

Joint Submission to the  
Human Rights Council

# UNIVERSAL PERIODIC REVIEW

46<sup>th</sup> Session  
Fourth Cycle  
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# CAMBODIA

Main Submitting Organisation:

*Nationality for All (NFA)*

Co-Submitting Organisations:

*Women Peace Makers Cambodia*

*Gender and Development for Cambodia*

*Khmer Community Development (KCD)*

11 October 2023



**Joint Submission  
to the Human Rights Council**  
at the 45th Session  
of the Universal Periodic Review.

## Cambodia

### Introduction

1. Nationality for All (NFA), Women Peace Makers (WPM), Gender and Development for Cambodia and Khmer Community Development (KCD) make this joint submission to the Fourth Cycle of Universal Periodic Review (UPR) on the right to nationality and human rights challenges pertaining to statelessness in Cambodia. The submission was supported by the PACE Cambodia Human Rights & Justice Project at Macquarie University.
2. This submission focuses on
  - Birth registration of minority children and access to education
  - Right to nationality
  - Other human rights challenges pertaining to statelessness

### Cambodia's Universal Periodic Review under the Third Cycle

3. During the 2019 Third Cycle of UPR, Cambodia received and accepted three recommendations relating to the right to nationality, right to birth registration and statelessness. These pertain to ensuring birth registration for all persons born in Cambodia, including minorities (Mexico); ensuring that all persons born in Cambodia may acquire Cambodian nationality and have identification documents (Spain); and accession to the Statelessness Conventions (Benin). Recommendations in relation to birth registration for all were also made to Cambodia during the First and Second Cycle of UPR.

Rec	Cycle	Recommendations	Rec. State	Response
110.135	3rd	Strengthen efforts to guarantee birth registration for all persons born in Cambodia, including for minorities and populations difficult to reach, such as border communities	Mexico	Supported
110.136	3rd	Adopt all measures necessary to ensure that all those born in Cambodia may acquire Cambodian nationality and that they have access to identity papers	Spain	Supported
110.10	3rd	Accede to the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness.	Benin	Supported
118.5	2nd	Ensure the realization of the right to education to all children in Cambodia, including to the children of Vietnamese origin, and sign and ratify the Optional Protocols to ICESCR and to the Convention on the Rights of the Child on a communications procedure	Portugal	Rejected <sup>1</sup>
118.59	2nd	Continue with measures to guarantee the birth registration of children, with no discrimination against migrant children, and continue strengthening the legal framework for the procedures of acquisition of nationality	Argentina	Supported
84.	1st	Ensure registration at birth of all children, including non-Khmer citizens born in Cambodia	Czech Republic	Supported
88	1st	Take additional measures to support access to education of minority children to help them to maintain and develop their own traditions and languages	Morocco	Supported

## Cambodia's International Obligations

4. Cambodia as a Member of the United Nations is obligated by the Charter of the United Nations to promote *“universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion”*. Further, Article 15 of the Universal Declaration of Human Rights states that *“everyone has the right to a nationality”* and *“no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”*.
5. Cambodia has acceded to 7 of the 8 core human rights treaties and has signed the eighth – the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). Of the seven core treaties ratified, many guarantee the right to a nationality for all on a non-discriminatory basis. These include the International Covenant on Civil and Political Rights (“ICCPR”) (Article 24), the Convention on the Rights of the Child (“CRC”) (Articles 7 and 8), the Convention on the Elimination of All Forms of Discrimination against Women (“CEDAW”) (Article 9), and the International Convention on the Elimination of All Forms of Racial Discrimination (“CERD”) (Article 5). Of particular significance is Article 7 of the CRC, which provides for every child’s right to be registered immediately after a birth and to acquire a nationality – protecting children from statelessness. Similarly, in relation to the right to a nationality the CERD provides (Article 5) that ‘States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: ... (d)(ii) right to nationality’. Cambodia is also obligated to guarantee all rights enshrined in ICESCR (Article 2.3) without discrimination of any kind, including on the basis of ‘race, colour... national or social origin...birth or other status’. Cambodia’s Constitution in Article 31 recognises and guarantees the application of human rights treaties.
6. In periodic reporting from 2019 to 2023, a number of UN human rights treaty bodies have commented and made extensive recommendations on the right to a nationality, birth registration, statelessness and general human rights protection of minority groups in Cambodia, including ethnic Vietnamese and the Khmer Krom. The most significant findings and recommendations were issued by CEDAW (2019), CERD (2020), CRC (2022) and CCPR (2022). For ease of reference, these are listed in Annex II. **The co-submitting organisations urge reviewing States to consider these human rights treaty body recommendations, when making their own recommendations to Cambodia.** The UN Special Rapporteur on the Situation of Human Rights in Cambodia has closely monitored and publicly reported on the situation of affected communities over the past years.<sup>ii</sup>
7. As a member State of the Association of South East Asian Nations (ASEAN), Cambodia is a signatory to the 2012 ASEAN Human Rights Declaration. Although this declaration is a non-binding document, it nonetheless reflects consensus as to the importance of human rights in the region and the right to a nationality (article 18 of the 2012 ASEAN Human Rights Declaration).
8. Cambodia is also a party to the 1951 Refugee Convention and its Protocol. However, the state has not ratified the 1954 and 1961 UN Statelessness Conventions, despite accepting the motion to do so in the previous UPR cycle.

