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Mapping Statelessness in Cambodia:

A Review of the
Current Context and Conditions

Women Peace Makers and Nationality For All





The views expressed in this publication represent those of the contributing authors. They do not reflect the position of any particular organisation, partner, or funding source involved in the publication of this work.

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A joint publication by Women Peace Makers and Nationality For All

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1. Introduction

This study explores the situation of statelessness in Cambodia. It does so by identifying and examining the scope and conditions of specific populations who are stateless or at risk of statelessness. Such a ‘mapping’ of statelessness has been conducted in other countries but has so far been lacking for Cambodia.

The question of who is stateless is elementary for understanding the scope and scale of statelessness in Cambodia. This mapping study was finalised in the year marking the 70th anniversary of the 1954 Convention relating to the Status of Stateless Persons (‘1954 Convention’). According to Article 1(1) of the 1954 Convention, a stateless person is someone ‘who is not considered as a national by any State under the operation of its law’.¹ This definition requires consideration of the law as it is written and how it is applied in practice. The latter is particularly relevant for this study on Cambodia. The UNHCR, the focal agency on statelessness within the UN system, published a Handbook on Protection of Stateless Persons that sets out further guidance on interpreting this definition.² The present report uses the term stateless persons in this sense and

focuses on stateless persons falling within this definition. The terms ‘nationality’ and ‘citizenship’ are used interchangeably in this report.

Well-known difficulties exist with identifying stateless persons and estimating the number of affected people and communities that are often socially marginalised. This is true more generally, but additional challenges exist in Cambodia which has so far not officially recognised the existence of stateless persons on its territory and therefore does not identify or systematically collect data on such populations. International Recommendations on Statelessness Statistics (IROSS) have been designed to address this global challenge, but these are not yet widely implemented.³ Due to these difficulties, this study also takes account of persons of unknown or undetermined nationality, who may be at risk of statelessness. For years, Cambodia did not appear in the UNHCR’s international statelessness statistics. In 2018 for the first time, Cambodia was listed with 57,444 persons falling under the organisation’s statelessness mandate, including those with undetermined nationality. This figure

1 Convention relating to the Status of Stateless Persons (1954), Art. 1. <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-stateless-persons>>

2 UNHCR (2014) ‘Handbook on Protection of Stateless Persons’. <<http://www.refworld.org/docid/53b676aa4.html>>

3 Expert Group on Refugee, IDP and Statelessness Statistics (2023) ‘International Recommendations on Statelessness Statistics’, UN Statistical Commission, Decision 54/121. <<https://egrisstats.org/recommendations/international-recommendations-on-statelessness-statistics-iross/>>

later increased to 75,000 individuals. While these figures are based on government reporting to the UNHCR, it is unclear on what basis they were determined and who they comprise, although most are believed to be of Vietnamese origin. Nevertheless, the available figures suggest that Cambodia is the country with the third largest *in situ* statelessness population (i.e. stateless persons not on the move) in Southeast Asia, after Myanmar and Thailand.⁴

In mapping the statelessness situation in Cambodia, this report will first provide some brief background on the specific country context. It will then set out the applicable international and national legal frameworks of relevance to statelessness, including how they operate in practice. The report then proceeds with examining the profile of populations known to be stateless or at risk of statelessness. These concern mostly communities of long-term residents of Vietnamese origin, certain Khmer Krom individuals, as well as refugees. The report also highlights the impact of statelessness on affected individuals and communities, especially with regards to access to basic rights, services and protections. The report concludes with some observations on the prevention and reduction of statelessness in Cambodia. An annex with relevant sources of information and findings by human rights treaty bodies serves as a helpful resource for those who want to learn more about the subject.

Methodology

This study brings together publicly available information on statelessness in Cambodia. The methodology combines desk-based analysis of available reporting, including qualitative and quantitative data, with legal analysis of Cambodian legislation and practice relating to statelessness and citizenship. Interviews with stakeholders further informed this study. Most of the currently available information is from civil society and scholarship.⁵ Due to the limited existing data and lack of official information on statelessness in Cambodia, this report does not purport to be comprehensive. Rather, it seeks to shed some light on a situation that has been largely neglected by government and development partners alike.

This study was implemented as part of a larger collaborative project on statelessness with Nationality For All and partners from Indonesia. It was made possible through funding support from Voice, an initiative by the Ministry of Foreign Affairs of the Netherlands.

⁴ See Nationality For All (2023) 'Statelessness Encyclopedia Asia Pacific'. <<https://nationalityforall.org/seap/>> (11 July 2024); and Sperfeldt, Christoph (2021) 'Legal Identity and Statelessness in Southeast Asia', *Asia Pacific Issues* 147, East-West Center. <<https://www.eastwestcenter.org/publications/legal-identity-and-statelessness-in-southeast-asia>> (10 July 2024)

⁵ This report has also benefitted from data gathered as part of a project on poverty and statelessness supported by the Raoul Wallenberg Institute (RWI) Cambodia program, and prior work by Dr Christoph Sperfeldt, Macquarie University.

2. Contextualising citizenship and statelessness in Cambodia

Many situations of statelessness have deep roots in countries' histories and socio-political developments. The modern understanding of statelessness is closely tied to the legal construct of nationality or citizenship. Cambodia inherited the nation-state idea from French colonial rule and has since struggled to adapt it to the realities of a culturally and ethnically diverse country. Scholars have argued that colonialism produced the main contours of the modern Cambodian nation and Khmer nationalism.⁷ The idea of *jiet* in Khmer (nation) was popularised and given new meanings. In particular, it was increasingly used to signify both race and nation – ethnicity and the culture of the majority became the primary underpinnings of an emerging national identity.⁸

After independence, this conception was carried into a post-colonial nation-building project, including by reformulating regimes for defining and administering

citizenship.⁹ Prince Sihanouk conceived a typology of Cambodia's cultural and ethnic diversity, identifying as part of the nation the indigenous tribes in the mountainous areas as *Khmer Loeu* (Highland Khmer), the Cham as *Khmer Islam*, and the Khmer minority residing in the Mekong Delta (now part of Vietnam) as *Khmer Krom* (Lowland Khmer). This typology distinguished between groups that were considered to be part of the 'Khmer' nation and long-standing immigrant groups that were excluded from it, including ethnic Vietnamese but also Chinese resident populations. Ehrentraut observes that 'these categories continue to be widely used today and shape Cambodian thinking about nation and citizenship'.¹⁰

These rationales manifested in the ways post-independence Cambodia regulated the acquisition of citizenship. One year after independence, the government amended the former colonial laws that

7 See Edwards, Penny (2007) *Cambodge: The Cultivation of a Nation 1860-1945*, Honolulu: University of Hawaii Press.

8 See also Thun Theara and Keo Duong (2024) 'Ethnocentrism of Victimhood: Tracing the Discourses of Khmer Ethnicity in Precolonial and Colonial Cambodia', *Asian Studies Review*.

9 See Ehrentraut, Stefan (2013) 'Challenging Khmer Citizenship: Minorities, the State, and the International Community in Cambodia', doctoral thesis, University of Potsdam.

