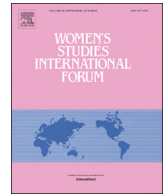


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# Prisoners of identity: The experiences of ethnic minority Vietnamese women categorised as foreign in Cambodian prisons<sup>☆</sup>

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## ABSTRACT

Criminological scholarship within Southeast Asia is limited and studies of foreign national and/or ethnic minority women's experiences of imprisonment in the region are non-existent. Drawing on in-depth interviews with ethnic Vietnamese women categorised as foreign nationals by the Cambodian Directorate General of Prisons, this article uses an intersectional approach, common within feminist criminology, to explore participants' narrative constructions of their lives prior to and during imprisonment. Our findings demonstrate that intersectional vulnerabilities stemming from their marginalised social position outside prison walls influenced these women's lived experiences of incarceration.

## 1. Introduction

Criminological scholars have paid little attention to the experiences of foreign nationals in prison, despite this group comprising a not insignificant and growing population within prison systems world-wide. The limited research that does exist in this area shows that, alongside issues of citizenship, race, ethnicity and gender are important to experiences of incarceration. However, most prior scholarship has occurred within western contexts and has, in the main, focused on men's experiences (Aas, 2014; Banks, 2011; Barnoux & Wood, 2013; Bhui, 2007; Boe, 2016; Borrill & Taylor, 2009; Bosworth, 2011; Durnescu, Montero Perez de Tudela, & Ravagnani, 2016; Kaufman, 2014; Kaufman & Bosworth, 2013; Ugelvik & Ugelvik, 2013; Martynowicz, 2016; Stumpf, 2007; Turnbull & Hasselberg, 2016; Warr, 2016; Martynowicz, 2016; Ugelvik & Damsa, 2017). Perhaps this is unsurprising, given that men constitute over 93% of the total prison population world-wide and the majority of foreign national inmates are also male (Wamsley, 2016: 2). Further, criminology developed as a western discipline and is strongly influenced by the scholarship of predominately Anglo male academics (Aas, 2012; Cain, 2000; Connell, 2006).

Over the last couple of decades, we have witnessed advancement in Asian criminological knowledge production, particularly from 'first-world' Asian countries such as Japan, Hong Kong, South Korea, and Taiwan. Yet some countries remain on the "periphery within the Asian

periphery" (Lee & Laidler, 2013: 144). These peripheral sites comprise Southeast Asian countries labelled 'third-world', such as Cambodia (Lee & Laidler, 2013: 144).

Even among the relatively active centres of 'first-world' Asian criminological knowledge production, most work focuses on "testing and reproducing western criminological theories and concepts". For the most part, these theories and concepts fail to adequately account for issues of gender, and instead reflect the needs and experiences of men (Lee & Laidler, 2013: 144). This trend is problematic because of the situatedness of knowledge. Western criminology is relevant and valid as analytic lenses only when understood as a whole and within particular historical and social contexts.

The research reported in this article forms part of a wider body of work undertaken by the Thailand Institute of Justice assessing the implementation of the *United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders* (the Bangkok Rules) in the ASEAN region (United Nations General Assembly, 2010). More specifically, our concern was whether the treatment of foreign national women prisoners in Cambodia complied with these international standards. In 2016 there were  $n = 1687$  women imprisoned in Cambodia. Of these, 18% ( $n = 309$ ) were officially categorised by the Cambodian Directorate of Prisons (CDGP) as foreign nationals,  $n = 166$  of whom were classified as Vietnamese. When 'on the ground' in Cambodia's prisons, however, we discovered that ethnic Vietnamese women who had resided in Cambodia for significant periods and did

<sup>☆</sup> The viewpoints, findings and conclusions expressed in this article are those of the authors and do not necessarily reflect the view of the Thailand Institute of Justice.

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not have Vietnamese citizenship were categorised as Vietnamese foreign nationals under this classification system. These women were thus both foreign nationals according to their official categorisation, as well as members of a Cambodian ethnic minority group.

As noted previously, criminological scholarship within Southeast Asia is limited. Studies of foreign national and/or ethnic minority women's experiences of imprisonment in the region are non-existent. To begin to address this deficit, the research presented in this article draws on in-depth interviews with ethnic Vietnamese women categorised as foreign nationals by the CDGP. An intersectional approach, common within feminist criminology, is employed to explore participants' narrative constructions of their lives prior to and during imprisonment. We begin by overviewing the historical and social positioning of ethnic Vietnamese people in Cambodian society, focusing particularly on what is known regarding the status of Vietnamese women. This situates our research participants' individual level experiences within a broader historical and social context. It also provides the basis from which to pinpoint intersections between multiple identities/statuses including gender, class, ethnicity and foreignness. Next we summarise prior research on foreign national and ethnic minority group experiences of imprisonment more broadly; again, with a specific focus on the position and experiences of women. Finally, we report and situate the current research within the broader criminological scholarship.

## 2. Historical and social positioning of Vietnamese people in Cambodian society

Cambodia is a geographically small Southeast Asian nation bordered by Laos in the North, Vietnam in the East, Thailand in the West, and the Gulf of Thailand in the South. Khmer dominance over the land goes back as far as the Angkor Empire (9th–15th century) which, from a Cambodian perspective, is the origin of Khmer civilisation and its people. For centuries, the Khmer people of Cambodia were ruled by God Kings and suffered recurring conflicts over territory, particularly with their two neighbours, Vietnam (Annam) and Thailand (Siam) (Ovesen & Trankell, 2003: 195). The contemporary relationship between the Khmer and Vietnamese is coloured by this earlier history of conflict.