## Snapshot of Challenges Relating to the Right to Citizenship and Statelessness in Cambodia

9. Two population groups in Cambodia have been known to be affected by statelessness or challenges with accessing certain proofs of legal identity more generally, namely long-term ethnic Vietnamese residents and the Khmer Krom. Whilst some among these groups have Cambodian identification documents and have integrated into society, many others continue to live at the margins of society and face difficulties substantiating their legal status. Since both groups face distinct challenges, their predicaments will be discussed separately below.
10. A lack of data about these populations has remained a key impediment for more domestic and international recognition of the legal identity challenges faced by Vietnamese and Khmer Krom minority populations. In its most recent Global Trends report, the UNHCR reported for Cambodia a figure of 75,000 individuals falling under the organisation’s statelessness mandate, including those with undetermined nationality – most are believed to be of Vietnamese ethnicity.<sup>iii</sup> Government statistics about Vietnamese populations in Cambodia have been inconsistent and questions remain about the quality of data and the appropriateness of categorisations. The latest national population census recorded 78,090 people whose ‘mother tongue’ was Vietnamese.<sup>iv</sup> Based on the results of a ‘foreigner’ census, further discussed below, the Ministry of Interior reported a figure of 180,690 Vietnamese ‘nationals’ residing in Cambodia by 2018, of which 69,413 were classified as ‘old settlers’.<sup>v</sup> By the end of their campaign, in 2019, the Ministry also reported that 89,471 Vietnamese individuals had applied for a ‘Prakas’ (official proclamation) recognising them as legal immigrant aliens and for permanent resident cards.<sup>vi</sup> The Cambodian government has not published any data on the number of Khmer Krom in the country who do not hold Cambodian national ID cards.<sup>vii</sup>

### Issue I: Long-term residents of Vietnamese origin

11. Despite their long generational ties to the country – for many reaching back into French colonial times – many of Cambodia’s Vietnamese communities are stateless or at risk of statelessness, having neither Cambodian nor Vietnamese nationality.<sup>viii</sup> Without nationality of any state, these groups do not have access to many basic economic, social and political rights and face an array of disadvantages, including limited freedom of movement, being unable to own land (non-nationals cannot own land), and difficulty accessing formal employment, education, health care and legal protection.<sup>ix</sup>
12. During the 1970s, the majority of this population was deported en masse to Viet Nam (first under the Lon Nol and then later during the Khmer Rouge regime). During the early 1980s, many returned to Cambodia and have since faced challenges in establishing their long-term residence in Cambodia and eligibility for Cambodian nationality.<sup>x</sup> Cambodian officials routinely treat long-term Vietnamese residents as ‘foreign nationals’ or ‘immigrants’, despite their strong claims for citizenship. Often their documentation (including proof of citizenship) was lost during their displacement, confiscated by the authorities, or viewed with suspicion.<sup>xi</sup> Additionally, during Khmer Rouge rule civil registration records were systematically destroyed. In 2018, in their trial judgment in Case 002/02 before the Extraordinary Chambers in the Courts of Cambodia (also known as the Khmer Rouge Tribunal), judges concluded that participating Vietnamese victims had not only experienced genocide but also suffered ‘the loss of legal status due to the loss of documentation showing their ties to Cambodia’.<sup>xii</sup>