10 Ehrentraut, Stefan (2011) 'Perpetually Temporary: Citizenship and Ethnic Vietnamese in Cambodia', *Ethnic and Racial Studies* 34(5): 779-798.

had governed citizenship.¹¹ The most important change to the previous colonial citizenship regime was the introduction of a double *jus soli* mode of conferral of citizenship that conferred citizenship to a child born to non-citizens in Cambodia, where one of the non-citizen parents was also born in Cambodia. The new laws also allowed for naturalisation, subject to requirements that were seen to be consistent with the promotion of a 'Khmer' national identity and have subsequently permeated future legal frameworks on naturalisation.¹² Whilst on paper citizenship laws became more open and accessible, in imagination and practice Cambodian nationality became intimately linked to Khmer ethnicity and culture to the exclusion of other large ethnic groups that were considered 'foreign' to the new nation, especially resident populations of Vietnamese origin.¹³

This initial citizenship regime was subsequently disrupted by more than two decades of war, mass atrocities and

political regime changes, most notably during the Khmer Rouge regime (1975-79). Following the widespread destruction of pre-war archival and population records, Cambodia had to rebuild a new citizenship and civil registration regime from scratch during the 1990s, including re-establishing registration systems and re-building the administrative infrastructure and human resources. Large-scale displacements and the politicization of ethnicity during the conflicts created difficult legacies for Cambodia's citizenry. This was especially true for the country's ethnic Vietnamese minority, which frequently found itself caught up in the contentious interstate relationship between Cambodia and Vietnam.¹⁴ Similarly, different waves of migration from Vietnam to Cambodia of Khmer Krom – the indigenous ethnic Khmer people from what is today Southern Vietnam – occurred in contemporary history. This context and history are very much on Cambodians' mind when questions of citizenship and by extension statelessness are debated.

11 Kram No. 913-NS of 30 November 1954.

12 See more at Sperfeldt, Christoph (2017) 'Report on Citizenship Law: Cambodia', GLOBALCIT Country Report 2017/2, Florence: European University Institute.

13 Canzutti, Lucrezia (2019) 'Precarious (Non-)Citizens: A Historical Analysis of Ethnic Vietnamese' Access to Citizenship in Cambodia', *Journal of Ethnic and Migration Studies* 48(7): 1764-1784.

14 See Amer, Ramses (2006) 'Cambodia's Ethnic Vietnamese: Minority Rights and Domestic Politics', *Asian Journal of Social Science* 34(3): 388-409.

3. The legal frameworks and their implementation in practice

This section examines the applicable international and national legal frameworks of relevance to the regulation of citizenship. It also looks into the framework for civil registration, which is often key to obtaining proof of identity and important life events necessary for the acquisition of Cambodian nationality.

3.1. International legal frameworks

Article 15 of the 1948 Universal Declaration on Human Rights enshrines the universal norm that ‘everyone has a right to a nationality’. A consequence of this right is the increasing international attention to addressing the status of those who are stateless. Cambodia is not party to either of the two statelessness conventions. It has neither ratified the 1954 Convention, which establishes the legal definition of a stateless persons and sets out minimum standards of treatment for stateless persons, nor the 1961 Convention on the Reduction of Statelessness (‘1961 Convention’), which aims to prevent statelessness and reduce it over time, including by requiring states to establish certain safeguards in their nationality laws. However, Cambodia has

ratified numerous international human rights treaties which impose certain obligations with regards to nationality and/or birth registration and has ratified most of the core international human rights treaties, as well as the 1951 Refugee Convention. These treaties form part of the national law of Cambodia through the Constitution of the Kingdom of Cambodia (under Article 31, which guarantees human rights) and related constitutional decisions.

For instance, Cambodia has ratified the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC), which are widely ratified in the region and globally. These treaties contain important obligations pertinent to the prevention of statelessness. Article 9(1) of CEDAW obligates state parties to ‘grant women equal rights with men to acquire, change or retain their nationality’ and therefore requires them to ensure that ‘neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.’ In addition, Article 9(2) of CEDAW obligates

state parties to ‘grant women equal rights with men with respect to the nationality of their children.’ For the CRC, Article 7 affirms the right of every child to acquire a nationality and thus requires states to implement measures to ensure that no child is left stateless.¹⁵ Article 7(1) requires the child to be ‘registered immediately after birth’ and to have the right from birth to a name and to acquire a nationality. Furthermore, Article 8(1) obligates state parties to ‘undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.’

In addition, the International Covenant on Civil and Political Rights (ICCPR), also ratified by Cambodia, contains important safeguards. Article 24(2) provides that, ‘every child shall be registered immediately after birth and shall have a name’, and Article 24(3) stipulates that ‘every child has the right to acquire a nationality’. The Human Rights Committee has articulated that Article 24 can be understood as an important contribution to protection against statelessness. This provision enshrines the universal right to a nationality as inspired by the Universal Declaration of Human Rights and equally articulated in the 2012 ASEAN Human Rights Declaration under Article 18. Moreover, Article 26 of the ICCPR guarantees equality before the

law ‘without any discrimination to the equal protection of the law’, and explicitly prohibits discrimination ‘on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’.

The non-discrimination principle is further articulated specifically in relation to nationality in the Convention on the Elimination of all Forms of Racial Discrimination (CERD), which provides under 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)(iii) the right to nationality’. The CERD Committee’s general recommendation 30 on discrimination against non-citizens recommended states to adopt measures to reduce statelessness, in particular statelessness among children.¹⁶

Based on these human rights treaty obligations, and for the past 10 to 15 years or so, the Human Rights Committee, as well as the CEDAW, CRC and CERD Committees have gradually taken up the issue of statelessness in Cambodia by expressing concern in relation to specific issues and expanding their statelessness-related recommendations to Cambodia.

15 Institute on Statelessness and Inclusion (2018), ‘Statelessness & Human Rights: The Convention on the Rights of the Child’. <<https://files.institutesei.org/statelessness-and-CRC.pdf>> (8 July 2024).

16 Committee on the Elimination of Racial Discrimination (2004) ‘General Recommendation 30 on Discrimination against Non-Citizens’, UN Doc CERD/C/64/Misc.11/rev.3, para. 16.

Furthermore, additional recommendations were made to Cambodia under the UN Human Rights Council's Universal Periodic Review (UPR), since the country's first cycle in 2009. A list of relevant findings and recommendations by these treaty bodies and the UPR are detailed in an annex to this report. Finally, the UN Special Rapporteur on the Situation of Human Rights in Cambodia has frequently raised the issue of statelessness in their reporting. Thus, the human rights implications of statelessness in Cambodia are now well documented by international human rights bodies and mechanisms.

