



**Alternative Report submitted to the
UN Committee on the Economic, Social and Cultural Rights
for the consideration of the Combined Second to Fourth Reports of
the Socialist Republic of Viet Nam (E/C.12/VNM/2-4)
during the examination of Viet Nam in the 53rd Session**

September 2014

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 53rd Session of the UN Committee on Economic, Social and Cultural Rights, to reveal the current situation of the Indigenous Khmer-Krom Peoples whom their fundamental rights have been violated by the Government of Viet Nam not mentioned in Vietnam's report (E/C.12/VNM/2-4) to the United Nations Committee on Economic, Social and Cultural Rights.

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 descendents of the people of Nokor Phnom (or Funan in the Chinese translation) empire. During colonization of France, Kampuchea-Krom was called Cochin China. Kampuchea-Krom 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 peoples have suffered tremendous human rights violations, confiscation of ancestral lands economic and social deprivations. They are not allowed to call themselves as “Khmer-Krom” or be able call their homeland by its indigenous Khmer name. They are not allowed to freely learn their own language and history in public schools.

The Vietnamese has rewritten the history to deny the indigenous status of the Khmer-Krom peoples. Those who attempt to teach Khmer language classes in the village pagodas have been intimidated and imprisoned. The government statistics of Khmer-Krom population is questionable.

As of today, millions of the Khmer-Krom people in Mekong Delta are living in poverty. Traditionally farmers, many are landless and are forced to leave their beloved villages to look for employment in already crowded cities. The Vietnamese government has also established a Buddhist Association to monitor and control all religious activities of the Khmer-Krom Theravada Buddhist communities.

The aim of this alternative report is to provide the true living situation of the Indigenous Khmer-Krom people who are discriminated, treated as second class citizens and their basic fundamental rights are violated, a clear contradiction to the report by Viet Nam. It also provides recommendations for Vietnam to implement to ensure that the Khmer-Krom's fundamental rights are protected and promoted as enshrined in the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Compliance with the ICESCR

Article 1: Right to Self-determination

The paragraph 27 of Vietnam's report states that *“In Viet Nam, there are no indigenous people. Fifty-four peoples in Viet Nam have long co-existed, and boasted tradition of solidarity for thousands years of history, taken joint efforts to construct and defend the country of Viet Nam.”*

This statement clearly shows that Vietnamese government does not respect the true history of the indigenous peoples in Viet Nam. The indigenous Khmer-Krom peoples have lived in their homeland thousand years before the Vietnamese people obtained their foothold for the first time on their homeland in 1623A.D. when the Cambodian King, with the intervention from his Vietnamese wife, granted permission for the Vietnamese people to conduct trade in the Prei Nokor (Sai Gon) areas.

These are some of the well-known Wat (temples) and Prasat (castles) that were built before the Vietnamese people arrived at Kampuchea-Krom:

1. Sambour Reangsey Temple, in Preah Trapeang (Tra Vinh) province was built in 373AD.
2. Kouk Treang Temple, in Moth Chrouk (Chau Doc) province was built in 400 AD.
3. Kampong Reachbopha Temple, in Long Hor (Long Ho) province was built in 623AD.
4. Mahatoop Temple, in Khleang (Soc Trang) province was built in 1569.
5. Chot Mat Prasat, in Raung Domrei (Tay Tinh) province was built in the 8th century.
6. Bathet Prasat, in Pol Leav (Bac Lieu) province was built in the 9th century.

According to the report Vietnam's Constitution, Article 5 states that *“The peoples have the right to using their own language, scripts and preserving their identity, fully displaying their custom, tradition and culture.”* If the Vietnamese government respects its own constitution and allows the people in Vietnam to preserve their identity, then Viet Nam should allow the Khmer-Krom to be referred to as “Khmer-Krom” instead of labeling them as “Dân Tộc Thiểu Số Khmer” (ethnic minority Khmer). Moreover, the Khmer-Krom people are not allowed to call their villages, districts and provinces in their original Khmer names. For example, Viet Nam has attempted to confiscate a temple's inherited seal containing the word “Kampuchea-Krom” in Khmer script. On August 5, 2014, according to the Khmer-Krom Buddhist followers of this temple in Preah Trapeang (renamed Tra Vinh), Major General Le Thanh Dau, Provincial Police Director came in person to ask the Abbot to hand over the seal to the authority. The Abbot was interrogated and fearful for his life; he told the Vietnamese Police that he threw the seal to the river.