### Issue II: Right to birth registration and access to education

13. Cambodia has obligations under CRC Article 7, to register all births immediately. Further, Target 16.9 of the Sustainable Development Goals, aims to ‘by 2030 provide legal identity for all including birth registration’, and the Cambodia Sustainable Development Goals (CSDGs) Framework (2016-2030) aims to achieve at least 90 percent of births registered and with a birth certificate received by 2024.<sup>xiii</sup>

14. While Cambodia has otherwise witnessed noteworthy improvements in birth registration rates, there has been consistent reporting from civil society and scholars that many Vietnamese communities do not have effective access to birth registration.<sup>xiv</sup> In 2016, Minority Rights Organization (MIRO) found that only five percent of 414 Vietnamese surveyed in Takeo, Kampong Chhnang and Pursat provinces had birth certificates.<sup>xv</sup> Civil society monitoring in affected communities suggests that this situation has not significantly improved since then.<sup>xvi</sup> In a 2022 WPM study, 70 percent out of 40 Vietnamese girls participating in the study did not have a birth certificate.<sup>xvii</sup> While Cambodian law allows children of non-citizens living legally in the country to be issued a birth certificate, local officials seem to conflate issuing birth certificates with conferring citizenship.<sup>xviii</sup> The inability to have their births registered perpetuates intergenerational statelessness for children born in these communities.
15. The absence of birth registration for children in these communities creates barriers for obtaining other documentation relevant to exercising future rights and entitlements such as admission to school and access to Cambodian citizenship. Many children in affected Vietnamese communities are denied access to public schools due to a lack of birth certificates, which many schools require for enrolment. A 2019 study by the Minority Rights Organization (MIRO) among 301 ethnic Vietnamese respondents in four provinces found that only 2 percent of children accessed public schools.<sup>xix</sup> While more affluent urban members of this community are likely to have better access to schools, this statistic points to a deep-rooted problem of exclusion and denial of rights. WPM's 2022 conversations with Minority young women revealed intersectional discrimination in which family and society place value on boys' education over girls, and the young women had also faced racially-charged bullying and harassment due to their perceived statelessness. Finally, 46 percent of respondents reported experiencing discrimination at school due to their Minority status.<sup>xx</sup>
16. The Ministry of Interior has taken belated action and issued directives No. 015 dated 1 July 2019 and notification No. 2181 dated 29 August 2022, which stipulate that local authorities should register the birth of children of parents who hold valid Permanent Resident Cards and enable access to other services.<sup>xxi</sup> However, civil society monitoring shows that these directives are not widely implemented by local authorities.
17. In June 2023, the Government adopted a new law on Civil Registration, Vital Statistics, and Identification (CRVSID) that will come into effect in 12 months.<sup>xxii</sup> The law is a cornerstone of the Government's National Plan of Identification (2017-2026).<sup>xxiii</sup> This comprehensive legal framework establishes an integrated system which links the civil registration of births and death, along with individuals' identification and residence, to a newly created population register. Under the new law, civil registration is guaranteed to all individuals residing in Cambodia, for every vital event that occurs within the country, regardless of the person's nationality, citizenship, ethnicity or geographical location. The law also establishes a universal right to an identity (ID) card for all citizens.<sup>xxiv</sup> The new law and its future implementing instruments represent an important opportunity to address inequalities, exclusion and discrimination in civil registration. Yet, so far it remains unclear how unregistered adults and children will be considered in the implementation of the CRVSID law.