3.2. National legal frameworks governing citizenship

This section provides an overview of the current legal framework governing access to nationality and citizenship in Cambodia. Cambodia's system of laws sits in a hierarchy, whereby lower laws and regulations should generally conform to higher laws. Accordingly, Cambodia's primary source of law is its Constitution. Laws (*chbab*) are adopted by the legislator, while royal decrees (*reach kret*) and sub-decrees (*anu-kret*), as well as proclamations (*prakas*) or circulars issued by the executive

branch of government provide further implementing legislation, regulations and instructions.¹⁷

Before delving into the national legal framework, it is important to sound a note of caution. The current citizenship regime is characterised by a relatively well-developed legal framework behind which is hidden an often-different reality of implementation and practice. Laws and regulations on citizenship are not always implemented as written. This limits an official account of the operation of Cambodia's citizenship regime, as theory and practice often do not align. Thus, the following account of the current citizenship regime is complicated by a lack of certainty over the degree of respect for, and enforcement of relevant laws and policies. Moreover, many laws and regulations are not easily available in public. The same is true for written judgments or citizenship-related statistics. Against this background, it is important to note that this report is limited to the available information, and it does not purport to be comprehensive in the way it portrays the practical operation of Cambodia's citizenship regime.¹⁸

In the following, two key pieces of legislation are being reviewed that affect and manage citizenship in Cambodia: the 1994 Immigration Law that governs non-

17 Kong Phallak (2012) 'Overview of the Cambodian Legal and Judicial System', in: Hor Peng, Kong Phallak, and Joerg Menzel (eds) *Introduction to Cambodian Law*, Phnom Penh: Konrad Adenauer Stiftung, 5-22.

18 The legal framework section draws on Sperfeldt, Christoph (2017) 'Report on Citizenship Law: Cambodia', GLOBALCIT Country Report 2017/2, Florence: European University Institute.

citizens on Cambodian territory, and the 2018 Nationality Law which regulates the acquisition and loss of nationality. The 1993 Constitution is generally silent on issues of nationality, other than noting under Article 33 that nationality should be determined by law. That said, the Constitution provides for extensive human rights protections, which remain relevant for the protection of stateless persons.¹⁹

3.2.1. The 1994 Immigration Law

The Immigration Law was one of the first laws to be considered by the National Assembly following the UN-organised elections in 1993. Article 2 considers an ‘alien’ to be ‘any person who does not have Cambodian nationality’. Article 4 distinguishes between three types of aliens: (1) non-immigrant aliens (short-term visitors, including tourists, business people, foreign students and diplomatic staff); (2) immigrant aliens (aliens who are legally in Cambodia to perform their professions, or aliens who have not been included in any of the categories mentioned under non-immigrant aliens); and (3) immigrant aliens as private investors.²⁰ Yet, implementing regulations (e.g. sub-decrees) were passed with great delay, which left many requirements of the law unclear for a long time, including in relation to residency for immigrant aliens.

Many long-term resident populations in the country are considered non-citizen by the Cambodian authorities, such as multi-generational communities of Vietnamese origin, and are therefore frequently managed under the ‘immigrant alien’ category of the immigration law framework.

3.2.2. The 2018 Law on Nationality

The acquisition and loss of Cambodian nationality is determined by the 2018 Nationality Law, which is an amendment of the 1996 Nationality Law.²¹ The law provides for both *jus sanguinis* (by descent) and conditional (double) *jus soli* (by birth on territory) conferral of nationality.

Article 9(1) of the law provides that a child born from a parent who has Cambodian nationality is entitled to Cambodian nationality. This provision allows for automatic conferral of citizenship, regardless of place of birth, to children born to at least one parent with Cambodian nationality. The provision of conferring nationality by descent is uncontroversial in Cambodia and widely applied, although some difficulties have been reported in relation to children from certain mixed marriage couples, as will be discussed later.

19 Some concern has been expressed over the frequent reference to ‘Khmer citizens’ in the Constitution, raising doubts over whether constitutionally protected human rights also apply to non-citizens. See also Sperfeldt 2017 GLOBALCIT report.

20 Law on Immigration (1994), Art. 4. <<https://www.refworld.org/legal/legislation/natlegbod/1994/en/15784>>

21 Both the original Khmer and an unofficial English translation of the 2018 Law on Nationality are available from the GLOBALCIT country profile section: https://data.globalcit.eu/NationalDB/docs/Nationality%20Law_EN_FINAL%20Sept%202019.pdf (9 July 2024)

In addition, Article 9(2) provides 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 Cambodian nationality. This provision allows automatic conferral of citizenship to a child born in Cambodia from foreign parents – if it can be demonstrated that both of the child’s parents were born in Cambodia and had legal residence there. This provision is highly relevant for long-term non-citizen residents of Cambodia. Yet, the provision is not widely known, and by and large not applied to long-term resident populations, including those who have no nationality of any country. Furthermore, the law does not stipulate what is meant by ‘living legally’ in Cambodia and what status or documents would be required to prove legal residence. As it stands, most populations entitled to this provision currently have no effective access to it. This is one key cause of statelessness among long-term resident populations, many of whom arguably should be regarded as Cambodian citizens but cannot access a pathway for formalising their Cambodian citizenship. Additional problems in relation to the necessary documentary proof will be discussed later in relation to specific affected populations.

Article 9(2) also provides automatic conferral of Cambodian nationality by birth to ‘any child who is born from an unknown mother or father (a parent) and a newly born child, who is found in the Kingdom of Cambodia’. This is a positive and important safeguard against statelessness for foundlings.²²

Articles 11-17 of the law regulate the acquisition of Cambodian nationality by marriage. Accordingly, a foreign spouse who got married with a Cambodian national may request Cambodian nationality on the condition that they have been living together for a period of three years, after registration of a marriage certificate, and have been residing at least 12 months in Cambodia.²³ The provision may prove problematic where marriages in minority communities may be ‘customary or traditional in nature’ meaning they are performed without accompanying legal documentation.²⁴ Moreover, national ID cards are also frequently required to obtain an official marriage certificate.²⁵ This practice highlights the importance of effective access to civil registration, an issue that will be further discussed later. Article 17 stipulates that Cambodian citizens cannot lose their nationality because of their marriage to a foreigner. This is an important safeguard against statelessness

22 See Razali, Rodziana Mohamed (2023) *Safeguarding Against Statelessness at Birth: International Law and Domestic Legal Frameworks of ASEAN Members*, Springer.

23 See also Sub-Decree No 286 on Forms and Procedures for Acquisition of Citizenship through Marriage, dated 31 May 2013.

24 See Van Der Keur, Dorine (2014) ‘Legal and gender issues of marriage and divorce in Cambodia’, *Cambodia Law and Policy Journal* 2: 1-22.

25 Seewald, Kate, Suyheang KRY and Malen En (2024) *Voice and Visibility: A Participatory Exploration of Minority Women’s Human Rights in Cambodia*, Phnom Penh: Women Peace Makers. (hereinafter ‘WPM Voice & Visibility’)

of relevance to the increasing practice of cross-border marriages, especially to East Asia, often involving a Cambodian wife.

The 2018 Law on Nationality provides an avenue for naturalisation to obtain Cambodian citizenship (Articles 18-20). It is important to note that naturalization is not a right or entitlement, but rather a discretionary administrative decision once certain requirements are met. Article 19 of the law stipulates the conditions required for a foreigner to apply for naturalisation. These conditions are often vaguely formulated based on behaviour, criminal history, Khmer language proficiency, and 'mentality and physical attitude'.²⁶ Importantly, the law requires seven years of continuous residence in Cambodia from the date of reception of a resident card, issued under the Law on Immigration for immigrant aliens.²⁷ Article 20 reduces this requirement to three years for any immigrant alien born in Cambodia. The residence card requirement has been problematic in practice, as there were considerable delays before the first residency cards were issued to 'immigrant aliens' (see more under 4.1.). Furthermore, a new permanent resident card was introduced, particularly for long-term resident populations of Vietnamese descent, and made compulsory more than 20 years after the Immigration Law came

into force, as will be further explained. An individual can also obtain nationality through certain investment pathways, but this provision is less relevant for stateless populations and their specific socio-economic conditions.

