



**Alternative Report submitted to the United Nations
Committee on the Elimination of Discrimination Against Women
for the consideration of the Combined Seventh and Eighth Periodic
Reports of the Socialist Republic of Viet Nam (CEDAW/C/VNM/7-8)
At the 61st Session**

May 2015

Introduction

On behalf of the Khmers Kampuchea-Krom Federation (KKF) representing for the voiceless Indigenous Khmer-Krom Peoples in Mekong Delta region of Vietnam, we would like to submit this report to the 61st Session of the UN Committee on Elimination of Discrimination Against Women, to reveal the current situation of the Khmer-Krom women whom their fundamental rights have been violated by the Government of Viet Nam not mentioned in it's report (CEWDAW/C/VNM/7-8) to the Committee on Elimination of Discrimination Against Women.

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

Living under the control of Viet Nam, the indigenous Khmer-Krom women have suffered tremendous human rights violations, confiscation of ancestral lands, economic and social deprivations. They are faced with double discrimination, firstly because they are women and secondly, because they are Khmer-Krom. They are prohibited from referring to themselves as “Khmer-Krom” or call their homeland by its indigenous Khmer name. They are not allowed to freely learn their own language and history in public schools.

The aim of this alternative report is to provide examples of how Khmer-Krom women continue to be discriminated, treated as second class citizens and their basic fundamental rights violated, a clear contradiction to the report by Viet Nam. It also provides recommendations for Viet Nam and the Committee to ensure that the Khmer-Krom women's fundamental rights are protected and promoted as enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women.

Article 1: The concept of "discrimination against women"

The paragraph 21 of Vietnam's report states that *“During the past years in Viet Nam, the awareness of "discrimination against women" at the levels of policy making, legislation as well as agencies, organizations, the community, families and individuals have been getting more comprehensive.”* In reality, the Vietnamese government has organized the event to raise the awareness of “discrimination against women” in the cities and in the Vietnamese communities, not in the areas where minorities and indigenous peoples, especially the Khmer-Krom women, are living. In recent years, Viet Nam revised and adopted some areas of the national laws to prevent the “discrimination against women”, but they remain very vague because it does not meet the international norms and definitions. Women in Vietnam, in particular those of indigenous groups continue to be arrested and imprisoned for exercising their basic rights and freedom of expression, assembly, or merely seeking for the return of their ancestral

On March 8th 2015, the Khmer-Krom Internet Radio broadcast in Khmer language¹ interviewed Mrs. Neang Sen, a Khmer-Krom woman from An Giang province, if she was aware of International Women Day and if the government had any programs to help the Khmer-Krom women to enjoy this important day. She was not aware of this day and said if the government gave something to the Khmer-Krom, it was only to the people who had relatives working for the local government. In her interview, she expressed grave concerns over helpless and abject poverty due to loss of her farmlands to the Vietnamese authorities' extortion scheme during the period 1979 to 1983, when Mrs. Neang Sen's families and the Khmer-Krom villagers were forced to relocate to Hau Giang province. When they returned to their hometown few years later, Mrs. Neang Sen and others learned that their farmlands and properties were confiscated by the Vietnamese authorities and newcomers. To this day, their calls for the return of their lands remain unanswered from the Vietnamese authorities. Not only their calls for justice have been ignored, but Mrs. Neang Sen and villagers were accused of causing public disorder, described as unruly and treated as second-class citizens by the Vietnamese authorities.

In paragraph 23, the report states that *“the concept of ‘discrimination against women’ in specific areas of social life has not been inclusively applied in specific areas of social life and not been fully applied in the making and enforcement of law to ensure the implementation of this concept in reality.”* While it is encouraging that Vietnam acknowledges such challenges remain, it is more important than ever to ensure that concepts of discrimination is applied and practiced in all areas of social life to ensure the inclusively of women, especially indigenous Khmer-Krom women who face double discrimination on a daily basis.

