legal provisions on the issuance of identity documents. Especially, the police should put a halt to its' unlawful practices – namely to forcing Khmer Krom to change their family names and places of birth and demanding bribes for issuing identity papers;*
2. *The Cambodian Government should make Social Land Concessions and information on how to apply for them available to Khmer Krom who do not possess land to cultivate or to build their houses on;*
3. *The Cambodian Government should put special attention on Khmer Krom's issues in their policies by facilitating the school attendance of KK's children and by setting up employment schemes and providing vocational training especially directed at women;*
4. *The judiciary and the law enforcement agencies should treat Khmer Krom's cases equitably;*
5. *The Vietnamese Government should respect the Khmer Krom's minority rights – especially their rights to freedom of religion and to pass on their culture, traditions and language through allowing the founding of schools that teach in Khmer language;*
6. *The Cambodian Government should allow independent TV-broadcasting in order to give Khmer Krom women access to impartial information;*
7. *NGOs should continue to conduct workshops on women's rights and gender equality pointing out the importance of education and participation in the political decision making process in order to increase women's understanding of these concepts.*