



FACTSHEET – UPR 2018 – Cambodia

3rd CYCLE UNIVERSAL PERIODIC REVIEW

Khmer Krom and Minority Rights in Cambodia

Despite the authorities' undertakings to protect the rights of minorities in Cambodia, including that of the Khmer Krom, in reality, minorities face significant challenges: inability to obtain Khmer citizenship, to own land or to access education, and their efforts to advocate for their rights are often hindered.

Joint submission by: Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA); Minority Rights Organization (MIRO); Alliance for Conflict Transformation (ACT); Cambodian Centre for Human Rights (CCHR); Khmer Kampuchea Krom Community (KKKC); Union of the Khmer Kampuchea Krom Buddhist Monk Students (UKKBS); Friendship of Khmer Kampuchea Krom Association (FKKKA); Khmer Kampuchea Krom Cultural Centre (KKKCC); Khmer Fund for the Poor (KFP).

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Previous recommendations included:

- The adoption of strategies to assist those displaced as a result of land issues and ensure their right to adequate housing and to access to basic services, health care and employment;
- The ratification of the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention of the Rights of the Child, which set out a communication procedure;
- The realization of the right to education for all children in Cambodia;
- The continued adoption of measures guaranteeing the birth registration of children, without any discrimination against migrant children;
- The strengthening of the legal framework related to the procedure of acquisition of nationality;
- The creation of conditions favorable to inter-ethnic tolerance in Cambodia;
- The promotion of a safe and favorable environment, allowing individuals and groups to exercise freedoms of expression, association and peaceful assembly;
- The need to ensure that all restrictions on fundamental freedoms are lawful, necessary and proportionate;
- The end of harassment, intimidation, arbitrary arrests and physical attacks;
- The enforcement of the right of individuals and organizations to defend and promote human rights.

NATIONAL FRAMEWORK

Article 31 of the Cambodian Constitution protects human rights as stipulated in the UN Charter, the Universal Declaration of Human rights and the covenants and conventions related to human rights, women's rights and children's rights. They are directly applicable in domestic law, and include the International Covenant on Civil and Political Rights, but also the International Convention on the Elimination of all Forms of Racial Discrimination.

The Cambodian government has, over the past twenty-five years, repeatedly and publicly stated that it considers Khmer Krom who were living in Kampuchea Krom (southern Viet Nam) but then move to Cambodia to be Cambodian citizens, including in official documents as well as responses given to the UN Committee on the Elimination of all forms of Racial Discrimination in 2010. Yet, in practice, there is no specific legal or administrative procedure by which Khmer Krom can realize their rights.



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CHALLENGES

Lack of Access to Citizenship Rights

There is no specific legal or administrative procedure by which Khmer Krom can realize their rights. As a result, there is a **gap between the high-level statements of the Royal Government of Cambodia and their implementation at the local level**. In practice, Khmer Krom are not recognized as Khmer citizens.

Restrictions on Freedom of Expression

Authorities **interfere with activities** of the Khmer Krom associations, in the temples of Khmer Krom Buddhist monks, as well as on social media and other online platforms.

Violations of Freedom of Assembly

In June 2017, **Khmer Krom were prohibited from organizing a peaceful procession** to the National Assembly and Ministry of Foreign Affairs to submit a petition calling for respect for the rights of Khmer Krom people, and threatened with arrest, by the Phnom Penh City Hall.

Inability to Secure Land or Housing

Many Khmer Krom **do not have legal rights to own land or property**. Hundreds of families in Phnom Penh (Po Senchey and Sen Sok districts), and hundreds more in Takeo province, are experiencing land conflicts with the authorities.

Lack of Access to Education

Over 95% of ethnic minority children who were born from foreign parents who have lived long-term in Cambodia, especially those living on floating communities along the Tonle Sap Lake, **cannot access primary school** because they do not have the required basic documentation such as birth certificate.

RECOMMENDATIONS

1. Ensure that implementation of **the National Strategic Plan on Identification 2017-2026 takes into account the needs of minorities**, including Khmer Krom, and addresses the specific issues they face in accessing identification documents;
2. Issue a **clear restatement of the RGC's position that Khmer Krom are Khmer citizens**, and therefore, enjoy the rights and protections accorded to all citizens under the Constitution and domestic law;
3. Issue a legal instrument **clarifying that the Law on Nationality applies to Khmer Krom** and confirming that if an individual of Khmer Krom origin can show Khmer nationality by way of Khmer Krom ethnicity/parentage, they are eligible for identity documentation;
4. Establish a **public program to tackle and reduce discrimination** against the Khmer Krom and ethnic minorities including the revocation of discriminatory legislation;
5. Ensure **equal rights to legal ownership of land and housing** for Khmer Krom and other minorities;
6. Ensure that the Phnom Penh and provincial authorities **enable Khmer Krom people and associations to conduct celebrations in places and times that do not silence their impact**, in accordance with the Law on Peaceful Assembly;
7. Ensure that all police and local authorities **refrain from any acts of discrimination** against Khmer Krom people, by characterising them as foreign nationals or as supporters of opposition political parties.

For additional details and full recommendations, please refer to the full submission.