### **Issue III: Right to nationality**

18. Many individuals among Cambodia's Vietnamese communities do not hold proof of any nationality.<sup>xxv</sup> In a subsequent civil society study among Minority women, 41 of the 48 ethnic Vietnamese respondents were born in Cambodia to Vietnamese parents who have been living in Cambodia for at least 2-3 generations, but of those 41 more than 63 percent held no proof of Cambodian nationality.<sup>xxvi</sup> Previous legal assessments of the legal status of individuals from this group under the applicable Cambodian and Vietnamese nationality laws and relevant

administrative practices concluded that numerous individuals in these communities are in fact stateless or at risk of statelessness.<sup>xxvii</sup> This is despite the fact that many Vietnamese long-term residents and/or their children may in fact be entitled to Cambodian nationality under past and current nationality laws, but struggle to provide documentary proof.<sup>xxviii</sup>

19. In 2014, Cambodian authorities began implementing a so-called foreigner census, one aim of which was to identify and deport ‘illegal immigrants’. This nation-wide registration process focused mainly on Vietnamese populations. It is estimated that more than 10,000 were deported to Vietnam; most appear to be more recent immigrants.<sup>xxix</sup> The longer-term residents who remained were required to apply for new permanent resident cards (PRCs) governed by immigration law. The new cards were issued for a fee of 250,000 Riel per person (more than US\$60), requiring renewal after two years for the same price. These documents identify their holders as ‘immigrant aliens’ having ‘Vietnamese nationality’ – underlining the Cambodian government’s general position that these people are not stateless but, in fact, Vietnamese nationals, without any determination or verification of such a status with the Vietnamese authorities. As noted earlier, almost 90,000 Vietnamese were found eligible to apply for the new permanent resident cards.<sup>xxx</sup>
20. The rights and entitlements under the new resident cards remain unclear, and card holders cannot use the PRC for many essential aspects of their lives.
21. Since 2017, this registration process has been accompanied by systematic confiscation of all prior documentation that authorities deemed to be ‘irregular.’<sup>xxxi</sup> The Ministry of Interior identified at least 70,000 mostly Vietnamese ‘foreigners’ holding such irregular documents.<sup>xxxii</sup> In provinces monitored by civil society organisations, authorities have confiscated the majority of legal documents previously held by Vietnamese residents, including birth certificates and old immigration documents, in some cases Cambodian identification cards and family books.<sup>xxxiii</sup>
22. While this process is seemingly in line with the 1994 Immigration Law, these policies seem to have treated all Vietnamese residents the same, regardless of whether they have resided in Cambodia for generations or whether they are more recent immigrants. It does not provide for an individual assessment that considers the specific circumstances and legal status of each individual and, as such, and has disregarded any previous status these individuals may have held under Cambodian law, especially for long-term residents. The confiscation of legal documentation will make such proof even more difficult in future.

#### **Issue IV: Relocations of communities**

23. Around the Tonle Sap Lake and the Phnom Penh area, authorities have relocated floating villages inhabited by Vietnamese populations onto the land, citing environmental and other regulatory reasons.<sup>xxxiv</sup> Kampong Chhnang province was the first to implement relocations for more than 10,000 people, affecting Vietnamese and other communities alike. However, the conditions of the relocation sites differ markedly between the groups. In 2019, the UN Special Rapporteur visited some of these sites and expressed great concern about the housing and sanitation conditions for Vietnamese families.<sup>xxxv</sup> In June 2021, Phnom Penh authorities similarly ordered with little notice the removal of all floating houses on rivers surrounding the capital, affecting some 1,300 mostly Vietnamese households.<sup>xxxvi</sup> Apart from affecting the livelihood of traditional fishing communities, the relocations have highlighted again the precarious legal status of relocated Vietnamese residents, as these have no right to own the land and instead are required to rent the sites they were moved to.<sup>xxxvii</sup>