3.3. Civil status and civil registration

At the time of writing, Cambodia is undertaking a significant reform of its civil status laws and civil registration systems. For more than two decades, civil registration had been regulated by *Sub-Decree No. 103 on Civil Status*, which determined the procedures and formalities of civil status in Cambodia, including birth, marriage and death registration.²⁸ There were at least two flaws with this regime that had an impact on stateless people or those at risk of statelessness. First, other than nationals, the provision was nominally open only to foreigners 'living lawfully' in the country.²⁹ As such, the framework did not aim for universal civil registration coverage of everyone living on Cambodia's territory. As will be shown later, populations of Vietnamese origin are widely reported to have suffered from systematic exclusion from birth and other civil registration.

26 See also Sub-Decree No. 287 on Forms and Procedures for Acquisition of Citizenship through Naturalisation, dated 31 May 2013.

27 Law on Immigration (1994), Art. 12 & 14.

28 Sub-Decree No. 103 on Civil Status, 29 December 2000.

29 Sub-Decree No. 103 on Civil Status, Arts. 2 & 27.

Second, and as noted earlier, the country had to rebuild a civil register during the 1990s after more than two decades of war and violence. Many Cambodians had no official proof of civil status, including their birth. Provisions for certifying birth on the territory for the adult population were therefore crucial. This was usually done by way of two witnesses who would attest to an individual's birth in Cambodia. However, the wording of the corresponding provisions was such that they appeared to be open only to Cambodian nationals, excluding immigrant aliens from the procedure.³⁰ This situation led to the circular and somewhat impossible requirement that documentary proof of birth is required to establish one's or one's child's Cambodian nationality under the nationality law, but also that one has to be Cambodian national to be able to retroactively apply for birth certificates or certifying letters.³¹ Similar problems existed in accessing marriage certificates.

In 2023, Cambodia passed an ambitious new *Law on Civil Registration, Vital Statistics and Identification* (CRVSID Law), which was to enter into force one year later.³² The new

law aims to promote universal registration, regardless of nationality, ethnicity and immigration status – thereby ending the previous limitation with regards to foreigners 'living lawfully' in Cambodia. The provisions are drafted in a way to also facilitate registration for those who may not have all required documentary proof, including by making use of village- or commune-level attestation of identity and other facts. The law also introduces a simplified process for late or delayed registration, and an appeals process. At the time of writing, an accompanying Prakas on Civil Registration as the main implementing regulation for the civil registration aspects of the law was being drafted. If implemented as written, the law and the accompanying Prakas would be a significant advancement on the current situation.

What is more, the CRVSID law also lays the foundation for an integrated universal civil registration and population identification system, first laid out in the National Strategic Plan for Identification (2017-2026). In doing so, Cambodia aims to transition to a centralised, digital system that enables the unique identification for

30 See for instance Sub-Decree No. 103 on Civil Status, Art. 43; Sub-decree 60 on Amendment to Article 8 and 59 of the Sub-Decree on Civil Registration (2002), signed and sealed 24 June 2002, Article 59 (new); and Sub-decree No. 17 on Amendment to Sub-Decree on Civil Registration (2004), signed and sealed 14 July 2004.

31 See Nguyen, Lyma 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*, Phnom Penh: Jesuit Refugee Service, 37-38. <https://jrscambodia.org/about_without_anchors.html>

32 Law on Civil Registration, Vital Statistics and Identification (2023). <https://data.opendevlopmentmekong.net/laws_record/law-on-civil-status-civil-status-statistics-and-identification> (19 July 2024)

33 At the time of writing, the Cambodian government was revising this plan. National Strategic Plan of Identification, Phnom Penh, 2016. <<https://getinthepicture.org/sites/default/files/resources/NSPI%20ENGLISH%20VERSION%2010-01-2017.pdf>> (19 July 2024)

every person through the assignment of a personal unique identity code (UIC) at the time of birth registration. Foreigners residing in Cambodia will be assigned a UIC when registering with immigration officials. This number will be used to share information across databases in the Integrated Population Identification System, which contains a dataset for every person residing in Cambodia regardless of

nationality³⁴. So far, the new system is at its early stages and not yet implemented at local levels. Many details of its implementation still need to be legislated and put into place. Yet, it is clear that this is the most ambitious reform of Cambodia's identification management since the 1990s, with impacts on the management of nationality, immigration and residence statuses and associated proofs.

34 See also Global Health Advocacy Incubator at <https://www.advocacyincubator.org/news/2023-06-30-cambodias-newly-adopted-law-guarantees-universal-legal-identity-and-complete-registration-of-births-and-deaths-for-all> (10 July 2024)

4. The profile of known stateless and at-risk populations

As noted at the outset, a lack of data and knowledge on statelessness in Cambodia limits any comprehensive identification of the groups that may be affected by statelessness. Based on the available information, this section identifies three main groups as being stateless or at risk of statelessness, namely long-term resident populations of Vietnamese descent (in terms of scale the most affected of the groups), certain Khmer Krom individuals, as well as individuals among Cambodia's small refugee population. Further groups may be affected, such as victims of human trafficking, but this cannot be discerned with certainty from the information available to date. Given this situation, all estimates about the total number of stateless persons or those with undetermined nationality in Cambodia should be taken with caution, as the exact magnitude remains unknown. That said, the UNHCR's currently reported estimate of 75,000 affected individuals is likely a conservative estimate.

4.1. Long-term residents of Vietnamese origin

Ethnic Vietnamese communities have lived in Cambodia throughout contemporary history. Nowadays, they are one of the largest ethnic minority groups in Cambodia.³⁵ However, 'the Vietnamese' in Cambodia are not one coherent group, but rather comprise diverse sub-groups of individuals, such as Cambodian citizens of Vietnamese origin; ethnic Vietnamese in mixed marriages with Khmer spouses; and more recent immigrant Vietnamese nationals seeking economic opportunities. The group most struggling to prove their belonging are Cambodia's long-term residents of Vietnamese descent – especially those residing in Cambodia for generations and prior to the creation of the modern Vietnamese state – many of whom are stateless or at risk of statelessness, having neither proof of Cambodian nor Vietnamese nationality.³⁶ This state of affairs has

35 Minority Rights Group (2017) 'Ethnic Vietnamese'. <<https://minorityrights.org/communities/ethnic-vietnamese/>>

36 This section draws on Sperfeldt, Christoph (2020) 'Minorities and Statelessness: Social Exclusion and Citizenship in Cambodia,' *International Journal on Minority and Group Rights* 27(1): 94-120.

been more thoroughly documented and assessed at least since 2012, when *Boat Without Anchors* was published.³⁷