Article 2: Taking measures to eliminate all forms of discrimination against women

As Viet Nam mentioned in the paragraphs in Article 2 of its report, Viet Nam passed many laws to eliminate all forms of discriminate against women. Those laws are just written in Vietnamese not in the mother tongue of the Khmer-Krom. All the relevant laws should also be translated to Khmer language. Most of the Khmer-Krom women do not know existence of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) that Vietnam ratified. The CEDAW document should translated to Khmer language and freely distributed to the Khmer-Krom women so they can learn about their rights.

Even Viet Nam has law to protect women's rights, but it has not effectively enforced those laws to protect the rights of the Khmer-Krom women in Mekong Delta, such as the case of Mrs. Tran Thi Chau. On April 22, 2010, Mrs. Tran Thi Chau was arrested and later sentenced by the Court of Tra Vinh for two and half years in prison unable to defend herself at the court. Mrs. Tran Thi Chau had a land-grab dispute with the local authorities at the Nhi Truong market in Nhi Truong village, Cau Ngang district, Tra Vinh province. She was arrested her on her way to a wedding and was accused her with the alleged crime of trying retaking her land. Upon her release, the local government forced her to accept a small

¹ <http://vokk.net/radio/tdp1-120308-1400.mp3>

compensation for her confiscated lands. She had to accept that injustice compensation because she has nowhere to turn asking for help.

Article 3: Ensuring the full development and advancement of women

As Viet Nam boasts in the article 3 of its report that the newly passed laws since 2007 are adequate in eliminating discrimination against women, but in reality, human rights situation has deteriorated and violations have drastically increased among the indigenous population. Their fundamental freedoms and rights as equal citizens of Viet Nam continue to be undermined and not respected by local Vietnamese authorities.

Mrs. Ly Thi Huong had a land dispute with the local Vietnamese authority of My Xuyen district, Soc Trang province. Instead of resolving the issue peacefully, in the evening of February, 24 2008, Vietnamese authorities armed with guns, knives, big sticks, and small petrol tanks set aflame Mrs. Ly Thi Huong's house. With no means to defend themselves against injustice and discrimination, many Khmer Krom women continue to miss out on the enjoyment of the rights enshrined in CEDAW.

Article 4: Special measures to enhance gender equality

In Paragraph 75 in Vietnam's report mentioned that *"To help women workers have access to employment opportunities, and high-quality jobs, in 2010, the Prime Minister has approved the project "support for women in vocational training - job creation in the 2010-2015 period "*. In reality, the Khmer-Krom women in Mekong Delta have not received any benefits from this type of program. It is alarming that the young Khmer-Krom girls who could not afford to continue their education have to leave their beloved villages to look for low pay jobs in the big city. Lacking of technical skills, these young Khmer-Krom girls can only find jobs working as waitress or dishwashers in a Vietnamese restaurant or working as servants in the Vietnamese wealthy family in the big cities.

Article 5: Gender Role and Gender Stereotypes

The Khmer people worship the female principle. The name Khmer is derived from the name "Mer" which means female or mother and the "K" in front is used to give a higher respect and when the words combined it is Khmer. Female in the Khmer society is often high valued and respected, however in recent years, the important of their role as a mother and leader has been undermined. Due to poverty and landlessness, many Khmer-Krom women are unable to attend school or become active leaders within their community.

While it is encouraging that Vietnam is trying to educate its citizen on gender roles, it should take into consideration gender roles of women from different backgrounds, in particular the Khmer-Krom women. The promotion and creation of independent women organizations at the local level is important in educating the community about the important roles of women in society.

Article 6: Prevention and control of trafficking in women and abuse of female sex workers

In paragraph 103 of Viet Nam's report, it states that *"There is a lack of staff working on prevention and fight against social evils. Most of them are part time staffs. Therefore the information and data on women, and children who are trafficked and suspected to be trafficked are not updated as quickly as expected"* It seems like Viet Nam has many laws to eliminating discrimination against women, but most of the people who work to enforce those laws are *"part time staffs"* If the law enforcers are part time staffs, when will the women in Viet Nam, especially vulnerable Khmer-Krom women, will be protected from the human trafficking and enjoy other fundamental rights?

