

Minority Rights Organization (MIRO)
and
Civil Party Legal Team of Ms Lyma Nguyen and Mr Sam Sokong

Legal and Civic Education for Minority Civil Parties

Completion Report on the Implementation of the Proposed Collective Reparations Project in Case 002/02

Submitted to ECCC Civil Party Lead Co-Lawyers, copying VSS

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The purpose of this report – jointly compiled by the Civil Party Legal Team of Ms Mr Sam Sokong and Ms Lyma Nguen, and the Minority Rights Organization (**MIRO**) – is to provide an update to the ECCC Civil Party Lead Co-Lawyers about the state of implementation of the project ‘Legal and Civic Education for Minority Civil Parties’, proposed as a collective and moral reparations measure in Case 002/02 before the ECCC. This report builds and expands upon the project documents submitted to the Lead Co-Lawyers in July 2016.

A summary of previous client consultations and a justification for the legal basis of the claim was previously provided in “Reparations Project Overview” and was further expanded upon in a detailed legal memo prepared in collaboration with the Human Rights Centre at Queen’s University, Belfast. The legal memo was submitted to the ECCC Lead Co-Lawyers on 15 August 2016. This report will not reiterate the legal basis of the reparations claim articulated in these submissions, but will, instead, be limited to reporting about the state of project implementation.

1. Project summary

The purpose of the project is to lay the foundations for restoring the identity of civil parties as long-term members of Cambodian society by offering a legal and civic education program to ethnic Vietnamese civil parties. As such, the project contributes to the long-term objective of (re-)integrating affected minority populations and their children into Cambodian society. In doing so, the project represents a measure to address harm suffered as a direct result of genocide and crimes against humanity, and to prevent further violent atrocities in future. The pilot initiative aims to address the continuous harm suffered by civil parties through a two-pillar approach:

- (1) offering a legal and civic education program to civil parties, in the form of collective education activities about relevant Cambodian laws and administrative procedures; and

- (2) seeking synergies with other civil society programs that are engaging in targeted community outreach (including inter-ethnic youth & education programs, and historical documentation and oral history projects).

This report summarises the state of implementation of the first pillar.

Outputs:

- Completed legal and civic education pilot project;
- [1] community consultation event;
- Outreach materials in languages accessible to civil parties;
- [3] community-based outreach and education workshops, organised in the communities where civil parties reside.

2. Project implementation

In early 2016, MIRO received funding from the GIZ Civil Peace Service to implement its long-term activities in relation to Khmer Krom and the Vietnamese minority groups in Cambodia. Part of its 2016 funding allocation – around US\$11,000 – was reserved for a pilot project providing a legal and civic education program to raise awareness of the relevance of civil registration, and also building capacities among the communities to better understand their rights under domestic laws. For the purpose of the ECCC reparations initiative, we proposed the legal and civic education pilot project component as a project that gives effect to the reparations awards ethnic Vietnamese civil parties seek in Case 002/02 before the ECCC (hereinafter ‘the reparations project’).

The main **objective** of this legal and civic education project was to conduct outreach and awareness-raising among civil parties to enable a better understanding of the operation and the protections available under Cambodia’s legal and administrative framework governing civil registration. This approach will contribute to empowering civil parties by providing them with the knowledge and tools that may, at a later stage, assist in facilitating an official determination of their and their children’s legal identity, *in accordance with Cambodian law*.

In pursuing this objective, the reparations project aimed at (1) developing appropriate outreach materials on Cambodia’s civil registration framework for the civil parties and their communities; and (2) conducting outreach and awareness-raising with the civil parties and their communities in three communities located in Kampong Chhnang province, Cambodia, where civil parties reside.

Objective 1: To develop appropriate outreach materials for the target group

Developing outreach materials

Based on our experience with previous outreach and consultations with the civil party group and their communities, MIRO developed outreach materials in the Khmer and Vietnamese languages that highlight the relevance of civil registration and provide an easily understandable overview of Cambodia's legal framework and administrative procedures as they relate to civil registration (especially birth registration). Following the initial feedback and testing phase, MIRO produced these outreach materials (larger posters and small leaflets) for the initial three pilot communities.

On 8 September 2017, MIRO and the Civil Party Legal Team conducted a planning and capacity-building workshop in Phnom Penh for MIRO's implementing staff. This meeting was used to discuss the draft outreach materials, plan the outreach phase and train MIRO staff in the methodology for the community outreach workshops.

Objective 2: To conduct outreach and awareness-raising with the target group and local authorities in three pilot communities located in Kampong Chhnang province, Cambodia

Pre-activity consultations

Prior to commencing the outreach phase, we organized a preparatory community consultation workshop with civil parties and community representatives to prepare the ground for the subsequent outreach activities. The formal consultation took place on 15 September 2016 and was jointly organized by MIRO and the Civil Party Legal Team. Given the broader purpose of this project, the consultation involved both civil parties and community representatives (village and local authorities, pagoda representatives etc).