## Issue V: Khmer Krom

24. The Khmer Krom (literally translated as “lower Khmer” or “southern Khmer”), are a minority whose population is concentrated in an area spanning modern day southern Cambodia and Vietnam’s Mekong Delta. Historically, this region has been referred to as Kampuchea Krom (meaning lower Cambodia). A sizable population migrated from present-day Vietnam to Cambodia, where they are technically no longer considered an ethnic minority given their Khmer ancestry. In practice, as a migrating population with a distinct background and past outside of Cambodia, they are viewed by many with suspicion due to their origin in Vietnam. As such, Khmer Krom experience discrimination in Cambodia and many are met by a refusal by relevant officials to process their legal identity documentation.
25. While the Government has frequently declared that all Khmer Krom people living in Cambodia are eligible for Cambodian citizenship, there has been an ongoing failure to ensure this stance is acknowledged and implemented at the local level. Civil society organisations have documented that both long-term residents and more recent arrivals face significant obstacles when trying to formalise their Cambodian citizenship, especially with regards to applying for a Cambodian national identity card.<sup>xxxviii</sup> Local officials often refuse to grant applications for a national ID card on the grounds that many Khmer Krom do not satisfy the administrative requirements, including proof of a permanent residence in Cambodia, a birth certificate or proof of citizenship of their Cambodian parents. The government has acknowledged that an administrative process is in place that some Khmer Krom may struggle to comply with.<sup>xxxix</sup> Many Khmer Krom are also denied registration for births and marriages without the identification cards, resulting in the creation of a generation of people who lack documentation. Finally, many Khmer Krom are forced to change their place of birth or even their name prior to the issuance of legal documentation. This practice was picked up by the CERD in their recommendations.<sup>xl</sup>
26. Without national ID cards, a civil society survey has been reported that as many as 30 percent of Khmer Krom in Cambodia struggle to get full access to healthcare, education, land ownership, employment, passports, finance and other benefits available to ordinary citizens such as the ability to vote.<sup>xli</sup> A 2022 study by a local CSO found that Khmer Krom children face multiple forms of discrimination for being perceived as Vietnamese. Many girl respondents in their study reported being unable to show their legal status in Cambodia, despite having been born in the country.<sup>xlii</sup> The subsequent WPM study in 2023 found that “nine out of the total 31 Khmer Krom women interviewed in the study reported enduring ongoing legal precarity and hardship because of their inability to obtain documentation proving their identities as Cambodian nationals”.<sup>xliii</sup> Both Khmer Krom and ethnic Vietnamese women were afraid to participate in public life or voice their opinions as community leaders due to the lack of legal identification, compounded by gender discrimination. Lack of ID cards made the women susceptible to fraud since they could not purchase land or vehicles without assistance from another person who did possess the right paperwork who might then take advantage of them.

## Recommendations

Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to Cambodia:

1. By the end of 2026, ensure full implementation of Article 7 CRC by strengthening efforts to achieve birth registration for all children, including Khmer Krom and Vietnamese children. Take all necessary steps to implement the new CRVSID law and its implementing regulations in a non-discriminatory and comprehensive manner, including by (i) assessing inequalities in and removing barriers to civil registration;<sup>xliiv</sup> and (ii) raising awareness and building capacities of local authorities.

2. Provide universal and non-discriminatory access to public education for all children regardless of whether they have sufficient proof of identity, including Vietnamese, in furtherance of the Education for All goals.
3. Take all necessary steps to ensure that Khmer Krom can regularise their legal status and access proof of Cambodian nationality, including through targeted awareness-raising and capacity development actions to local authorities. Allow Khmer Krom to record their true name and place of birth in identification documents.
4. Improve the collection of data and information on statelessness, civil registration and legal identity more generally in Cambodia, including by drawing on the *International Recommendations on Statelessness Statistics* by the Expert Group on Refugee, IDP and Statelessness Statistics (EGRISS) of the UN Statistical Commission.<sup>xlv</sup>
5. Effectively reinforce the legal rights associated with the permanent resident cards, including in relation to education, employment, health care and other basic services.
6. Take measures to ensure that children born in Cambodia who would otherwise be stateless have the ability to acquire nationality and have access to identity documents.
7. Provide clear and non-discriminatory pathways and procedures to citizenship for long-term resident populations as stipulated under Cambodian law, including conferral of nationality by birth in accordance with Art. 9(2) of the Nationality Law and through naturalisation.
8. Ensure that any relocations of Vietnamese communities are carried out following the Basic Principles and Guidelines on Development-based Evictions and Displacement, and ensure equal access to adequate housing, water, electricity and other basic services.<sup>xlvi</sup>
9. Develop and publish a national anti-racial discrimination strategy containing concrete actions to address discrimination against all minority, ethnic and indigenous groups.
10. Ratify by 2026 the Convention relating to the 1954 Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

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### Endnotes

<sup>i</sup> Cambodia rejected this recommendation as ‘contrary to the Constitution and laws of the Kingdom of Cambodia’. A/HRC/26/16/Add.1

<sup>ii</sup> Report of the Special Rapporteur on the Situation of Human Rights in Cambodia, *Assessing Protection of Those Being Left Behind*, UN Doc A/HRC/42/60/Add.1 (2 September 2019), paras. 47-51.