The Khmer-Krom women are amongst the most vulnerable group of people in the Mekong Delta. Poor, uneducated, uninformed, facing landless and lacking of job opportunities in the provincial region has meant Khmer Krom girls have been forced to travel outside of their region and some have become victims of trafficking rings. For example, a 20 year old Khmer-Krom woman, Mrs. Thach Thi Hong Ngoc left a poor village in Can Tho province to look for work in Saigon city. She fell into an arranged marriage trap to marry a Korean man, Jang Du Hyo, 47 years old, without knowing anything about him. She married him to get \$500 for her family and left to live with him in Korea. Unfortunately, on July 8, 2010, shortly after her arrival in Korea, she was killed by her Korean husband.² The Vietnamese government media reported that she was a Vietnamese girl, not a Khmer-Krom girl to cover up the true identity of the victim.

There are disturbing stories of rape amongst Khmer-Krom girls who work in the capacity of a servant to wealthy Vietnamese family. Most Khmer-Krom girls are afraid and ashamed to tell authorities about the rape. The virginity of Khmer-Krom girls are highly respected in the community, revealing such acts of rape is not only considered shameful and disgraceful but impacts the tradition of finding a good husband in the future.

Article 7: Exercising women's rights to equality in political life and public life

Viet Nam is still a one-party Communist state and does not allow anyone to independently running for any governmental position. The Khmer-Krom women sometime participate in voting at the local level, but they just go to vote as the duty instead of rights because they feel that their vote would not be counted. Voting in Vietnam mostly is just a showcase to show that the people in Vietnam have a right to vote.

In part b of paragraph 117 of Viet Nam's report states *"the Viet Nam Women's Union is a member organization of the Fatherland Front"*. The Fatherland Front is a Committee of the Vietnamese Communist Party. It is clearly shows that even Vietnam has the union to represent for the women in Vietnam, but that union is established by the government to serve the government's interest, not the interest of all women.

In recently, the Vietnamese government has appointed some of Khmer-Krom women to hold some governmental positions, even as the congresswomen. Unfortunately, these Khmer-Krom women are the

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http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/VNM/INT_CERD_NGO_VNM_80_10315_E.pdf

government officers who just merely serve for the government. They are not Khmer-Krom leaders who defend for the fundamental rights of the Khmer-Krom women.

Article 8: Women's participation in international activities

Viet Nam has actions plan to empower women to participate in working the diplomatic sector and international activities. But it remains unclear how action plan includes the indigenous women in Vietnam or not, especially the Khmer-Krom women who does not have even the basic skill to look for a normal job to earn for a living.

The KKF has participated in many international activities, especially at the UN level to advocate for the basic rights of the voiceless Khmer-Krom in Viet Nam. During annual meeting of the United Nations Permanent Forum on Indigenous Issues in New York City, there are many Khmer-Krom women in Vietnam who want to participate with KKF, because they want their voice to be heard. Unfortunately, participating at the international activities, such as attending the United Nations meetings, are just in the Khmer-Krom women's dream. Even Vietnamese authority might not be able to stop them to travel abroad, but what would be happened to them when they come back to their villages? Many Vietnamese human activists travelled abroad to attend human rights conferences and upon return faced imprisonment. Even the Vietnamese are still facing the imprisonment; of course, the Khmer-Krom women might face even more serious consequences. This is the reason why it is impossible for the Khmer-Krom women to participate in the international activities to advocate for their women rights.

Article 10: Equality in education; Article 11: Equality in Employment

The term Education should not limited to the Vietnamese language rather; it should include the languages of the indigenous peoples as well. The indigenous Khmer-Krom peoples are not allowed freely to learn and use their Khmer language. The current teaching of the Khmer language in public schools attended by Khmer-Krom students is not a program that actually enables Khmer-Krom children to know their mother language. The Khmer language classes provide just two to three hours of unreliable programs per week for Khmer-Krom students to learn Khmer, which is not an adequate amount of time to learn any language. Therefore, most of the young Khmer-Krom girls now cannot read nor write their own language.

