



**សហព័ន្ធថ្មីខ្មែរកម្ពុជាក្រោម**

**KHMERS KAMPUCHEA-KROM FEDERATION**

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**Submission to the Human Rights Committee of  
the United Nations on the Convention on the  
Rights of Persons with Disabilities for the  
consideration of the initial report submitted by  
Viet Nam (CRPD/C/VNM/1)**

July 2022

## Introduction

On behalf of the Khmers Kampuchea-Krom Federation (KKF), an organization representing the voiceless Khmer-Krom who are the Indigenous Peoples of the Mekong Delta region in the Southern part of Viet Nam, we would like to submit this shadow report to the Human Rights Committee of the United Nations on the Convention on the Rights of Persons with Disabilities (CRPD), to reveal the current situation of the Khmer-Krom with disabilities whom their fundamental rights have been violated by the Government of Viet Nam not mentioned in Vietnam's report (CRPD/C/VNM/1).

Vietnam has not recognized the indigenous peoples within its border but labeled them “ethnic minorities.” The Khmer-Krom indigenous peoples have lived on their ancestral lands for thousands of years. The Khmer-Krom don't have the right to self-identify as the “Khmer-Krom” and be labeled as “Khmer Nam Bo.” Living as the indigenous peoples whose fundamental rights are not respected, the indigenous peoples with disabilities are being excluded and left behind in implementing the CRPD in Vietnam.

This shadow report aims to provide the actual living situation of the Khmer-Krom with disabilities, especially during the impact of the COVID-19 pandemic, who are discriminated against, and their basic fundamental rights are violated, an apparent contradiction to the report by Viet Nam. It also provides recommendations for Viet Nam to implement to ensure that the fundamental rights of the Khmer-Krom with Disabilities (KKwD) are protected and promoted as enshrined in the CRPD, which Viet Nam ratified in 2015.

## Compliance with the CRPD

### Article 1-4: Implementation of general provisions of CRPD

Paragraph 5 of Vietnam's report states, “*Viet Nam promulgated the National Plan for implementation of the CRPD on June 21th, 2016*” to help persons with disabilities. In reality, most indigenous peoples, especially the Khmer-Krom with Disabilities (KKwD) in the Mekong Delta, don't even know the existence of the CRPD and the “National Plan” that Vietnam mentioned in the report because they don't receive the support from it. Most persons with disabilities in Vietnam receive support from charities rather than the government.

The disabilities data that Vietnam provides in Paragraph 7 does not reflect the actual number of persons with disabilities in Vietnam that the UNICEF conducted the survey. According to the UNICEF survey finding report, about 6.2 million persons with disabilities, over seven percent of the population<sup>1</sup>.

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1 <https://www.unicef.org/vietnam/press-releases/launch-key-findings-viet-nams-first-large-scale-national-survey-people-disabilities>

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

- Provide a detailed National Plan of what has been supporting persons with disabilities. Does the National Plan have specific programs to help indigenous people with disabilities?
- Explain why there is a significant discrepancy in data about the persons with disabilities in the report with the data from UNICEF. Does Vietnam have the data for how many indigenous peoples with disabilities?
- Include in the National Plan to address the poverty of indigenous people with disabilities.
- Provide a detailed report of the impact of the COVID-19 pandemic on the indigenous peoples with disabilities. Most persons with disabilities live based on the support of their family members. How many of them have their family members died because of COVID-19, and who will support them? Does Vietnam have any plan to support them?

### **Article 5: Equality and non-discrimination**

Paragraph 18 of Vietnam's report states, "*Persons with disabilities are consulted about policies that directly affect them, via the mass media, consultative workshops, meetings etc.*" In reality, most Khmer-Krom with disabilities has not heard about the policies mentioned in the report.

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

- Provide detailed policies that Vietnam has helped the indigenous peoples with disabilities.
- Provide detailed financial support that Vietnam provides to indigenous peoples with disabilities to ensure they can survive with the government's help.

### **Article 8: Awareness raising**

In Paragraph 20, Vietnam mentioned raising "*awareness about CRPD, disability policies..*" and "*published 112 publications with 410,784 copies to improve public awareness about persons with disabilities...*" in paragraph 23. In reality, most indigenous peoples with disabilities, especially the Khmer-Krom with disabilities, have not received those documents.

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

- Translate the CRPD to the indigenous language, especially the Khmer language, and freely distribute it to the indigenous peoples with disabilities to learn about the CRPD in their language to ensure that their rights are protected as enshrined in the CRPD.
- Clarify if the 112 publications are translated to the indigenous language and distributed in the indigenous communities, especially in the Khmer-Krom communities in the Mekong Delta.
- Allow the indigenous peoples with disabilities to learn and create their own independent media to publish the contents in their languages to raise awareness of the policies and rights that they should deserve.

## **Article 9: Accessibility**

Paragraph 24 of Vietnam's report states, *"The Law on Persons with Disability 2010 asserted that persons with disabilities shall have the rights to accessibility in public construction..."* This Law lacked provisions prohibiting discrimination based on disability in employment, in the country and local government services, public accommodations, and public transportation. This Law was not published in the indigenous language, especially the Khmer language, for the Khmer-Krom with Disabilities to their rights.