<sup>iii</sup> UNHCR, ‘Global Trends: Forced Displacement in 2022’, June 2023, Table 5.  
<<https://www.unhcr.org/statistics/2022GTannextableSTA.xlsx>>

<sup>iv</sup> National Institute of Statistics, Ministry of Planning, ‘General Population Census of the Kingdom of Cambodia 2019’, Final Census Results, October 2020, 25.

<sup>v</sup> ‘Report of the Special Rapporteur on the Situation of Human Rights in Cambodia: Comments by the State’, UN Doc A/HRC/39/73/Add.2 (11 September 2018), 23-24. So repeated at INT/CERD/STA/KHM/39763 (2019).



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- <sup>vi</sup> Ministry of Interior, ‘Management of Foreign Immigrants in Cambodia’, Notification No 1990, 10 July 2020. <<https://www.interior.gov.kh/news/detail/1836>> (6 October 2023)
- <sup>vii</sup> ‘Statement for the Committee on the Elimination of Racial Discrimination’, Geneva, INT/CERD/STA/KHM/39763, 28-29 November 2019.
- <sup>viii</sup> Lyma Nguyen and Christoph Sperfeldt (2012) *Boat Without Anchors: A Report on the Legal Status of Ethnic Vietnamese Minority Populations in Cambodia under Domestic and International Laws Governing Nationality and Statelessness*, Jesuit Refugee Service. <[https://jrscambodia.org/boat\\_without\\_anchors.html](https://jrscambodia.org/boat_without_anchors.html)>
- <sup>ix</sup> Ang Chanrith, Sourn Butmao and Judith Kunze (2014) ‘Limbo on Earth: An Investigative Report on the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia’, Minority Rights Organization; and Ben Mauk, ‘A People in Limbo, Many Living Entirely on the Water’ *New York Times Magazine* (28 March 2018) <<https://nyti.ms/2usiXnn>>.
- <sup>x</sup> See Stefan Ehrentraut, ‘Perpetually Temporary: Citizenship and Ethnic Vietnamese in Cambodia’ (2011) 34(5) *Ethnic and Racial Studies* 779-798; and Christoph Sperfeldt, ‘Minorities and Statelessness: Social Exclusion and Citizenship in Cambodia’ (2020) 27(1) *International Journal on Minority and Group Rights* 94-120.
- <sup>xi</sup> “Ethnic Vietnamese.” *Minority Rights Group*, 6 Feb. 2021. <[minorityrights.org/minorities/ethnic-vietnamese/](http://minorityrights.org/minorities/ethnic-vietnamese/)>
- <sup>xii</sup> ECCC Trial Chamber, Case 002/02 Judgment, 27 March 2019, para. 4459.
- <sup>xiii</sup> Royal Government of Cambodia, *Cambodia Sustainable Development Goals (CSDGs) Framework (2016-2030)*, Council of Ministers, 19 November 2018. <[https://ncsd.moe.gov.kh/sites/default/files/2019-06/CSDG\\_Framework\\_2016-2030\\_English\\_LAST\\_FINAL.pdf](https://ncsd.moe.gov.kh/sites/default/files/2019-06/CSDG_Framework_2016-2030_English_LAST_FINAL.pdf)>
- <sup>xiv</sup> Ang Chanrith, Sourn Butmao and Judith Kunze (2014) ‘Limbo on Earth: An Investigative Report on the Current Living Conditions and Legal Status of Ethnic Vietnamese in Cambodia’, Minority Rights Organization; Minority Rights Organization, ‘General Condition of Education for Stateless Ethnic Vietnamese Children in Cambodia’, May 2019. <<https://www.vidan.us/files/stateless-children-report-2019.pdf>>
- <sup>xv</sup> Minority Rights Organization, *Research Finding Statelessness Minority Groups in Cambodia Takeo, Kampong Chhnang, and Pursat* (MIRO, Phnom Penh, 2016)
- <sup>xvi</sup> Minority Rights Organization (MIRO) & University of Melbourne (2018) Submission to the Special Rapporteur on Minority Issues: Statelessness and legal identity issues among ethnic Vietnamese minority populations in Cambodia’. <[https://law.unimelb.edu.au/\\_data/assets/pdf\\_file/0007/3396445/MIRO-and-Peter-McMullin-Centre-on-Statelessness-Submission-on-Minorities-in-Cambodia-11-May-2018.pdf](https://law.unimelb.edu.au/_data/assets/pdf_file/0007/3396445/MIRO-and-Peter-McMullin-Centre-on-Statelessness-Submission-on-Minorities-in-Cambodia-11-May-2018.pdf)>
- <sup>xvii</sup> Women Peace Makers, 2022. *Making the Space: Voices from the girls of Cambodian minority communities*, available at: <<https://wpmcambodia.org/wp-content/uploads/2022/04/makingthespace.pdf>>.
- <sup>xviii</sup> Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Cambodia : Ethnic Vietnamese*, November 2017, available at: <https://www.refworld.org/docid/49749d4370.html> [accessed 10 October 2023]
- <sup>xix</sup> Minority Rights Organization, ‘General Condition of Education for Stateless Ethnic Vietnamese Children in Cambodia’, May 2019. <<https://www.vidan.us/files/stateless-children-report-2019.pdf>>
- <sup>xx</sup> Women Peace Makers, 2022. *Making the Space: Voices from the girls of Cambodian minority communities*, available at: <<https://wpmcambodia.org/wp-content/uploads/2022/04/makingthespace.pdf>>.