During the consultation, we first screened video footage from the testimony of two civil parties residing in these communities, who gave evidence during the ECCC trial segment on the treatment of the Vietnamese. This was followed by an update about the trial proceedings in Case 002/02. The remainder of the consultation was used to discuss and plan the outreach phase. This included three focus group discussions, in which we presented the draft outreach materials and received feedback from civil parties and community members on design and messaging.

Conducting outreach to civil parties and their communities

Three separate outreach events were implemented in communities in Kampong Chhnang where civil parties reside. MIRO staff implemented these one-day events in the period between 27-30 December 2016. They involved the screening of a short outreach film, awareness-raising of Cambodia's legal and administrative system on civil registration (using the finalised outreach materials), and group discussions and reflection about the how the information provided in the film could be used in the civil parties' communities and beyond. Raising awareness among the target group of their rights and the current administrative procedures under Cambodian law for the registration of births was crucial to enabling these marginalized communities to understand the relevance of documentation for their children's future legal status in Cambodia. Through the process, the participating individuals learned to understand

their rights and the applicable laws and procedures, which made a contribution to empowering these disadvantaged communities as part of the larger society in which they live. MIRO envisages offering additional capacity-building to selected community members beyond the lifespan of this project.

Participant feedback and community responses gathered from MIRO from civil parties and other community representatives indicate satisfaction with the project. People were happy that MIRO staff came to their community and educated them in these important matters. They described the information presented at the community workshops accessible and found the outreach materials helpful to convey an otherwise complex subject. Almost all mentioned that they want to share their knowledge with other affected community members and hope that MIRO will further assist them in obtaining birth registration for their children in Cambodia.

Liaising with and raising awareness of the civil parties and their communities' problems among local authorities

The success of the reparations project depends on (ongoing) liaison with the relevant local and national authorities. Throughout the implementation, MIRO consulted and cooperated with the relevant authorities at the local and provincial level in Kampong Chhnang. We have found in our previous engagements that there is a low level of knowledge among the local authorities, of Cambodia's legal framework.

On 2 December 2017, MIRO conducted a one-day awareness-raising workshop with representatives of the local authorities responsible for three pilot communities, including village chiefs, commune chiefs, commune council members, police and others. Altogether 24 participants from local authorities attended the event. Among others, the workshop benefitted from input given by civil party lawyer Sam Sokong, who made a presentation about child rights (including children's rights to an identity).

Beneficiaries

Direct beneficiaries: a total of 29 civil parties attended the consultation and community workshops.

Indirect beneficiaries 1: children and grand children of the civil parties

Indirect beneficiaries 2: each community workshop involved 30 participants (civil parties and community representatives) – a total of 90 civil parties and community members attended the three community outreach workshops

3. Concluding observations

In implementing the reparations project, we adhered to a community-based approach that considered civil parties' harm and needs in their social context. It was the preference of the vast majority of civil parties involved in this project that the collective and symbolic activities are not limited to civil parties only, but also involve their family members, neighbors and other community members. These communities share the

historical experience under the Khmer Rouge regime, and civil parties often view themselves as representatives of their extended families and wider community.

Although the project had initially aimed to reach a larger number of civil parties (30-40), this was complicated by the fact that a number of civil parties involved, since 2008 in the original reparations request, had past away and even more civil parties have become so old or ill that they were unable to travel by boat to attend the workshops. This experience shows the effects of the prolonged proceedings at the ECCC upon the majority of civil parties whose participation has spanned nearly a decade. However, civil parties who were able to participate were satisfied that they were able to see some results from the ECCC's reparative functions after nearly a decade.

The project is now fully implemented. We propose below some text that the Lead Co-Lawyers could use when updating the Trial Chamber about the progress with reparations in Case 002/02, including the final reparations claim of the consolidated group of civil parties. MIRO and the civil party lawyers remain committed to engaging with civil parties and their communities beyond the lifespan of the reparations project. The civil party lawyers continue to liaise with organisations that propose reparations projects in Case 002/02, which are directly or indirectly of relevance to our clients, including KdK ('voices from ethnic minorities') and CHRAC (story book).

Proposed text element for update to ECCC Trial Chamber:

In collaboration with civil party lawyers, MIRO implemented the proposed reparations project between July and December 2016, assisted by a small grant from the GIZ Civil Peace Service. This grant enabled a contribution of over US\$11,000 for the NGO to implement a community civic and legal education program. In accordance with the project's collective and community-based approach, 29 civil parties directly participated in project activities across three different locations. Further, more than 60 other family and community members participated. The outcomes of the project will indirectly benefit wider community populations of ethnic Vietnamese survivors of the Khmer Rouge regime in Kampong Chhnang province and beyond, who suffered harm similar the harm experienced by the civil parties. Although the proposed reparations aspect of the program is now fully implemented, MIRO and civil party lawyers remain committed to assisting the civil parties and their communities through further follow-on activities.