

Sixth Session of Expert Mechanism on the Rights of Indigenous Peoples

Item 5:

Study on access to justice in the promotion and protection of the rights of indigenous peoples

Khmers Kampuchea-Krom Federation

Speaker: Thivanada Julie Kim

Dear Mr. Chair,

The Khmer Krom support the focus on women, youth and disabilities in the continuation of the study on access to justice in the promotion and protection of the rights of Indigenous peoples. The Khmer-Krom people desire access to justice. However, we currently live in poverty and fear. We are treated as second-class citizens in Vietnam on a daily basis. When Khmer Krom people attempt to access justice through requests and peaceful actions we are met with indifference and too often imprisonment.

In order to ensure access to justice highlighted in the followup study presented by the UN Expert Mechanism on the Rights of Indigenous Peoples. I would like to make the following requests:

- We request the Government of Vietnam to create a mechanism which will help the Indigenous peoples to have an access to justice and to be allow to implement the UNDRIP in our daily lives. However to permit this mechanism to works with the both parties (State and the indigenous peoples) we would like that a representative of indigenous peoples be included so UNDRIP will be exercised according to established standards in the international law rules. We propose a national human rights institution including indigenous representation.
- We urge the Government of Vietnam to create an institution guaranteeing access to justice which will promote the roles of the language and the culture into indigenous identity, especially indigenous women and children. The indigenous Khmers krom peoples are the most affected from this non-existence of this organism.
- We suggest for the indigenous Khmer Krom children we would like that the laws on the rights of education are translated into the indigenous Khmer language. Because the major part of transmission of our native culture is by oral emission, if the government of Vietnam does not create adequate resource to help the Khmer children to learn their mother tongue , then the perpetuation of teaching the culture and the oral traditions will disappear.
- We recommend to the government of Vietnam to find a solution against the discrimination against our monks denying access to justice toward the main persons who can teach our culture and worldview. When we talk about the culture we are looking to the state to allow them to operate in teaching our culture and transmitting our language to future generations.

However, the justice link is with the role of the monk in our community, because its our monks who teach us the rights tools that we have; they involve us into the way to learn how to protect ourselves.

- We note that a rights-based approach is necessary to ensure access to justice. While we believe the current denial of basic justice must be addressed to protect specific civil and political rights. We do aim to create in partnership with elected officials a truth and reconciliation commission to address the historical harms that have faced Khmer Krom people and to build foundation for a better future.

- We also echo the statements made by our indigenous brothers and sisters for the inclusion of indigenous spirituality in the current EMRIP study and future studies. Our spiritual leaders play a prominent role in our communities. Unfortunately, on last May, three Khmer-Krom Buddhist monks were arrested for attempting to realize the rights enshrined in the UN DRIP.

We conclude with an example of the current challenges regarding the content of the access to justice study. The only crime our monk committed was teaching our indigenous language to the children at Prey Chop temple, Lai Hoa commune, Vinh Chau district, Soc Trang province. For this, Ven. Chanh Da Ly was arrested, defrocked, detained and brutally tortured on 16 May. After such a denial of justice, the following day, Venerable Chanh Da Ly was forced to confess alleged crimes on Vietnamese television in plain clothes. Such humiliation and human rights violations are examples of denial of access to justice today built on decades of denial of fundamental freedoms recognized in the UN DRIP and EMRIP's most recent study. Our monk are today's youth taking on a large burden for our entire indigenous civilization.