This situation has long historical and socio-political roots that are deeply interconnected with the complex bilateral relationship between Cambodia and Vietnam.³⁸ Already during French colonial times, separate jurisdictions existed for Vietnamese residents and the Khmer majority population.³⁹ These categorisations were carried over into independent Cambodia and given new meaning. It is likely that the majority of the ethnic Vietnamese population residing on the territory at the time of independence was henceforth treated as non-citizens, although a pathway to naturalisation existed and was used by numerous individuals. The 1962 national census identified 217,774 Vietnamese 'nationals' within a total population of more than 5.7 million (almost 4 per cent), while the total ethnic Vietnamese population may have been as high as 400,000.⁴⁰

During the early 1970s, the regime of President Lon Nol politicised negative public sentiment towards the ethnic Vietnamese minority and turned it into violent persecution. Attacks and massacres resulted in the killing of thousands of ethnic Vietnamese, and another 200,000 to 250,000 fled or were forcibly deported to South Vietnam.⁴¹ After Khmer Rouge forces captured Phnom Penh, in April 1975, the situation for many minority groups drastically deteriorated.⁴² Another estimated 150,000 to 170,000 Vietnamese were deported across the border to Vietnam during the same year.⁴³ A demographic expert report commissioned by the Extraordinary Chambers in the Courts of Cambodia (ECCC) concluded that almost all of the remaining 20,000 ethnic Vietnamese were systematically killed during the Khmer Rouge regime. By the end of 1978, the Vietnamese minority had virtually disappeared from Cambodia.

During the early 1980s, many of the Vietnamese Cambodian refugees returned to Cambodia and have since faced

37 Nguyen, Lyma & 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*, Phnom Penh: Jesuit Refugee Service.

38 See Canzutti, Lucrezia (2019) 'Precarious (Non-)Citizens: A Historical Analysis of Ethnic Vietnamese' Access to Citizenship in Cambodia', *Journal of Ethnic and Migration Studies* 48(7): 1764-1784.

39 Low, Sally (2024) *Colonial Law Making: Cambodia under the French*, Singapore: NUS Press.

40 Poole argued that many ethnic Vietnamese may have adopted Cambodian nationality in order to be eligible for certain restricted occupations. Using his own estimates based on a criterion of ethnicity, Poole estimated that 394,000 ethnic Vietnamese lived in the country at the time of the 1962 census. Poole, Peter (1974) 'The Vietnamese in Cambodia and Thailand: Their Role in Interstate Relations', *Asian Survey* 14(4): 332-333.

41 Pouvachy, Joseph (1976) 'L'Exode des Vietnamiens du Cambodge en 1970', *Mondes Asiatiques* 7: 340-347.

42 See Keo Duong (2018) *Khmer Rouge Nationalism and Mass Killing: Perception of the Vietnamese*, Bangkok: Chulalongkorn University.

43 Kiernan, Ben (2006) *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-1979*, New Haven: Yale University Press, 296.

challenges in proving their prior long-term residence in Cambodia and eligibility for Cambodian nationality. Cambodian officials routinely treat long-term ethnic Vietnamese residents as ‘foreign nationals’ or ‘immigrants’, despite their strong claims for citizenship. Often their documentation (for some even proof of citizenship) was lost during their displacement, confiscated by the authorities, or viewed with suspicion. Additionally, during Khmer Rouge rule, civil registration records were systematically destroyed. In 2018, in their trial judgment in Case 002/02 before the ECCC, judges concluded that participating stateless 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’.⁴⁵

Importantly, Cambodia does not officially recognise these non-citizen, long-term residents of Vietnamese origin as stateless. Responding to treaty body queries, the state party simply noted: ‘With regards to children born of Vietnamese parents and living in Cambodia, they are considered as Vietnamese. These children are not stateless.’⁴⁶ Instead, the

authorities frequently record them as ‘Vietnamese nationals’ through their own registration processes, without any verification procedure with the Vietnamese government known to exist. Today’s situation of stateless communities of Vietnamese origin in Cambodia is characterised by three key challenges: lack of effective access to birth and other civil registration; a precarious legal status due to changing government policies and the lack of pathways to naturalisation; and insufficient knowledge about the scale of the problem. Prejudices and negative attitudes among the majority population towards the Vietnamese minority in part explain these challenges and further add to group’s predicament.⁴⁷

No effective access to birth registration:

While Cambodia has witnessed noteworthy improvements in total birth registration rates – reported at above 90 percent for children under the age of 5⁴⁸ – there has been consistent reporting from civil society and researchers that many ethnic Vietnamese communities do not have effective access to birth registration.⁴⁹ In 2016, Minority Rights Organization

44 Tableau, Ewa (2009) ‘Khmer Rouge Victims in Cambodia, April 1975–January 1979: A Critical Assessment of Major Estimates’, Democratic Expert Report for the Extraordinary Chambers in the Courts of Cambodia, D140/1/1 Public Redacted Version, 47-48.

45 ECCC Trial Chamber, ‘Case 002/02 Judgment’, E465, 16 November 2018, para. 4459. See also Sperfeldt, Christoph (2023) ‘Nationality as Reparation? The Case 002/02 Trial Judgment at the Extraordinary Chambers in the Courts of Cambodia’, *Statelessness & Citizenship Review* 5(1): 118.

46 ‘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) 24.

47 See Frewer, Tim (2016) ‘Cambodia’s Anti-Vietnam Obsession’, *The Diplomat*, 6 September 2016. <<https://thediplomat.com/2016/09/cambodias-anti-vietnam-obsession/>> (8 July 2024)

48 See for instance, National Institute of Statistics (2022) ‘Cambodia Socio-Economic Survey 2021’, 23.

49 Hyde, Melanie (2016), ‘Report on Access to Birth Registration for Marginalised or Vulnerable Populations: A Case Study on Ethnic Vietnamese Minority Communities in Cambodia’, report prepared for the Minority Rights Organization.

(MIRO) found that only five percent of 414 Vietnamese surveyed in Takeo, Kampong Chhnang and Pursat provinces had birth certificates. Civil society monitoring in affected communities suggests that this situation has not significantly improved since then. In a 2023 study commissioned by the Raoul Wallenberg Institute (RWI) and carried out in six provinces among Khmer Krom and ethnic Vietnamese communities, 93 percent of adult respondents of Vietnamese origin had been born in Cambodia, but none held any official proof of birth on the territory in form of a Cambodian birth certificate. Moreover, 85 percent of respondents' children also had no birth certificates.⁵¹ Similarly, Women Peace Makers (WPM) found in a 2022 study that 70 percent out of 40 Vietnamese girls participating in the study did not have a birth certificate.⁵² Another study in 2024 found that only one participant from among 22 Cambodia-born Vietnamese respondents in floating villages had a birth certificate – and only because she was of mixed Khmer-Vietnamese origin.⁵³ There is no nationally representative sample available to provide better data. A more systematic CRVS inequality assessment in Cambodia is lacking so

far.⁵⁴ However, the available research shows a consistent pattern of widespread exclusion from birth registration.