The Khmer-Krom women are hard-working farmers but some of them do not even have enough rice to eat because the expenses of farming are too high. The poverty of the Khmer-Krom affects the livelihoods of the Khmer-Krom girls and their future. In recent years, the percentages of Khmer-Krom girls dropping out of school are alarming. They have to help their parents on the farm or look for employment to help their families make ends meet. Without education, the future of the Khmer-Krom girls remains bleak.

Some of the young Khmer-Krom girls fortunately receive scholarships from the government to continue their study in the University. However, after graduating from University or vocational school, many cannot find a job relating to their study. Even they qualify for the job that they are applying for they don't have connection or money to bribe employers in their related field of study. This is a serious issue that

Vietnam needs to resolve because it discourages the people who have studied so hard for years in school and when they graduated, they could not get a job due to the corruption in the hiring process.

There are millions of Khmer-Krom people in Kampuchea-Krom, but very few Khmer-Krom women hold a Master Degree or Ph.D. Meanwhile, Vietnam has sent thousands of Vietnamese students to study abroad, especially in the United States, Canada, and Australia. But the Khmer-Krom girls do not receive those benefits. Khmer-Krom girls receive no benefit from scholarships that are generously offered by international governments and organizations due to the discriminatory policies of the Vietnamese government. Outside efforts to support the Khmer-Krom advancement of education is blocked because the government of Viet Nam ties these efforts to political motives.

Article 12: Equal access of women to health care and protection

Viet Nam used to provide free health care program for the Khmer-Krom for couple years prior to 2014. Even that program was not really good, but at least the Khmer-Krom women could get free health checkup during their pregnancy period or to deliver baby. Unfortunately, since late 2014, that program had been revoked.

Since 2003, the blindness issues of the Khmer-Krom in Soc Trang and Bac Lieu provinces are still happening. There are thousands of Khmer-Krom people, mostly Khmer-Krom women, who have been affected by the blindness of either left or right eye, or some cases even both eyes. The main problems that cause the blindness are from contaminated drinking water from their surroundings which largely polluted by pesticides, herbicides and fertilizers. While this issue was brought up to the Vietnamese government and UN agencies such as the World Health Organization, no action has been taken by the Vietnamese government to neither help preventing it to happening again nor provide any financial assistant to the victims.

Living in poverty with no health insurance, new Khmer-Krom mothers have no access to health care facilities, medication and nutrients as well as regular check up to protect the wellbeing of both mother and child.

Article 13: Socioeconomic and cultural life

Most of the Khmer-Krom women are farmers. They say that they are working as slave, but in a different form. They produce lots of rice, but at the end of the rice harvest season, they have to sell their rice to pay for their debt and end up having nothing left to eat. Then they have to loan the money again to start for another rice season. They are now living in that cycle. If Viet Nam has good intention to help improving the standard living for the Khmer-Krom in Mekong Delta, then the Khmer-Krom women and their family would not facing the poverty as today.

The indigenous Khmer-Krom people have a rich culture. They celebrate their Khmer New Year (KNY) in April, a different time to that of the Vietnamese New Year. During the KNY celebration, the Khmer-Krom women workers are allowed to go back to their village to celebrate their Khmer New Year but

without pay. Leave without pay extends to all other cultural events that they wish to return home. Some fear to go back home because the workplace does not guarantee their position would still be available when they return.

Without a policy to guarantee for the Khmer-Krom women to enjoy their break during their traditional cultural holidays, the Khmer-Krom women are afraid to take a break from work to enjoy their traditional holidays. The long term effect of this will result in Khmer-Krom losing their identity and culture.

Article 14: Women in rural areas

Most of the Khmer-Krom women are farmers living in the rural areas of Mekong Delta. Land is life. Without land, many Khmer Krom people find themselves without a mean to support their traditional livelihood of rice farming. Land grabbing policies from the 1970s continue to affect the lives of many Khmer Krom people today. Unfortunately, when the Khmer-Krom women stand up to demand for their confiscated farmlands, they face the oppression from the government.

