

## REPORTS TO TREATY BODIES

### Committee on the Elimination of Racial Discrimination (CERD)

Cambodia's second through seventh periodic reports were submitted as one document (CERD/C/292/Add.2, May 1997) which was considered at the Committee's March 1998 session. The report prepared by the government notes that the Khmer make up a majority of the population, and provides demographic and statistical data on the situation of the 17 tribes as well as the foreigners living in Cambodia who make up the balance of the population. Constitutional and legal provisions are summarized, including those related to: equality and non-discrimination, punishment for acts of racial discrimination or incitement to such acts, the prohibition on any organization instigating discrimination, and the prohibition of incitement to discrimination by public authorities. The report refers to constitutional and legal provisions in the areas of civil and political rights — for example, religion, association, assembly, participation in public life, equality before the law, security of person and due process — as well as economic, social and cultural rights, including in such areas as health, housing, education and employment. The report notes the establishment of the national Commission on Human Rights and Receipt of Complaints whose task is to identify human rights violations, receive complaints from victims, and transmit them to the competent authorities for appropriate action. The report also notes that some 30 national and international NGOs have been authorized to engage in activities designed to assist citizens in developing an awareness of their legitimate rights and how to exercise them properly in their daily life.

The Committee's concluding observations and comments (CERD/C/304/Add.54) noted that factors and difficulties hindering implementation of the Convention included: more than 20 years of armed conflict; the legacy of the genocide and other massive crimes perpetrated by the Khmer Rouge regime; the subsequent invasion of the country by Vietnam; the international isolation of Cambodia for many years; the insecurity which still exists in certain areas of the country; the chronic political instability; and the very difficult economic and social situation. The Committee stated that these circumstances created obstacles to bringing to justice the perpetrators of severe violations of human rights which, in a number of cases, have an ethnic dimension.

The establishment, within the National Assembly, of the Commission on Human Rights and Receipt of Complaints and the reported cooperation with the Cambodian office of the Office of the High Commissioner for Human Rights and with NGOs were welcomed.

Principal subjects of concern were noted as including, *inter alia*: the lack of independence of the judiciary; the absence of the Constitutional Council; the impunity of perpetrators of human rights violations which, in some cases, include summary executions and torture; insufficiencies in the legal framework with regard to full imple-

mentation of Cambodia's obligations under the Convention, in particular those related to the prohibition of organizations and activities that promote or incite racial discrimination by both private individuals and public authorities, and provision of remedies for acts of racial discrimination, including through reparation; the fact that provisions in the 1993 Constitution relating to the protection of human rights refer only to the rights of Khmer citizens, noting that such a reference contributes to the ideology of ethnic purity of the Khmer which may lead to racial discrimination and possibly hatred against minority groups, in particular the ethnic Vietnamese; and the 1996 Law on Nationality which states that Khmer nationals are those who have at least one parent who is a Khmer national, noting that the provision makes it difficult for persons belonging to minority groups, in particular ethnic Vietnamese and indigenous people, to establish their citizenship.

The Committee stated that the situation of the ethnic Vietnamese is a matter of concern, in particular with regard to equality of rights, and noted that ethnic Vietnamese are subject to racist propaganda, mainly from the Khmer Rouge, which may incite hatred against them. The Committee noted that the several massacres of ethnic Vietnamese, most of them attributed to the Khmer Rouge, have not been properly investigated, and expressed alarm over reports that the exploitation through prostitution of women of Vietnamese origin, in particular children, is growing. Concern was also expressed over reports of racist attitudes among much of the Khmer population against the Cambodian-born ethnic Vietnamese — who are still perceived as immigrants — and the limited educational facilities in the villages of ethnic Vietnamese, arising from the lack of legislation authorizing the establishment of their schools and resulting in obstacles to their children learning the Khmer language.

The existence of the Inter-Ministerial Committee and its draft National Policy on Highland Peoples' Development was acknowledged, but the Committee expressed concern over the situation of the indigenous peoples — also referred to as Highland Peoples, Khmer Loeu or Hill Tribes Peoples — and their lack of legal status, as well as the insufficient legal framework to protect their rights, culture and traditional lands. The Committee stated that the rights of indigenous peoples have been disregarded in many government decisions, in particular those relating to citizenship, logging concessions, and concessions for industrial plantations. The lack of participation of the indigenous people in the management of natural resources and in other activities of concern to them was also a matter of distress.

The Committee recommended that the government, *inter alia*:

- ♦ take all appropriate steps, including legal measures, to ensure the independence of the judiciary and to establish the Constitutional Council, with a view to bringing an end to the impunity of perpetrators of racial discrimination, bearing in mind the need to