



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Questions by the Rapporteur in connection with the consideration of the eighth to thirteenth periodic reports of Cambodia (CERD/C/KHM/8-13)

General information and population

1. Please provide detailed data or recent estimates regarding the ethnic composition of the population. Please also indicate whether the national census undertaken by the State party in 2008 reflects the ethnic diversity and whether ethnic, linguistic or religious groups were given the possibility of self-identification.
2. Please provide data of recent estimates on the number of immigrants, asylum-seekers and refugees, and of their legal status. If possible, provide this information disaggregated by nationality, country of origin, ethnic origin and places of settlement.

Article 1

3. How does the Government ensure that decisions about naturalization and citizenship are made in a consistent manner in all parts of the country and in accordance with national law? Please explain if, pending their acquisition of Khmer identity cards, Khmer Krom enjoy protection under refugee law or any other national legislation (CERD/C/KHM/8-13, paras. 48 and 96).
4. In its report, the State party refers to “administrative and other special measures” taken to ensure the adequate development of all races and ethnicities. Kindly specify the types of measures the State party is referring to (CERD/C/KHM/8-13, paras. 49-51).

Article 2

5. Please provide more information on the methods pursued by the parliamentary human rights commissions of the National Assembly and the Senate and by the Cambodian Human Rights Committee to monitor and control the activities of local authorities regarding the application of laws and policies aimed at combating racial discrimination (CERD/C/KHM/8-13, paras. 27 and 28). Please provide data on the number of complaints received by the parliamentary commissions and the Human Rights Committee and the results of any relevant enquiries undertaken (CERD/C/KHM/8-13, para. 31).

6. Please comment on the status of the draft refugee legislation initiated in 2008 and provide information on its provision for the recognition of refugees and the protection of asylum-seekers.

7. In his communication of 19 May 2009 (A/HRC/12/34/Add.1, paras. 12–24), the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples reiterated his concerns expressed in his letter of 22 July 2008 regarding the sub-decree on registration of indigenous communal land. Kindly provide information on concrete steps taken to address these concerns (CERD/C/KHM/8-13, paras. 68–69).

Article 4

8. Please provide information on provisions in the new penal code aimed at outlawing racial discrimination and incitement to racial hatred. What concrete steps has the Government taken to defuse possible racial tensions?

9. What measures has the Government taken to counter negative ideas and prejudice against Africans living in Phnom Penh? Please provide information on the arrest of 57 Africans who attended a religious service in Phnom Penh on 2 August 2009.

Article 5

10. In the light of the Committee's previous concluding observations (CERD/304/Add.54, para. 10), please indicate the concrete measures taken by the State party to ensure equal protection and access to basic human rights (education, standard of living, health care) to all persons under the jurisdiction of the State, including minority groups, such as the Khmer Krom and ethnic Vietnamese (CERD/C/KHM/8-13, paras. 44, 51). As some members of the Khmer Krom and ethnic Vietnamese groups do not have a Khmer identity card, how can their basic rights be guaranteed?

11. Taking into consideration that registration of indigenous land is one of the priority actions envisaged for the land reform process, please provide data on registration numbers and the number of titles issued, indicating also the ethnic groups that have benefited from land registration. Please provide information on measures taken or planned to operationalize the sub-decree on communal registration of indigenous land of 24 April 2009.

12. Please provide information on concrete measures taken to avoid illegal land seizure and to ensure adequate protection of indigenous peoples' collective ownership. Has the sale of indigenous land, or the lease of such lands through the granting of economic land concessions, been prohibited pending finalization of the registration process? What measures have been taken by the State party to ensure that national and transnational corporate activities do not obstruct access by indigenous peoples to their natural resources (CERD/C/KHM/8-13, para. 98)?

13. Please provide information on the number of non-Khmer nationals incarcerated in the prison system and on laws and measures to protect their rights, including access to religious observances. What provisions (including an adequate budget) exist to ensure that defendants who do not understand the Khmer language are provided with interpretation and legal representation in the courts?

14. Taking into consideration the efforts made by the State party to ensure equal access to education, please explain if the implementation of small-scale bilingual education projects in the north-east provinces will be extended so as to fit within a comprehensive strategy to target all ethno-linguistic groups for whom Khmer is not a native language. Have the specific needs of Cham communities in terms of both religion and language been

taken into consideration in the education curriculum reform? What efforts have been made to preserve indigenous languages facing the threat of extinction?

15. Please provide information on concrete measures taken to ensure access to educational services in remote areas inhabited by indigenous peoples and minorities. Please indicate the measures taken to improve minority representation among teachers in public schools (CERD/C/KHM/8-13, paras. 149-150).

16. Please provide more information on steps taken to ensure that all children, regardless of their ethnic or national origin, have equal access to education. More specifically, please explain how the State party intends to address the issue of Khmer Krom children in the provinces of Phnom Penh, Takeo, Kandal, Preah Sihanouk and Koh Kong who cannot attend school because their families are poor and lack legal documents (CERD/C/KHM/8-13, paras. 153 and 156).

17. Please indicate the measures taken to address the high rate of illiteracy among Khmer women (CERD/C/KHM/8-13, para. 139).

18. Please provide more information on the question of access to health for minority groups, especially indigenous peoples, in a language that they do understand. Please provide information on existing programmes in this regard (CERD/C/KHM/8-13, para. 134).

Article 6

19. What measures have been taken to combat acts of violence against members of ethnic minorities and to ensure that such acts are always promptly and effectively investigated and prosecuted? The Committee is particularly concerned about reported incidents in connection with demonstrations by Khmer Krom monks in the spring of 2007. Please indicate whether an investigation has been carried out into the murder of Khmer Krom monk Eang Sok Thoeun on 27 February 2007, and whether the perpetrators have been brought to justice.

20. In the light of the Government's assertion that all Khmer Krom are Khmer citizens, please explain the legal basis on which Khmer Krom monk Tim Sakhorn, who possessed a Cambodian identity card and who had been residing in Cambodia since 1979, was expelled to Viet Nam on 30 June 2007, where he subsequently served a one-year prison sentence.

21. Please provide concrete examples of land dispute settlements adjudicated by judges or cadastral commissions in favour of indigenous peoples as well as those against indigenous peoples. Please provide data also on the compensation amounts and resettlement programmes established after expropriation. Please provide information on the mechanisms put in place to protect victims of land expropriation from criminal charges whenever they try to defend their rights (CERD/C/KHM/8-13, para. 168).

Article 7

22. In its report, the State party stated that the Government was promoting tolerance among all residents of Cambodia. Please provide additional examples of concrete measures taken to foster understanding between different ethnic groups and to promote awareness and the preservation of the histories and cultures of minority groups, such as the Cham, Vietnamese, Khmer Krom and indigenous peoples (CERD/C/KHM/8-13, paras. 55-56 and 171-175).

Article 14

23. Please indicate whether the State party envisages making the declaration under article 14 of the Convention as recommended by the Committee in its previous concluding observations (CERD/C/304/Add.54, para. 24).