This situation occurs despite the fact that Cambodian law has allowed children of non-citizens living legally in the country to be issued a birth certificate. Yet, local officials seem to conflate issuing birth certificates with conferring citizenship. The Ministry of Interior issued directives No. 015 dated 1 July 2019 and notification No. 2181 dated 29 August 2022, stipulating that local authorities should register the birth of children of non-citizen parents who hold valid Permanent Resident Cards (see more below) and enable access to other services. Currently these directives are not widely implemented by sub-national authorities in relation to communities of Vietnamese origin.⁵⁵ The absence of birth registration for these children creates barriers for obtaining other documents relevant to exercising future rights and entitlements, including substantiating claims to Cambodian citizenship at birth or later in life. The inability to have births registered perpetuates intergenerational statelessness for children born in these communities. Furthermore, many children

50 Minority Rights Organization (2016) *Research Finding Statelessness Minority Groups in Cambodia Takeo, Kampong Chhnang, and Pursat*, MIRO.

51 Sperfeldt, Christoph with Keat Bophal and Ang Chanrith (2023) 'Exploring the Nexus Between Poverty, Human Rights and Statelessness: A Case Study of Cambodia', Phnom Penh, Raoul Wallenberg Institute, 30 November 2023 (hereinafter 'RWI Scoping Study 2023'), 35-36. <<https://rwi.lu.se/wp-content/uploads/2024/07/RWI-Scoping-Study-Poverty-Statelessness-Report-Nov2023.pdf>>

52 Le Sen, Suyheang Kry, and Raymond Hyma (2022) *Making the Space: Voices from the Girls of Cambodian Minority Communities*, Phnom Penh: Women Peace Makers (hereinafter 'WPM, Making the Space 2022'). <<https://wpmcambodia.org/wp-content/uploads/2022/04/makingthespace.pdf>> (11 July 2024)

53 WPM Voice & Visibility 2024, 157.

54 See UNESCAP information note at: <<https://getinthepicture.org/sites/default/files/resources/Information%20note%20on%20inequality%20assessments.pdf>> (9 July 2024)

55 Ministry of Interior (2019) *Directive on Issuance of Administrative Letters and Birth Certificates for Cambodian Spouses, Children and Foreign Immigrants*, Circular No 015.

are unable to attend public schools due to a lack of birth certificates, as will be further discussed in relation to the impacts of statelessness.

There is hope that the universal civil registration stipulated under the new CRVSI Law will contribute to overcoming the exclusion of these communities, especially from birth and marriage registration. This will require much awareness raising during the rollout of the new law, both among local authorities and affected populations.

Group censuses, registration and absence of naturalisation:

The lack of proof of nationality or birth, however, does not mean that these populations are unregistered. In 2014, Cambodian authorities began implementing a so-called foreigner census, one aim of which was to identify and deport 'illegal immigrants'. This nationwide registration process focused mainly on populations of Vietnamese origin. It is estimated that more than 10,000 were deported to Vietnam; most appear to be more recent immigrants.⁵⁶ 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 official position that these people are not stateless but, in fact, Vietnamese nationals, without any verification of such a status with Vietnamese authorities.

By the end of the registration campaign, in 2020, the Ministry reported that 89,471 Vietnamese individuals had applied for the Prakas recognising them as legal immigrant aliens, making them eligible to receive the new PRCs.⁵⁷ Yet, the rights and entitlements under the new resident card remain unclear. Most card holders report that they cannot use the PRC for essential aspects of their lives.⁵⁸ Many individuals have since renewed their cards multiple times – with an ever-larger number reaching the seven-year mark of lawful residence with the resident card where they become eligible for naturalisation under the law (the reduced three-year period stipulated under the law for people born in Cambodia is not widely known). So far, there is no information available and no effective pathway to naturalisation. Requests by the Vietnamese government to provide possibilities for naturalisation

56 Sovuthy Khy (2017) 'Deportations of Vietnamese Dropped Last Year', *Cambodia Daily*, 23 January 2017, 1. <<https://english.cambodiadaily.com/news/deportations-vietnamese-dropped-last-year-123878/>> (8 July 2024)

57 Ministry of Interior, 'Management of Foreign Immigrants in Cambodia', Notification No 1990, 10 July 2020.

58 RWI Scoping Study 2023.

for long-term Vietnamese Cambodian residents, in accordance with Cambodian law, have been rebuked by the Cambodian government.⁵⁹

This registration process was subsequently accompanied by systematic confiscation of prior documentation that authorities deemed to be 'irregular.'⁶⁰ The Ministry of Interior identified at least 70,000 mostly Vietnamese 'foreigners' holding such irregular documents.⁶¹ In the provinces monitored by Minority Rights Organization, authorities have confiscated the majority of legal documents previously held by ethnic Vietnamese residents, including birth certificates and old immigration documents, in some cases Cambodian identification cards and family books. Officials seem to have deemed irregular or illegal most documentation previously issued by other, mostly local Cambodian authorities. The confiscation of such legal documentation will make proof of long-term residence in Cambodia even more difficult for affected individuals in future.⁶²

Challenges with data:

There is currently no reliable, public data available about the size of populations of Vietnamese origin in Cambodia generally, and those affected by statelessness in particular. This has both to do with the sensitivity of the topic and the fact that Cambodia does not recognise affected individuals as stateless, and as a consequence does not record or collect such data. More generally, official statistics about Vietnamese populations in Cambodia have been inconsistent, and questions remain about the quality of data and the appropriateness of categorisations. The last 2019 national population census recorded 78,090 people whose 'mother tongue' was Vietnamese.⁶³ Around the same time, based on the results of the 'foreigner' census, the Ministry of Interior reported a figure of 180,690 'Vietnamese (nationals)' residing in Cambodia, of which 69,413 were classified as 'old settlers'.⁶⁴ This figure seems to be roughly in line with the almost 90,000 ethnic Vietnamese individuals who had received the PRCs, considering that children under the age

59 Narim Khuon (2019) 'Kingdom Rejects Vietnam's Request to Provide Citizenship to its Nationals', *Khmer Times*, 21 August 2019. <<https://www.khmertimeskh.com/635604/kingdom-rejects-vietnams-request-to-provide-citizenship-to-its-nationals/>> (6 March 2023)

60 Sub-Decree No. 129 on the cancellation and withdrawal of irregular Cambodian administrative documents possessed and used by foreigners (2017).

61 Ben Sokhean (2020) 'Interior Ministry Sees a Danger to Kingdom: Illegal Immigrants 'Are a Security Risk' *Khmer Times*, 14 July 2020. <<https://www.khmertimeskh.com/744331/interior-ministry-sees-a-danger-to-kingdom-illegal-migrants-are-a-security-risk/>>

62 This section has drawn from Sperfeldt, Christoph (2021) 'Legal Identity and Minority Statelessness in Cambodia: Recent Developments,' *Statelessness & Citizenship Review* 3(2): 347-353.

63 National Institute of Statistics, Ministry of Planning (2020) 'General Population Census of the Kingdom of Cambodia 2019', Final Census Results, 25.

64 '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).

of 18 were not yet eligible for permanent resident cards. While these numbers may not capture all ethnic Vietnamese or those of Vietnamese origin living in Cambodia, at the minimum they provide an estimate of the numbers of those not recognised as Cambodian nationals, including among

long-term resident populations. These figures also indicate that the number of stateless persons in Cambodia may well be higher than the current 75,000 recorded in UNHCR statistics, as the majority will be of Vietnamese origin.