On January 9, 2008, About 200 Khmer-Krom farmers in An Cu village, Tinh Bien district, An Giang province headed to Long Xuyen city in An Giang province to peacefully demand for the return their farmlands. At least 20 people were injured when the Vietnamese police of An Giang province used their electric baton to hit unarmed Khmer-Krom farmers, forcing them to go back to their hometown. Amongst seriously injured included the following women: Mrs. Neang De (52 years old), Mrs Neang Savong (25 years old) Mrs. Neang Ron (56 years old), Mrs. Neang Socphan (50 years old), Mrs. Neang Duong (45 years old), Mrs. Neang Phe (62 years old), Mrs. Neang Pha (45 years old), Mrs. Neang Ni (35 years old), Neang Den (42 years old), Neang Dinh (55 years old). Mrs Neang Ni's head was bleeding after being hit by an electric baton. Ms. Neang Savong started having sick after being beaten up by the police when she got home. She was ignored while trying to seek treatment at the Vietnamese hospital in Tri Ton district and Sai Gon city. Unfortunately, she passed away on Saturday, September 25, 2010.

On February 26, 2008, the Vietnamese police of An Giang province cracked down the peaceful protest by the Khmer-Krom farmers demanding for the return their confiscated farmland. Mrs. Neang Phuong was shot in the leg. The Vietnamese police also used the electric baton to hit Mrs. Neang Don (55 years old), Mrs. Neang Don (52 years old), Mrs Neang Ky (60 years old) Mrs. Neang Hung (55 years old), Mrs. Neang Khum (58 years old) and Mrs. Neang Sambath (50 years old) causing serious injuries.³ Mrs. Neang Phuong later escaped with her husband, Mr. Chau Hen and her two sons, to seek refugee status in Thailand. Unfortunately, while she was hiding to wait for refugee status, she got sick and unable to pay for medical treatment, she passed away in Thailand on March 23, 2014. Her husband gained political asylum status and is currently living in the United States.

³http://lib.ohchr.org/HRBodies/UPR/Documents/Session5/VN/KKF_VNM_UPR_S5_2009_KhmersKampucheaKromFederation.pdf

Article 15: Ensuring women's equal civil rights before courts of law

The Khmer-Krom people are living in FEAR on their ancestral land in Viet Nam. They are treated as the second class citizens. When the Khmer-Krom people are facing the legal issues, they have no voice in the legal system of Viet Nam.

On September 25, 2013, the Vietnamese court of Vinh Chau district, Soc Trang province sentenced Mrs. Lam Thi Loan and Mrs. Ly Thi Danh along with other two Khmer-Krom man for up to a year in prison with the alleged crime of creating “public disorder”.⁴ The Khmer-Krom women were arrested because they came to support Venerable Ly Chanh Da to demand the Vietnamese police to stop defrocking him on May 16, 2013. When Mrs. Lam Thi Loan and Mrs. Ly Thi Danh were arrested, their families were prohibited from hiring lawyers to defend them. During the trial, they were not allowed to defend for themselves. They had no choice but to accept the alleged crime so they would be given a lighter sentence time in prison.

Recommendations

KKF believes that the Khmer-Krom women should not be punished for exercising the fundamental freedoms and human rights, especially since Viet Nam is now a member of United Nations Human Rights Council. In this regards, KKF would like to call the Committee on Elimination of Discrimination Against Women to:

1. Urge Viet Nam to enforce effective legislation and policies to improve the lives of Khmer-Krom women. All policies should include the needs of indigenous women who are found to be living in poverty and discriminated against at the grassroots level.
2. Urge Viet Nam to allow the Khmer-Krom women to self-identify as “Khmer-Krom”.
3. Viet Nam should recognize the term Indigenous Peoples instead of tactically saying that the term Indigenous Peoples and Minority are the same. In Vietnamese, the “Indigenous Peoples” is translated as “Người Bản Địa” and “Minority People” is translated as “Người Thiểu Số”. These two terms have clearly their own definition in Vietnamese. The term “Indigenous Peoples” is enshrined in the UNDRIP which Viet Nam signed in support. It is not a political term as referred by Vietnam when requested by indigenous representatives in recognition of their rights to self-identify as indigenous peoples of Viet Nam.
4. Urge Viet Nam to allow the Khmer-Krom women freely calling their hometown in their Khmer language. All the name of communes, villages, districts and provinces where the Khmer-Krom people reside should be changed back from the Vietnamese name to their original Khmer-Krom names.
5. Request Viet Nam to invite the Special Rapporteur on the rights to freedom of peaceful assembly and of association to investigate the situation of the Khmer Krom women who have been silenced for exercising their basic rights.
6. Request the translation of Vietnamese laws and the CEDAW convention text to Khmer language and be freely distributed to the Khmer-Krom people, so they can be better informed about their