If Vietnam does not recognize the indigenous peoples in Vietnam and also do not allow them to study their true history, to learn and use their language freely in public, then the right to self-determination only exists in the documents of the Vietnamese government that are being used to show to the world.

Article 2: States undertake steps to maximum of available resources, with a view to achieving progressively the full realization of rights

Paragraph 45 of Vietnam's report states that "*Throughout 17 annual Consultative Groups' Meetings, pledged ODA of donors amounted to above US\$ 56 billion with a year-on-year increase and hit a record level of US\$ 8.063 billion in 2009.*" This shows that Vietnam has received billion dollars per year from the Official Development Assistance (ODA). Unfortunately, this funding has little positive impacts on the living condition of the Khmer-Krom in Mekong Delta. Vietnam rural development policies actually leave more Khmer-Krom becomes landless, thus more Khmer-Krom people remain the poorest of the poor people in this region.

As the indigenous peoples of Mekong Delta, the Khmer-Krom people have their traditional farming techniques. They used to plant the rice on their farmland once a year without using fertilizers or pesticides. Even though farming was once a year, the Khmer-Krom people had more than enough rice to eat. Nowadays, the Vietnamese government forces the Khmer-Krom to farm three times per year to produce more rice to export. Such actions have resulted in farmers not having enough rice to eat.

In order to produce rice in the short time, the government has to dig canals to get water from the ocean which leads to many problems that the Khmer-Krom farmers are facing, such as the salt water intrusion which destroys the fertile farmlands. Canal projects have also been dug on the Khmer-Krom farmlands without any compensation. Such actions have resulted in peaceful protests such as the cases in An Giang province in 2009, but the Khmer-Krom farmers were arrested and imprisoned by Vietnamese authorities.

In order to produce more rice in a short time span, the Khmer-Krom farmers have to use fertilizers and pesticides. Often expensive, many Khmer-Krom farmers are forced to borrow money from banks owned by the Vietnamese government to pay for the fertilizers and pesticides. Long term use of the fertilizers has caused erosion and degradation of the once fertile farmlands.

In addition to the expenses of the fertilizers and pesticides, the price of rice in the Mekong Delta region has decreased in an unpredictable manner during the rice harvest season, while the world price of rice has gone up in contrast. The Khmer-Krom local farmers have suspected that there must be some kind of politically-motivated schemes being carried out against the poor and helpless Khmer-Krom local farmers in the Mekong Delta region. The Khmer-Krom farmers who borrowed money from the Vietnamese government's banks to purchase fertilizers and pesticides during rice plantation season are forced sell their traditional farmlands to pay down their debts. This is one of reasons that cause the Khmer-Krom to lose their traditional mean of livelihood. Due to landless or lack of profits from farming, thousands of Khmer-Krom youths have dropped out of schools are forced to migrate to crowded cities to search jobs, often finding low paying

jobs in the factories or as servants for the Vietnamese families because they don't have any technical skills.

Vietnam is ranked as the second leading exporter of rice in the world, but yet many people do not know that rice exported from Vietnam are mostly from Mekong Delta and are produced by sweats and tears of the voiceless Khmer-Krom farmers. This economical farming crisis that the Khmer-Krom farmers are facing have been ignored by the Vietnamese government and that is why millions of the Khmer-Krom people are still the poorest people in Mekong Delta.

Paragraph 46 of Vietnam's report states that "*there are more than 600 International Non-governmental Organizations (INGOs) operating with the total annual grant of roughly US\$ 200 million. These assistance sources present direct support for life of disadvantaged population in rural, mountainous, remote and ethnic minorities' areas.*" While we are encouraged by the number of INGOs in Vietnam, Viet Nam fails to mention that these INGOs have to register to work under the control of the government. During Viet Nam Second Cycle of the Universal Periodic Review (UPR) held on February 5, 2014, it rejected the recommendation by Members Statues to allow the people in Vietnam to freely form independent associations.

Since Vietnam does not allow for Khmer-Krom to form any Khmer-Krom associations to support Khmer-Krom's social activities, the Vietnamese government tactically organizes most of the social activities as show cases to show off to the world that the Khmer-Krom in Vietnam having their rights to preserve and promote their social and cultural identity.