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<sup>xxi</sup> *Directive on Issuance of Administrative Letters and Birth Certificates for Cambodian Spouses, Children and Foreign Immigrants* (Circular No 015, Ministry of Interior, 2019) [unofficial translation].

<sup>xxii</sup> *Law on Civil Registration, Vital Statistics and Identification*, 21 June 2023.

<sup>xxiii</sup> See <[<sup>xxiv</sup> See more at <\[>\]\(https://www.advocacyincubator.org/featured-stories/2023-06-30-cambodias-newly-adopted-law-guarantees-universal-legal-identity-and-complete-registration-of-births-and-deaths-for-all\)>](https://getinthepicture.org/resource/cambodia-national-strategic-plan-identification-2017-2026#:~:text=The%20National%20Strategic%20Plan%20aims,population%20identification%20system%20(IPIS).></a>></p></div><div data-bbox=)

<sup>xxv</sup> See a summary of recent developments at Sperfeldt, C. (2021) ‘Legal Identity and Minority Statelessness in Cambodia’, *Statelessness & Citizenship Review* 3(2): 347-353. <[>](https://statelessnessandcitizenshipreview.com/index.php/journal/article/view/267)>

<sup>xxvi</sup> Women Peace Makers, 2023. *Voice & Visibility: A participatory exploration of Minority Women’s human rights in Cambodia* [forthcoming]

<sup>xxvii</sup> Lyma Nguyen and Christoph Sperfeldt (2012) *Boat Without Anchors: A Report on the Legal Status of Ethnic Vietnamese Minority Populations in Cambodia under Domestic and International Laws Governing Nationality and Statelessness*, Jesuit Refugee Service. <[>](https://jrscambodia.org/aboa_without_anchors.html)>

<sup>xxviii</sup> The 2018 nationality law provides under Article 9(2) that ‘any child who is born from a foreign mother and father (parents) who were born and living legally in the Kingdom of Cambodia’ shall obtain ‘Khmer’ nationality. See Christoph Sperfeldt, *Report on Citizenship Law: Cambodia* (GLOBALCIT, 2017)

<[>](http://cadmus.eui.eu/bitstream/handle/1814/45084/GLOBALCIT_2017_02_Cambodia.pdf)>

<sup>xxix</sup> Sovuthy Khy, “Deportations of Vietnamese Dropped Last Year,” *Cambodia Daily*, January 23, 2017: 1. <[<sup>xxx</sup> Ministry of Interior, \*Management of Foreign Immigrants in Cambodia\* \(2020\) Notification No 1990.](https://english.cambodiadaily.com/news/deportations-vietnamese-dropped-last-year-123878/></a>></p></div><div data-bbox=)

<sup>xxxi</sup> Sub-Decree No. 129 on the cancellation and withdrawal of irregular Cambodian administrative documents possessed and used by foreigners.