Vietnamese migration to the Khmer territory in early recorded history has been described as a project of “Vietnamese expansionism” (Ehrentraut, 2011: 781). As the Vietnamese State expanded its territory toward the South between the 10th and 19th centuries, Vietnamese Emperors encouraged Vietnamese farmers, tradesmen and fishermen to settle along the Mekong River in the Mekong Delta area. Here, they often confronted local Khmer peasants. This expansion of the Vietnamese State peaked in the mid-19th century (Ehrentraut, 2011: 782). Today, many of the Vietnamese fishing villages built during this period, and during the French colonial period (19th to 20th century, discussed in more detail below), remain active.

In 1863 Cambodia was colonised by the French. It was declared and remained a French Protectorate until independence in 1953. During the Protectorate era, the French staffed their colonial administration with Vietnamese people as well as recruiting them as paid labourers on their plantations. This led to an influx of Vietnamese immigrants (Nguyen & Sperfeldt, 2012: 11). The number of Vietnamese people in Cambodia increased rapidly during this time, from an estimated 5000 in 1874 to 240,000 by 1951 (Amer, 1994: 213). The enduring geopolitical tension over the territorial boundary between Vietnam and Cambodia, as well as perceptions among the Khmer that the Vietnamese were French collaborators, further fuelled ethnic hostility.

After independence from the French, Khmer policies and perceptions toward ethnic Vietnamese remained negative (Amer, 1994, 2013; Berman, 1996; Ehrentraut, 2011). A new typology of ethnic groups was developed as part of a nation-building exercise by Cambodia's first postcolonial ruler, Prince Norodom Sihanouk. This provided some non-Khmer ethnic minorities with the status of honorary Khmer, thus

recognising them as part of the Khmer nation. Following the new ethnic classification, Indigenous hill tribes living in the Northern provinces were named *Khmer Loeu* (Highland Khmer), Muslim Cham group became *Khmer Islam* and Khmer minority living in the Mekong Delta, an area that now belongs to Vietnam, was labelled as *Khmer Krom* (Lowland Khmer). Vietnamese people living in the area were not afforded this honorary status. This typology negated centuries of ethnic Vietnamese residency in Cambodia and conveyed a clear message about who was considered legitimately Cambodian (Ovesen & Trankell, 2003: 195–196).

Over the last four decades of the 20th century, Cambodia survived foreign aggression, invasion, civil war and genocide at the hands of the brutal Khmer Rouge which killed (through starvation and murder) an estimated 1.7 million people (from 1975 to 1979). The Khmer Rouge's reign of terror ended with the invasion of Cambodia by the Vietnamese army and the establishment of the pro-Vietnamese socialist regime, the People's Republic of Kampuchea (PRK). PRK was constituted by a number of Khmer Rouge defectors and closely supervised by the Vietnamese army from 1979 to 1989 (Broadhurst, Bouhours, & Keo: 167).

Throughout the 1970s and prior to the PRK, ethnic Vietnamese were, at best, expelled to Vietnam and, at worst, the targets of genocidal ethnic cleansing by the Khmer Rouge. Many of the displaced Vietnamese population returned to Cambodia during the rule of the PRK (1979–1989). In addition, new waves of Vietnamese settlers were encouraged by the regime, and provided with rights to live and work in Cambodia (Nguyen & Sperfeldt, 2012: 15–17). To the general Khmer population, it did not matter whether Vietnamese immigrants were returnees who had lived in Cambodia for generations before the ethnic persecution or new settlers seeking economic opportunities; they were all seen as a part of a vicious attempt to “Vietnamese” the Khmer State (Amer, 2013: 89).

The Vietnamese army eventually withdrew from Cambodia in 1989. In 1991, a United Nations intervention resulted in the establishment of the United Nations Transitional Authority in Cambodia (UNTAC). In 1993, UNTAC oversaw the adoption of the Cambodian Constitution and the implementation of the first free elections. The new Constitution suggested “a return to an ethnicity-based conception of citizenship” stipulating that Khmer nationality should be determined by law (Ehrentraut, 2011: 787). The subsequent Nationality law (1996) defined a Khmer citizen as “any person who has Khmer nationality/citizenship” (article 2), including those ethnic groups granted honorary Khmer status.

After adopting the Constitution, the National Assembly had a debate over which ethnic groups should be granted honorary Khmer status. Members of the Assembly concluded that the scope of Khmer citizenship should include Khmer Loeu (ethnic hill tribes), Khmer Islam (ethnic Cham), and ethnic Chinese, but not ethnic Vietnamese (Amer, 2013: 91–92). This heralded progress toward a more inclusive version of a national identity, but it left ethnic Vietnamese vulnerable and marginalised (Ehrentraut, 2013: 92).

Today, official census and other government data on Vietnamese residents living in Cambodia are not publicly available. Other data sources show that significant numbers of ethnic Vietnamese or Cambodians with Vietnamese origin – hereafter referred to as Cambodia's Vietnamese ethnic minority groups (CVEMG) – reside in Cambodia, but do not hold citizenship in either Cambodia or Vietnam (Ang, Weill, & Chan, 2014; Ehrentraut, 2013; Nguyen & Sperfeldt, 2012). This de-facto stateless foreigner status leaves CVEMG highly vulnerable. For Cambodian authorities and the general public, CVEMG are constructed within a dominant discourse of *otherness*; they are outsiders, migrants (often illegal) and foreigners who threaten the purity of the legitimate Khmer state. This othering is reflected in results from a 2007 public perception survey on inter-ethnic relations and national identity. When asked what factors determine whether or not a person is Cambodian, 85% of respondents reportedly stated being “pure

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