From December 2-4, 2011, Vietnam organized the Fifth Festival Culture, Sport and Tourist for the Khmer-Krom to perform to lure tourists into the region. Besides exploiting the culture of the Khmer-Krom for economic benefit, Vietnam forces Khmer-Krom to perform its culture and music that are not based on the Khmer-Krom culture. They have to sing a song in both Vietnamese and Khmer and the content of the songs were to thank the Vietnamese government and its communist party. This is clearly a sign of oppression toward a culture. When the Khmer-Krom performed a cultural event about Sen Don-Ta Festival (Pay Respect to their ancestor), the Khmer-Krom performers had to put incense on the altar to pay respect to their ancestors. The Khmer-Krom audiences were shocked and very upset when the picture on the altar was the picture of Ho Chi Minh. It was insulting to the Khmer-Krom because Ho Chi Minh is not the Khmer-Krom's ancestor. Even though they were not happy, they could not complain or seek any recourse because they live in fear and were afraid of the consequences.

The Vietnamese government forced the Khmer-Krom people to place Ho Chi Minh picture on the altar at all the Khmer-Krom Buddhist temples though out Mekong Delta. If not, the Khmer-Krom would be punished. In any cultural events, the Khmer-Krom must have the picture of Ho Chi Minh on the altar and pay respect to him as their spiritual leader.

Most independent observers are restricted. The United Nations Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt was due to visit Viet Nam from 21 to 31 July 2014, but his planned visits to An Giang province was interrupted. He said:

“I received credible information that some individuals with whom I wanted to meet had been under heavy surveillance, warned, intimidated, harassed or prevented from travelling by the police,” he added. *“Even those who successfully met with me were not free from a certain degree of police surveillance or questioning.”*

(<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14915&LangID=E#sthash.fdvnlN9Q.dpuf>)

Article 3: Ensure equal rights of men & women

Paragraph 80 of Vietnam's report states: *“Over the past two decades, Viet Nam has made great strides in implementing gender equality rights and successfully become one of the best-recorded countries in Southeast Asia – Pacific in terms of Gender Development Index (GDI).”* It might be true that Vietnam has all types of law to protect the rights of women, but in reality the fundamental women rights, especially the rights of the indigenous women, are continuously being violated.

The indigenous Khmer-Krom women are often the most disadvantaged and face double discrimination. First they are discriminated because they are Khmer-Krom and secondly because they are women.

In recent years, the Vietnamese government has organized events in many places in Vietnam to commemorate the International Women's Day on March 8. But most of the indigenous women, especially the Khmer-Krom women, are not invited to this type of event as testified by Mrs. Neang Chakrya, in Swai Ton (Tri Ton) district, Moth Chrouk (An Giang) province told VOKK (vokk.net) during her interview on March 6, 2011.

Vietnam has been a member of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) since July 29, 1980, and ratified this Convention on February 17, 1982. Most of the indigenous women in Vietnam do not know anything about their rights that are enshrined in CEDAW. Unfortunately, when the women stood up for the rights, they faced arrests, interrogations, and prison:

In 2007, the Khmer-Krom women, Mrs. Neang Mit, Mrs. Neang Phen, Mrs. Neang Mon, Mrs. Neang Don, were arrested and interrogated in An Hao village, Tinh Bien district, An Giang province because they demanded to return their confiscated farmland.

In 2008, a young Khmer-Krom woman, Mrs. Neang Savong helped her father, Mr. Chau In, to lead the Khmer-Krom farmers to demand returning confiscated farmlands in An Giang province. She was beaten by Vietnamese police and got sick after that. She was discriminated and ignored

when seeking treatment at the Vietnamese hospital in Tri Ton district and Sai Gon city. Unfortunately, she passed away on Saturday, September 25, 2010.

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. Mrs. Tran Thi Chau had a land-grab dispute with the local Vietnamese authorities at the Nhi Truong market in Nhi Truong village, Cau Ngang district, Tra Vinh province. The authorities arrested her on her way to a wedding and then accused her of the alleged crime of retaking her land.

As of today, the confiscated farmlands that the Khmer-Krom women demanded are still unresolved. 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 the 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. 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.

Article 4: Limitations determined by law & compatible with nature of rights;
Article 5: No destruction or derogation of fundamental human rights

Paragraph 80 of Vietnam's report states that "*Viet Nam does not have provisions restricting the rights provided in the Covenant on Economic, Social and Cultural rights.*" In reality, the ambiguities in Vietnam's laws and justice system that are being used effectively by the Vietnamese authorities to oppress human rights activists in Vietnam.