<sup>xxxii</sup> Ben Sokhean, ‘Interior Ministry Sees a Danger to Kingdom: Illegal Immigrants ‘are a Security Risk’ *Khmer Times* (14 July 2020) <[<sup>xxxiii</sup> MIRO field monitoring, referenced at Christoph Sperfeldt \(2021\) “Legal Identity and Minority Statelessness in Cambodia: Recent Developments.” \*Statelessness & Citizenship Review\*, <https://statelessnessandcitizenshipreview.com>.](https://www.khmertimeskh.com/744331/interior-ministry-sees-a-danger-to-kingdom-illegal-migrants-are-a-security-risk/></a>></p></div><div data-bbox=)

<sup>xxxiv</sup> Rina Chandran, ‘No Room on Water, No Home on Land for Cambodia’s Ethnic Vietnamese’ *Reuters* (27 June 2019) <[>](https://www.reuters.com/article/us-cambodia-landrights-refugees/no-room-on-water-no-home-on-land-for-cambodias-ethnic-vietnamese-idUSKCN1TS03L)>

<sup>xxxv</sup> ‘Report of the Special Rapporteur on the Situation of Human Rights in Cambodia’, UN Doc A/HRC/42/60 (27 August 2019), paras. 40-43.

<sup>xxxvi</sup> Samoeun Nicseybon and Danielle Keeton-Olsen, ‘Floating Communities, Many Vietnamese, Uprooted by Phnom Penh Evictions’, *VOD* (online, 11 June 2021) <[9](https://vodenglish.news/floating-communities-many-vietnamese-uprooted-by-phnom-penh-evictions/></a>>; ‘More than 1,300 Floating on</p></div><div data-bbox=)

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Tonle Sap River Dismantled’, *Khmer Times* (online, 16 June 2021).

<<https://www.khmertimeskh.com/50875141/more-than-1300-floating-houses-on-tonle-sap-river-dismantled/>>

<sup>xxxvii</sup> See Rhona Smith, ‘Relocating Floating Communities in Cambodia: Kampong Chhnang’ (2021) 43(2) *Human Rights Quarterly* 290-312.

<sup>xxxviii</sup> CCHR, ACT & KKKHRA, ‘Citizenship Rights for Khmer Krom in Cambodia’, Phnom Penh. <[https://cchrcambodia.org/admin/media/report/report/english/2017\\_01\\_27\\_CCHR\\_Report\\_on\\_Legal\\_Status\\_of\\_Khmer\\_Krom\\_English.pdf](https://cchrcambodia.org/admin/media/report/report/english/2017_01_27_CCHR_Report_on_Legal_Status_of_Khmer_Krom_English.pdf)>

<sup>xxxix</sup> See ‘Statement for the Committee on the Elimination of Racial Discrimination’, Geneva, INT/CERD/STA/KHM/39763, 28-29 November 2019.

<sup>xl</sup> Committee on the Elimination of Racial Discrimination, *Concluding observations on the combined fourteenth to seventeenth reports of Cambodia*, UN doc CERD/C/KHM/CO/14-17 (30 January 2020), para. 26.

<sup>xli</sup> CCHR, ACT & KKKHRA, ‘Citizenship Rights for Khmer Krom in Cambodia’ (cited above)

<sup>xlii</sup> Women Peace Makers (WPM) (2022) *Making the Space: Voices from the Girls of Cambodian Minority Communities*, online: <<https://wpmcambodia.org/wp-content/uploads/2022/04/makingthespace.pdf>>

<sup>xliii</sup> Women Peace Makers, 2023. *Voice & Visibility: A participatory exploration of Minority Women’s human rights in Cambodia* [forthcoming]

<sup>xliv</sup> UNESCAP, ‘Implementing Inequality Assessments and Strengthening Demographic Analysis Capacity’ (Web Page), available at: <<https://www.unescap.org/projects/inequality-assessments>>.

<sup>xlv</sup> Expert Group on Refugee, IDP and Statelessness Statistics, ‘International Recommendations on Statelessness Statistics (IROSS)’ (Web Page, 2023), available at:

<<https://egrisstats.org/recommendations/international-recommendations-on-statelessness-statistics-iross/>>.

<sup>xlvi</sup> Human Rights Council, Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, UN Doc. A/HRC/4/18 (5 February 2007) annex 1.