⁴ <http://www.khmerkrom.org/news-events/human-rights-monitor/544-human-rights-monitor-urgent-appeals-sep30>

choices and have clearly understanding of Viet Nam's juridical system to ensure that they are fully and equally protected and enjoyed by Viet Nam laws.

7. Urge Viet Nam to stop accusing the Indigenous Women as “backward, don't want to adapt to the Vietnamese society”, but to implement policies and legislation to protect Khmer-Krom girls and provide active educational campaigns and informational sessions in both Vietnamese and Khmer so that they can be better informed of the dangers of human trafficking.
8. Request Viet Nam to allow the Khmer-Krom women to freely form their own independent associations to represent all indigenous Khmer-Krom women living in the Mekong Delta.
9. Urge Viet Nam to invite the Special Rapporteur on the rights of person with disability to investigate the situation of 3000 blinded Khmer-Krom people from Khleang province and help provide long overdue medical assistance.
10. Urge Viet Nam to allocate more funding to provide scholarships for the Khmer-Krom girls to attend the vocational schools so they can learn some basic skills to get jobs in factories so they do not fall in to the women trafficking due to lack of skills and poverty.
11. Urge Viet Nam to allow the Khmer-Krom women to freely vote to elect their own representations for the governmental positions. The Khmer-Krom women should be freely to run for any local governmental positions instead of being appointed by the local authority as of today.
12. Urge Viet Nam to allow the Khmer-Krom students to study their Khmer language from Elementary school to University to ensure continuity of the indigenous tongue.
13. Viet Nam should provide the equal opportunity for the Indigenous Peoples to advance their education, especially graduate and doctoral programs abroad.
14. Urge Viet Nam to allow the Khmer-Krom women to freely file complaints for the return of their confiscated farmlands. Viet Nam should stop accusing the Khmer-Krom women with the alleged crimes of “disturbing the society” and imprisoning them when they stand up to demand for returning their confiscated farmlands or for merely participating in peacefully demonstrations to demand for basic rights, such as the rights to open the Khmer class in their temple.
15. Urge Viet Nam to allow the family of the Khmer-Krom women to hire lawyers or assigned public defenders or at least to allow them to defend for their rights during the trial.
16. Urge Viet Nam to allow all Indigenous women, not just those working for the government to freely travelling abroad to attend the conferences regarding to the women rights such as CEDAW.
17. Urge Viet Nam to build and strengthen health policies to sustain new mothers, especially the indigenous mothers who are most vulnerable at this stage. They should be provided freely access to quality health services medication and nutrients as well as regular check up to protect the wellbeing of mother and child.
18. Urge Viet Nam to help train more Khmer-Krom girls in health care practices and provide scholarships and grants specifically to the Khmer-Krom medical students to study abroad.
19. Urge Vietnam to implement laws or procedures to protect the Khmer-Krom young girls who are working in the Vietnamese factories or as servants in the Vietnamese families in big cities to ensure that they are being treated fairly and respectfully.
20. Urge Viet Nam to encourage all companies and work places to promote policies that allow their Khmer-Krom employees to have paid days off work during major Khmer traditional holidays.
21. Urge Viet Nam to adopt and ratify ILO 169 convention so that the fundamental rights of the women workers are protected.
22. Urge Viet Nam to adopt and ratify the CEDAW Optional Protocol.