Most of the fundamental human rights articles exist in Vietnam's constitution. Unfortunately, the Vietnamese authority does not follow the constitution and have used the following ambiguities articles in the 1999 Penal Code to arrest and imprison the people who stand up for their rights in Viet Nam:

- Article 79: Carrying out activities aimed at overthrowing the people's administration
- Article 87.- Undermining the unity policy
- Article 88.- Conducting propaganda against the Socialist Republic of Vietnam
- Article 89.- Disrupting security
- Article 91.- Fleeing abroad or defecting to stay overseas with a view to opposing the people's administration
- Article 258.- Abusing democratic freedoms to infringe upon the interests of the State, the legitimate rights and interests of organizations and/or citizens

The following cases are the examples of how Vietnam have used the ambiguities articles in the 1999 Penal Code to imprison the Khmer-Krom Buddhist monks for standing up for the basic rights:

On 8 February 2007, over two hundred Khmer-Krom Buddhist monks conducted a non-violent demonstration in front of the Pali school, in Khleang (Soc Trang) to ask for the right to form their own religious organization and to perform ceremonies without interference from the State as defined and required by their religion and cultural customs. Unfortunately, the peaceful protest was met with fresh waves of oppression as Vietnamese authorities used military force to arrest Buddhist monks. They were forced to disrobe without ceremony. On May 10, 2007, five of them (Ven. Kim Moul, Ven. Danh Tol, Ven. Ly Suong, Ven. Thach Thuong, Ven. Ly Hoang) were sentenced from 2 to 4 years without a fair trial. They were accused with the alleged crimes of article 89.

Venerable Tim Sakhorn, Abbot of North Phnom-Denh temple in Phnom-Denh village, Karivong District, Takeo province, Cambodia, used to help Khmer-Krom people fleeing Vietnam because they were facing the human rights oppression. On 30 June 2007, he was arrested, defrocked, and deported by the Cambodian authority to imprison in Vietnam. On November 8, 2007, he was sentenced to one year prison for the alleged crime under article 87.

The Vietnamese authority accused Venerable Thach Thuol, born 1985, at Ta Set temple, Vinh Hai commune, Vinh Chau district, Soc Trang province for contacting the Khmer-Krom media and Khmer Krom living abroad to provide information about human rights violations against the Khmer-Krom. Ven. Thach Thuol said in his appealing video before he was arrested (<https://www.youtube.com/watch?v=3ZMef1nAtGQ>) that he just told the truth about the situation of the Khmer-Krom children who cannot learn their Khmer language freely during his interview with the Internet Radio of Khmers Kampuchea-Krom Federation (vokk.net). Venerable Lieu Ny, born 1986, Abbot of Ta Set temple was accused of not obeying the Vietnamese authority to defrock Venerable Thach Thuol. Facing the oppression depressively, Ven. Thach Thuol and Ven. Lieu Ly escaped Vietnam along with other two Khmer-Krom Buddhist followers (Thach Quanh Tha and Thach Phum Rich). Unfortunately, they were arrested and then sentenced from 2 to 6 years with the alleged crime of article 91.

Besides the ambiguities panel codes that Vietnam has, the legal system of Vietnam does not provide the people to freely have the rights to defend themselves in front of the Vietnamese court. When the Khmer-Krom victims face the injustice trials, they are not allowed to have lawyers or defend themselves. For example, Ven. Thach Thuol was not allowed to defend for himself during his trial and when he refused to accept the alleged crime, the Vietnamese judge sentenced him to the 6 years.

Article 6: Right to work

Although Vietnam is still a one-party Communist state, it is one of south-east Asia's fastest growing economies. Thus, it creates lots of jobs and requires lots of workers to work in the factories and companies. According to Vietnam's report, there are many laws that have been written to protect the rights of the workers. But in reality, the labor code laws that Vietnam has are not implemented transparently due to the corruption happening out of control in the country.

Most of the indigenous Khmer-Krom students, after graduating from University or vocational school, 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 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.

Vietnam does have few vocational schools for Khmer-Krom youths to study in Mekong Delta, but those schools are not sufficient. Thus, when the Khmer-Krom youths go to look for work in the big city, they can only get low pay work as waiters/waitresses/dishwashers at the Vietnamese restaurants or work as servants in the Vietnamese wealthy families. While some are lucky to find skill jobs, majority are forced to work as labors in horrible working conditions.