Paragraph 25 of Vietnam's report states, *"The National Action Plan to support persons with disabilities for 2012–2020 defines the objectives, targets and specific activities to support persons with disabilities to access to and use of public buildings, transportation..."* In reality, indigenous peoples with disabilities, especially the KKwD, do not benefit from it because they live in remote areas.

Paragraph 28 of Vietnam's report states, *"In 2016, Viet Nam continued to provide transportation/service fee reduction/exemption ranging from 25% to 100% for 20,016,222 person with disabilities' times participating in public transportation..."* However, its reports lack specificity and the Khmer language to provide access to Khmer-Krom with Disabilities in the Accessibility Provision of the Convention.

Paragraph 34 of Vietnam's report states, *"To enable persons with disabilities to access websites and portals of government agencies..."* Most indigenous peoples with disabilities live in poverty, so they mostly cannot afford to access the government's website to search for the info that can benefit them. If they can afford to access the internet, the Cyber Security Law that Vietnam has implemented negates this equal access to the internet freely.

Paragraph 37 of Vietnam's report states, *"Regarding access to books in libraries, persons with visual impairments are eligible to access to books in braille or alternative forms. The library system in Viet Nam provides support services to persons with disabilities, including 2 libraries*

*specifically designed for persons with disabilities.*" Most of the indigenous peoples' villages do not have a Library. If there is a library, it lacks sufficient support, particularly access to Khmer language books in braille or alternative forms for Khmer-Krom people with visual disabilities.

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

- Detail and provide action plans with potential financial impacts from these projects targeted many of the provinces of the Mekong Delta where most of the Khmer-Krom with Disabilities live and work.
- Publish The Law on Persons with Disability 2010 in the indigenous language, especially the Khmer language.
- Provide sufficient support to the Khmer-Krom with visual impairment, including books in the Khmer language in braille or alternative forms of reading.
- Promote measures to address the full range of accessibility obligations under CRPD Article 9.

## **Article 21: Freedom of expression and opinion, and access to information**

*Paragraph 88 of Vietnam's report states, "The Constitution 2013 stipulates that citizens have the right to freedom of expression, freedom of the press, access to information, assembly, association and demonstration."* In reality, Khmer-Krom people cannot enjoy the freedom of expression and opinion due to the laws contravening and contradicting the Constitution enforced by the Department of Public Security.

Paragraph 89 of Vietnam's report states, *"The Press Law 2015 recognizes the right to freedom of expression, the freedom of the press of all citizens, and persons with disabilities are not exception to this provision."* In reality, no independent media is allowed to operate in Vietnam. The Khmer-Krom with disabilities cannot freely raise any issues or concerns because they could be framed and face imprisonment for violating the "law on cybersecurity."

Paragraph 90 of Vietnam's report states, *"The Law on Access to Information 2016 affirms that all citizens are equal in the exercise of their rights to access information."* The Law on Cybersecurity negates what Vietnam mentioned in this paragraph.

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

- Revise all provisions of the Law on Cybersecurity to ensure that persons with disabilities enjoy the freedom of expression and access to information on social media.
- Recognize the right to freedom of expression, including the right to establish their own media independently in their own indigenous languages. The Khmer-Krom with

disabilities must have the right to have independent institutions, such as Human Rights institutions, and organizations, such as Labor Union, to protect and promote their fundamental rights.

- Develop a Khmer language program that requires central and local government agencies to use clear communication that Khmer-Krom with disabilities can understand.

## Article 24: Education

Paragraph 110 of Vietnam's report states, "*The Education Law 2005 states that every citizen, regardless of race, religion, beliefs, gender, family background, social status, financial status, is equal in learning opportunities. (Article 10).*" There is no legislative or policy framework for inclusive education from the local to the national level for the indigenous peoples to learn and use their own indigenous languages in public documents.

Paragraph 113 of Vietnam's report states, "*Viet Nam has developed the National Action Plan on education for the 2003–2015 period, which includes education for disadvantaged children and children with disabilities. Education for children with disabilities is one of the important components of the National Plan on CRPD implementation and the National Action Plan to support persons with disabilities for 2012–2020.*" In reality, the Khmer-Krom with disabilities, especially their children with disabilities, did not receive the benefits from those plans. They have significantly lower levels of educational attainment than those without disabilities.

Paragraph 120 of Vietnam's report states, "*Large universities in Viet Nam such as the Hanoi Pedagogy University,...., have provided formal trainings on special education.*" No legislative or policy framework provides formal training on special education to indigenous teachers in large universities.

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

- Publish in the Khmer language of the National Action Plan for Education, including a legislative and policy framework that fully complies with Article 24 and CRPD General Comment.
- Consultation with indigenous peoples and their representative organizations, establish culturally owned and operated programs and initiatives with financial support to increase the education retention rate of indigenous students with disabilities.
- Establish a support of educational programs for higher education participation from Khmer-Krom teachers and Khmer-Krom students with disabilities.