Source	Year	Criteria	Number of Families	Number of Individuals
CERD/C/292/Add.2/Par.20*	1997	'National group'	17,099	98,590
CERD/C/KMH/Q/8-13/Add.1	2008	'Mother tongue'		72,775
A/HRC/39/73/Add.2	2018	'Vietnamese (foreigner)'	48,675	180,690
General Population Census	2019	'Mother tongue'		78,090
Ministry of Interior	2020	'PRC holders'		89,471
Cambodia Socio-Economic Survey 2021	2022	'Ethnicity'		47,252

4.2. Khmer Krom

The Khmer Krom (literally, the lower Khmer people) are the indigenous, ethnic Khmer minority in today's Vietnam, mostly living in the Mekong delta region.⁶⁵ Historically, this region has been referred to as Kampuchea Krom (meaning lower Cambodia). While Khmer Krom are ethnically and linguistically Khmer, they also have their own traditions. Over the course of modern history, Khmer Krom have migrated to Cambodia for economic,

political and cultural reasons, especially during periods when their freedom in Vietnam was more restricted. Their distinct culture – sometimes also distinct names and accents – combined with the fact that they come from Vietnam make many authorities suspicious of their origin. It is unclear how many individuals who identify as Khmer Krom are nowadays living in Cambodia. In 2010, the government reported 82,000 Khmer Krom living in Cambodia, while Khmer Krom associations in the country frequently claim figures of one million and more.⁶⁶

65 See Taylor, Philip (2014) *The Khmer Lands of Vietnam: Environment, Cosmology and Sovereignty*, Singapore and Copenhagen: NUS and NIAS Press.

66 Committee on the Elimination of Racial Discrimination, 'Written Replies by the Kingdom of Cambodia concerning List of Issues', UN Doc CERD/C/KHM/Q/8-13/Add.1 (17 February 2010) 2.

The Cambodian government has publicly declared and recognizes, in principle, that Khmer Krom are entitled to Cambodian citizenship. Indeed, most Khmer Krom likely have proof of Cambodian citizenship and are well integrated into society. However, there has been regular civil society reporting that a large number of both long-term residents and more recent arrivals from Vietnam face significant obstacles when trying to formalize their Cambodian citizenship, especially with regard to applying for a Cambodian national identity card.⁶⁷ Estimates in these reports of Khmer Krom living in Cambodia who do not hold proof of Cambodian nationality in form of a national ID card are put at around 20-30 percent. Some also struggle to access civil registration.⁶⁸ The government itself has no data on the number of Khmer Krom in the country who do not hold Cambodian national ID cards.⁶⁹ Yet, authorities acknowledge that Khmer Krom may struggle with the

administrative process for accessing proof of nationality:

Some have not provided the necessary information in their request for identification documents and others do not have official documents identifying them as Khmer origins or born of Cambodian parents. Non-verbal claims or the ability to speak Khmer without proper documentation does not signify that a person is a Cambodian citizen. In order to obtain a Cambodian identification card, these persons must satisfy all the criteria...⁷⁰

Accordingly, local officials often refuse to grant applications for an ID card on the grounds that many Khmer Krom do not satisfy the administrative requirements, including lack of proof of a permanent residence in Cambodia and lack of a birth certificate or proof of citizenship of their

67 See CCHR, ACT & KKKHRA (2017) 'Citizenship Rights for Khmer Krom in Cambodia', Phnom Penh. <<https://cchrcambodia.org/storage/posts/1657/2017-01-27-reports-eng-citizenship-rights-for-khmer-krom-in-cambodia.pdf>> (10 July 2024); and CCHR (2011) 'False Promise: Exploring the Citizenship Rights of the Khmer Krom in Cambodia', Phnom Penh. <<https://cchrcambodia.org/storage/posts/1568/2011-07-04-reports-eng-false-promises-exploring-the-citizenship-rights-of-the-khmer-krom-in-cambodia.pdf>> (10 July 2024)

68 CCHR, ACT & KKKHRA 2017, 4-5.

69 'Statement for the Committee on the Elimination of Racial Discrimination', Geneva, INT/CERD/STA/KHM/39763, 28-29 November 2019.

70 The criteria being: "(i) age 15 and above, (ii) a Cambodian Birth Certificate or court order indicating that the person was born of Cambodian parents or a Royal Decree on granting Cambodian citizenship or official legal documents indicating that the person was born of Cambodian parents, and (iii) a Family Book or Residence Book or a residence registration letter for the purpose of making an identification card". Quoted from 'Statement for the Committee on the Elimination of Racial Discrimination', Geneva, INT/CERD/STA/KHM/39763, 28-29 November 2019.

71 See also MIRO (2013) 'Khmer Krom Human Rights Situation: Marginalization of Women in Disadvantaged Communities', Investigative Research Report, Phnom Penh, September 2013.

Cambodian parents.⁷¹ 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. Indeed, Khmer Krom who have documents that state their place of birth as being in Vietnam belong to those most struggling to access proof of Cambodian citizenship, as they frequently do not fulfil the formal requirements.⁷² Civil society organisations have also documented numerous instances where Khmer Krom were forced to change their place of birth (from Vietnam to Cambodia) or even their name prior to the issuance of legal documentation.⁷³ There is no legal basis for this practice, which was also picked up by the CERD.⁷⁴ It is also frequently not sufficient if Khmer Krom can produce Vietnamese identification documents that show their ethnicity as being Khmer.

The lack of proof of Cambodian citizenship inhibits affected Khmer Krom from accessing many political, economic and social rights enjoyed by ordinary Cambodian citizens, also considering how crucial a national ID card has become for accessing these rights in practice.⁷⁵ This will be further discussed in the impact section below.

That said, many or most of the Khmer Krom who have no proof of Cambodian nationality may not in fact be stateless, given the Cambodian government's in-principle recognition of their Cambodian nationality, and the fact that numerous among them may also hold either valid or expired proof of Vietnamese nationality. Greater flexibility in the administrative requirements for accessing proof of nationality or other legal identities is necessary to account for the particularities of this group. However, relatively little is known about individuals who are repeatedly, and over extended periods of time denied proof of Cambodian nationality and also hold no Vietnamese nationality or proof thereof. These individuals may find themselves at greater risk of statelessness, more so if their non-citizen status is also inherited by their children. The current lack of data and research makes it difficult to determine how many Khmer Krom individuals are affected by long-term denial of proof of Cambodian citizenship.

4.3. Refugees & forced migrants

Cambodia is one of the few signatories of the 1951 Refugee Convention in the region. Yet, it only harbours a comparatively

72 CCHR, ACT & KKKHRA 2017, 16-17.

73 CCHR, ACT & KKKHRA 2017, 5 & 10; and MIRO 2013, 6-7.

74 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.