Paragraph 122 of Vietnam's report states that *"In addition to the preferential policies of the State, needy provinces and those with ethnic minorities annually receive additional financial resources from the National Fund for Employment under the National Target Programme on Employment, which is aimed to promote production and business, restore traditional trades and develop new ones. This has had positive impacts on the process of economic and labour restructuring in rural areas, helping create more jobs."* In reality, there is an alarming number of Khmer-Krom youths in Mekong forced to leave their villages to find jobs at factories in already crowded cities in the so called Economic Development Zones. This resulted in grave consequences to the Khmer-Krom social structure similar to the assimilation policies, toward the native peoples, practiced in North America and Australia in the past.

Article 7: Right to just, favorable work conditions

Traditional farmers, many Khmer-Krom people have found that they have don't have the necessary skills or even some case know the Vietnamese language to compete with the Vietnamese, thus many Khmer-Krom workers can only find the low pay jobs and are afraid to lose them. Therefore, the Khmer-Krom workers are afraid to report about their working conditions or mistreated by the employers.

For example, the Khmer-Krom workers who are working at a cashew factory at Nong Gia 2 in Chau Lang village, Tri Ton district, An Giang province. The workers work at least 11 hours a

day but they only make about \$100 a month. Those who get sick and cannot come to work are got fined about \$1 for each sick day. If they are sick for more than three days, they are fired.

The bad smell of the cashew coupled with the unhygienic workplace has been the cause of sickness for the Khmer-Krom. The smell has resulted in many Khmer-Krom workers having bad sinus problems including coughing and losing weight. Even they know they are mistreated, the Khmer-Krom workers have nowhere to file complaint and such working condition still existed today. Some of them could not stand with such working condition have quitted and left their village going to work in the big city. Only the Khmer-Krom workers who have family commitment have continued to work in this factory.

Most of the Khmer-Krom workers are working far away from home. They have to rent a place to stay. Working with low paying job, paying rent and other personal expenses, they do not have much saving by the end of each month to send home to help their families in their villages.

The indigenous Khmer-Krom people have a rich culture. They celebrate their Khmer New Year in April instead of the same time as Vietnamese New Year. During the Khmer New Year celebration, the Khmer-Krom workers are allowed to go back to their village to celebrate their Khmer New Year, but without pay. They also don't get pay if they go back to celebrate other cultural events either. 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 indigenous people to enjoy their break during their traditional cultural holidays, the indigenous workers in Vietnam 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 8: Right to form trade unions and strike

Paragraph 175 of Vietnam's report state "the right to trade union is recognized in the 1992 Constitution" in article 69, but Vietnam does not allow people in Vietnam having right to freely form trade unions. However, Vietnam does have a labor code as described in paragraph 177: "*Employees have the right to establish, join, participate in trade union activities in accordance with the Law on Trade Union to safeguard their legitimate rights and interests...*" to ask the employees to join the trade unions that are established by the government. Thus, the trade unions in Vietnam do not really protect the rights of the workers.

Even the right to strike is allowed in the labor code as described in paragraph 183, "*Workers shall have the right to strike in accordance with the provisions of the law*", but paragraph 184 mentions a contradiction of the government's Decrees that are used to limit the rights to strike which Vietnam justifies that those Decrees are used "to ensure security of the country and safety for the people". Thus, most of the peaceful strikes in Vietnam have been facing oppression and

the leaders of the strikes have been facing the imprisonment. There are no trade unions that exist to protect the Khmer-Krom workers.

Article 9: Right to social security, social insurance

Most of Khmer-Krom people are farmers. In Vietnam, farmers are considered as self-business. Now, the farming business does not really make profits. The Khmer-Krom people, who are reaching the retirement age or cannot work due to their health issues, cannot access any benefits until they reach the age of 80.

Due to low standard living and not having good healthcare services, there are very few Khmer-Krom elders live until 80 years old. If they are lucky, some of them receive varies from \$180,000 (about \$9 dollar) to \$280,000 (about \$14 dollar) per month depending where they are living. This social insurance to support the elders is way below the poverty line.

There are no nursing homes for Khmer-Krom elders in Mekong Delta. Most of the Khmer-Krom elders living based on the support of their children. Some of the Khmer-Krom elders do not have children to support, their life are miserable even with the current support from the government.

Article 11: Right to suitable living standards

Paragraph 346 of Vietnam's report: *“Not only the number of poor people but also the poverty gap has also declined significantly for all groups and regions.”* In reality, the Khmer-Krom people are the poorest people in Mekong Delta. The living standard gaps between the Vietnamese and the Khmer-Krom have not decreased. They remain on of the most socio-economically disadvantaged groups in the Mekong Delta. The main reason is that the Khmer-Krom farmers do not make much profit from farming rice as mentioned above.

The Khmer-Krom farmers now say that they are working as slave, but in 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 Vietnam has good intention to help improving the standard living for the Khmer-Krom in Mekong Delta, then the Khmer-Krom would not facing the poverty as today.

However, there are some of the Khmer-Krom families have the standard living as the normal Vietnamese. Those families usually have relatives living abroad. Their relatives have sent money to help them starting business or even doing farming but without loaning money from the Vietnamese banks. If Vietnam uses those Khmer-Krom families to measure the poverty gap between the Vietnamese and the Khmer-Krom, then that is true.

Article 12: Right to highest, affordable standard of physical & mental health

In recent years, Vietnam does provide free health care insurance for the Khmer-Krom. However, the healthcare services that the Khmer-Krom people receive from the treatments are not good. With corruption happening everywhere in Vietnam, even in the hospital, that have a big impact on the Khmer-Krom patients because they don't have money to bribe to get good treatment nor pay for good medicine because of the so called free insurance from the government.

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 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. This issue has been brought up to the Vietnamese government and WHO, but there is not action taken by the Vietnamese government to neither help preventing it to happening again nor provide any financial assistant to the victims.

Living in the society that their fundamental rights are not protected, the Khmer-Krom people are living in fear and stress. The Khmer-Krom people feel that they are second citizen in Vietnam. They believe that whatever they demand, it would never be heard and might cause them to be imprisoned for just standing up for their fundamental rights, even the right to health. The fear, intimation, constant monitoring by Vietnamese authority has serious mental health implications for the Khmer-Krom people.

Article 13: Right to education

Paragraph 493 of Vietnam's report states: "*The State shall create conditions for ethnic minorities to learn their own language and writing.*" In reality, 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 now cannot read nor write their own language.

The Vietnamese government forbids the Khmer-Krom from bringing Khmer text books from Cambodia to Vietnam for the Khmer-Krom students to study. In recent years, Vietnam published the Khmer text books for Khmer-Krom students to study. However the contents of the text book contain propaganda information to brainwash the Khmer-Krom students. These books were by the Vietnamese authors who do not know the Khmer language well and contained many grammatical errors and incorrect spelling. This is the reason why the Khmer-Krom students want to study the Khmer text books from Cambodia, which Vietnam does not allow.

Venerable Ly Chanh Da, born 1988, at Prey Chop Temple, Lai Hoa commune, Vinh Chau district, Soc Trang province tried to open a Khmer language class in his temple, but he was not allowed by the Abbot of the temple, Ven. Thach Houl, who is the congressman of the Vietnamese government. On May 16, 2013, Venerable Ly Chanh Da was arrested, defrocked, detained and tortured. On May 17, 2013, he was forced to confess his alleged crimes on the Vietnamese Television. He could not be living under oppression and escaped to seek refugee status in Bangkok, Thailand on June 17, 2013. Fortunately, he is now granted the refugee status by the UNHCR and hiding in Bangkok waiting for resettlement in another country.

On February 13, 2014, the Vietnamese authority seized about thirty copies of a Khmer Grammar book that was originally written by Mr. Thach Ek in Tra Vinh province, but were printed and published in Thailand. Mr. Thach Ek asked Vietnamese authority for permission to publish his grammar book for many years, but the Vietnamese authority kept silent and ignored his request. Venerable Thach Chan Dara, a Khmer-Krom Buddhist monk studying in Thailand, helped printing this book and sent to Tra Vinh province for Khmer-Krom students using this book as reference to studying Khmer language. Unfortunately, the Vietnamese authority does not allow this book to be distributed even it is just a grammar book.

There are no magazines or booklets in the Khmer language, for Khmer-Krom youth to express their opinions that are independently produced without the interference of the Vietnamese government. Khmer-Krom youth who are in high school have very limited access to public forums to express their opinion, especially on the internet.

The Khmer-Krom people 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 Khmer-Krom people are the poorest people in the Mekong Delta region. The poverty of the Khmer-Krom affects the livelihoods of the Khmer-Krom youth and their future. In recent years, the percentages of Khmer-Krom students 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 Khmer-Krom youth is bleak.

There are millions of Khmer-Krom people in Kampuchea-Krom, but very few 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 students do not receive those benefits.

Khmer-Krom students 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 15: Right to participate in cultural life, enjoy benefits of scientific progress

In Mekong Delta, there are two well-known traditional sports that Khmer-Krom people have participated as parts of their unique culture for centuries are Ox Racing and Dragon Boat Racing.

The Ox race had been organized by the Khmer-Krom in An Giang province for hundreds of years. This traditional sport of the Khmer-Krom in An Giang province has been used to attract the tourists for the Vietnamese government. Since 1992, the authorities of Tri Ton and Tinh Bien districts hold the Ox race on October during the Don-Ta festival to attract tourists. The Vietnamese authority sells tickets to whoever wants to watch the race. Most of Khmer-Krom are living in poverty, thus they cannot afford to buy the ticket to watch the race. The Vietnamese police use the Khmer-Krom's rice-fields near the Ox race's race field for motorcycle and car parking. The benefits received from the parking fee were not shared with the Khmer-Krom. This is a Khmer-Krom sport, but there are not many Khmer-Krom who participate in this sport in recent years because of the Vietnamese has also participated. The Khmer-Krom used to complain about the unfair results that they tend to get from biased Vietnamese referees.

Ms. Farida Shaheed, Special Rapporteur in the field of cultural rights, visited Vietnam from 18 - 29 November, 2013. Ms. Shaheed raised her concern after visiting Vietnam regarding to the exploiting of the Khmer-Krom's ox racing: *"In addition, I am particularly, concerned by situations where people are asked to perform rather than live their own cultures, or having tickets for participation. I am talking for example of the Khmer's traditional sport of Bay Nui bull race, in some provinces of Southern Vietnam."*

The Dragon Boat Racing had also been organized by the Khmer-Krom for hundreds of years in different provinces in Mekong Delta, such as: Khleang (Soc Trang), Pol Leav (Bac Lieu), Preah Trapeang (Tra Vinh), Long Hor (Long Ho), Kramoun Sor (Rach Gia). Each Dragon Boat team usually belongs to a temple. Besides racing to commemorate the Khmer-Krom ancestor's navy troops, the Khmer-Krom want to win the race for the fame of their temple's team. In recent years, the Vietnamese government has exploited the Dragon Boat Racing festival to attract tourists. The Vietnamese government tactically shows to the world that it helps organizing the festival for the Khmer-Krom. In the reality, the Vietnamese government makes lots of profits from providing the tourist services and advertisement. The Khmer-Krom paddlers don't gain a penny from those profits, except the winning teams may get some awards.

Theravada Buddhism is deeply rooted in the Khmer-Krom culture. The Buddhist teachings have shaped the Khmer-Krom way of life, guiding the standards of traditional and cultural values for men, women, and children. Most of the Khmer-Krom's villages in Mekong Delta have at least a temple because it is the cultural center for Khmer-Krom to practicing their religion, preserving Khmer language and their Khmer-Krom cultural identity. Unfortunately, the Khmer-Krom

temples are not under heavy monitored and some of them are used to benefits the local government.

The Vietnamese government tactically establishes the Patriotic United Buddhist Association (PUBA - Hội Đoàn Kết Sư Sãi Yêu Nước) and offers a small amount of salary to most of the Abbots (head monks) that are leading the PUBA in each province throughout Mekong Delta. As the Buddhist monks, they are not allowed to receive any salary. When they receive a salary it means that they have to follow the orders from the government. The Khmer-Krom people do not feel comfortable going to the temples because they know that they are being watched even by the head monks of their own temple.

Recently, the Vietnamese authority of Soc Trang province tactically ordered the Abbots of the following temples to:

- Build the guesthouses inside the property of the Mahatup Temple (also known as Bat temple because this temple has many Bats which is attracting tourists to visit) locating at 73B đường Lê Hồng Phong, khóm 9, phường 3, thành phố Sóc Trăng, tỉnh Sóc Trăng .
- Allow the Taxi to park (as taxi station) inside the property of Khleang temple locating at 71 đường Mậu Thân, khóm 5, phường 6, thành phố Sóc Trăng, tỉnh Sóc Trăng.
- Allow having a market right in front of the Dharma Hall of the Srolon temple (known in Vietnamese as Chùa Chén Kiểu) locating near Quốc lộ 1A, xã Đại Tâm, huyện Mỹ Xuyên, tỉnh Sóc Trăng.

Recommendations

KKF believes that the Indigenous Khmer-Krom peoples 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 urges Viet Nam would like to call the Committee on Economic, Social and Culture Rights to:

1. Urge Viet Nam to allow Khmer-Krom to fully implement the United Nations Declaration on the Rights of the indigenous peoples including the right to self determination. The Khmer-Krom should have their rights to refer to themselves as "Khmer-Krom". The Khmer language and Khmer-Krom history should be freely taught in public schools. The name of villages, districts and provinces where the Khmer-Krom people are living should be converted back to their original Khmer names.
2. Urge Viet Nam to implement a procedure to establish a legal document to start recognizing the Indigenous Peoples in Vietnam. By recognizing the Indigenous Peoples, it shows the commitment of Viet Nam to resolve the differences between the government and the Indigenous Peoples and establish better policies to help the Indigenous Peoples to enjoy their fundamental rights as enshrined in the UNDRIP that Vietnam signed to adopt in 2007.
3. Urge Viet Nam to stop using the undercover police and stop the “divide to conquer” tatic toward the Khmer-Krom community. The Vietnamese government should stop accusing

- Khmer-Krom people based on the ambiguities of the articles in the 1999 Penal Code to imprison them whenever they stand up for their fundamental rights.
4. Urge Viet Nam to immediately release the faultily convicted prisoners including Ven. Thach Thuol, Ven. Lieu Ny, Thach Phum Rich and Thach Quanh Tha without any conditions.
 5. Urge Viet Nam to stop forcing the Khmer-Krom prisoners of conscience to admit the alleged crimes that they do not commit. They should have a right to defend themselves during the trial.
 6. Urge Viet Nam to stop all forms of arbitrary summons, arrests, detention, torture and confession by force like in the case of Ven. Ly Chanh Da of Prey Chop temple.
 7. Urge Viet Nam to allow the family of the Khmer-Krom prisoners of conscience to hire lawyers or assigned public defenders to help defending for their rights in the trial.
 8. Urge Vietnam to allow the representatives of foreign Embassies and NGOs to attend the trials of the human rights activists and visiting the political and religious prisoners in prison.
 9. Urge Viet Nam to adopt the ILO 169 Convention.
 10. Urge Viet Nam to have fair policies to prevent the rice price lowering during the harvest seasons which cause the Khmer-Krom farmers could not afford to pay back their debts after selling all their rices.
 11. Ask that Viet Nam to have loan forgiveness programs and initiatives to stop rate of landlessness amongst the Khmer-Krom farmers.
 12. Urge Viet Nam to encourage all companies and work places to have in place policies that allow their Khmer-Krom employee to have legal days off work on the Khmer major traditional holidays.
 13. Urge Viet Nam to provide assistant programs to help the Khmer-Krom workers who come to the big cities looking for work.
 14. Urge Viet Nam to implement policies and legislation to protect Khmer-Krom young women and provide active educational campaigns and informational sessions in both Vietnamese and Khmer so that they can be better informed of the danger of human trafficking.
 15. Urge Viet Nam to allow the Khmer-Krom children to freely study their native language in public schools starting from kindergarten.
 16. Ask that Viet Nam recognize the Khmer language be recognized as an official language in Kampuchea-Krom. All applications including forms, signs and legal documents should be written in both Khmer and Vietnamese.
 17. Urge Viet Nam to investigate and help cure the blindness diseases that continue to affect thousands the Khmer-Krom families.
 18. Urge Viet Nam to investigate the Cashew Factory in Tri Ton district to ensure that the Khmer-Krom workers are working in a safe environment.
 19. Urge Viet Nam to build and strengthen health policies to ensure that all Khmer-Krom people have access to higher quality health services and not be discriminated because of the free health care from the state.
 20. Urge Viet Nam to help training more Khmer-Krom students in health care practices and provide scholarships and grants specifically to the Khmer-Krom medical students to study abroad.

21. Urge Viet Nam to stop exploiting the Khmer-Krom's cultural sports. Those sports should be freely organizing by the Khmer-Krom without interference from the government.
22. Urge Viet Nam to stop using PUBA to control the way Khmer-Krom practice their religion and culture in their temples. The Khmer-Krom should be allowed to create an independent religious organization to promote their rich history, religion and culture and not one that only promotes the one policy propaganda of the Vietnamese government.