75 CCHR, ACT & KKKHRA 2017; RWI Scoping Study 2023; and MIRO 2013.

small number of refugees, including 33 registered asylum-seekers as of July 2024, plus some other cross-border forcibly displaced persons.⁷⁶ Montagnard asylum seekers from Vietnam have periodically fled into neighbouring Cambodia, especially between 2014 and 2017. Some were eventually recognized as refugees, and the UNHCR has facilitated third-country resettlement. In 2014, Cambodia signed an agreement with Australia whereby it accepted refugees processed at the offshore processing facility on Nauru in return for more development assistance. By the time the agreement expired in 2018, only seven refugees had voluntarily relocated to Cambodia – some of them may have been stateless.⁷⁷ Most subsequently left for third countries. Some of the refugees and forced migrants may be stateless, such as Rohingya from Myanmar, but publicly available information is limited.

4.4. Summary

This mapping identified certain long-term resident populations of Vietnamese descent as being stateless or most at risk of statelessness. Most are not recognised as nationals by Cambodia nor Vietnam and may in fact have never possessed proof of nationality in their lives ever since the modern, independent Cambodian state came into existence. They are managed under Cambodia's immigration

framework as 'immigrant aliens', and their main proof of legal identity is currently provided through the Permanent Resident Card. These communities are distinct in their predicament from more contemporary migrants from Vietnam who are by and large Vietnamese nationals. Certain individuals or families among the Khmer Krom may also face risks of statelessness. While they are in public rhetoric recognised as Cambodian nationals, many frequently struggle to obtain proof of Cambodian nationality. If certain Khmer Krom individuals are denied such proof despite multiple attempts and over a prolonged period of time, their risks of becoming stateless may increase – more so if they do not hold Vietnamese nationality. Cambodia hosts a small number of refugees and other forcibly displaced persons, most from Asia, among whom we might find also stateless refugees. Other at-risk populations currently remain understudied. These may relate to situations of marriage migration, especially to East Asia and the children from these marriages, and human trafficking victims. For instance, the US Department of State reported that 'stateless persons, namely in ethnic Vietnamese communities, are at higher risk of trafficking due to lack of identity documentation necessary for access to formal employment, education, marriage registration, the court system, or the right to own land'.⁷⁸

76 See more at Gleeson, Madeline (2012) 'State of Migration: An Overview of Forced Displacement in Cambodia', Phnom Penh: Jesuit Refugee Service Cambodia. <https://jrscambodia.org/publication/State_of_Migration.pdf> (11 July 2024)

77 Kaldor Centre for International Refugee Law (2019) 'The Australia-Cambodia Refugee Deal', Research Brief. <https://www.unsw.edu.au/content/dam/pdfs/unsw-adobe-websites/kaldor-centre/2023-09-research-briefs/2023-09-Research-Brief_Cambodia_Oct2019.pdf> (12 July 2024)

78 US Department of State (2024) '2024 Trafficking in Persons Report: Cambodia'. <<https://kh.usembassy.gov/2024-trafficking-in-persons-report-cambodia/>> (12 July 2024)

5. The impact of statelessness

Stateless communities in Cambodia and those at risk of statelessness struggle to access basic economic, political, and social rights and face an array of disadvantages that often intersect with their socio-economic or poverty situation, including limited freedom of movement, the inability to own land, and difficulty accessing formal employment, education, health care and legal protection. Much of this has been documented in civil society⁷⁹ reporting and UN treaty body findings and recommendations (see Annex). The UN Special Rapporteur on human rights in Cambodia even dedicated an entire section to the issue in her 2019 thematic report on the SDGs in Cambodia, identifying stateless people and specifically communities of Vietnamese descent at risk of being left behind.⁸⁰

5.1. Access to education

Among the most significant challenges is the widespread exclusion of stateless children of Vietnamese descent from public schooling – often extending to primary schooling – due to a lack of birth certificates.⁸¹ Thus, statelessness represents a significant and yet underappreciated barrier to inclusive and universal public education in Cambodia. The 2007 Law on Education does not stipulate that a birth certificate is required for enrolment. Yet, ministerial instructions in effect require local authorities and schools to verify the identity of the child, usually by way of a birth certificate and/or other proof of identity.⁸² Civil society research has persistently shown that this requirement has posed challenges for many children from families or communities without effective access to birth registration, particularly non-citizen children of Vietnamese origin.⁸³

79 Chanrith Ang, Butmao Sourn, 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 Mauk, Ben, 'A People in Limbo, Many Living Entirely on the Water' *New York Times Magazine*, 28 March 2018. <<https://nyti.ms/2usiXnn>>.

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

81 See also Rumsby, Charlie (2022) 'Children's Experience and Practice of Belonging: The Realities of Integration among De Facto Stateless Vietnamese Children in Cambodia', *Positions Asia Critique* 30(2): 323-352.

82 See for instance Ministry of Education, Youth and Sport, Directive No 45 on the 'Opening of Public Primary Education Institutions in the Academic Year 2022-2023', dated 5 December 2022.

A 2019 study by the Minority Rights Organization among 301 ethnic Vietnamese respondents in four provinces found that only two percent of children accessed public schools.⁸⁴ 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. This situation has not significantly improved since. Similarly, in the RWI study cited earlier, the majority of children from adult respondents in the study were either not in school or visited occasional informal community schooling, including at missionary schools.⁸⁵ Field research by the NGOs Khmer Community Development (KCD) and Women Peace Makers (WPM), including in other geographical areas, confirms such findings.⁸⁶ Even for the few who were let into public primary school without a birth certificate due to local level discretion, it was almost impossible to move on to secondary school without a Cambodian birth certificate. WPM interventions also found respondents reporting discrimination at school due to their minority status.⁸⁷

Civil society interventions supported some creative workarounds to enable children of Vietnamese origin to access

public primary school. While most local authorities refuse to officially register the birth of ethnic Vietnamese children, some local authorities had begun issuing simple letters attesting to a child's birth in Cambodia (from parents with PRCs) that parents then used to enrol a child into a public primary school. There has been some work carried out to upscale these initial pilot experiences in Kandal and Kampong Chhnang provinces. While these workarounds may provide some short-term relief, more official documentation is required when children seek to move on to secondary school. The field observations also indicate that long-term exclusion from educational and labour market opportunities has affected the attitudes of many parents in the communities toward education more generally. Many no longer value the importance of education and instead involve their children in livelihood or income-generating activities. Some parents are so poor that they feel they can no longer send their children to school.

Overall, the non-registration of births remains a significant challenge to accessing public education in affected communities, as they cannot prove birth on Cambodian territory, thereby perpetuating educational disadvantages and statelessness over

83 See Raoul Wallenberg Institute and Women Peace Makers (2024) 'Rights to Education and their Interrelationship with Legal Identity and Statelessness in Cambodia', Roundtable Briefing Paper, Phnom Penh, 6 June 2024.

84 Minority Rights Organization, 'General Condition of Education for Stateless Ethnic Vietnamese Children in Cambodia', May 2019.

85 RWI Scoping Study 2023.

86 WPM Voice and Visibility 2024.

87 WPM Making the Space 2022.

generations. This intergenerational nature of statelessness and the mutually reinforcing dynamic between statelessness and education mean that communities that have been stateless for many generations are at risk of being 'left further behind'. This is especially visible in lack of effective access to public primary education, which is one of the contributing factors to intergenerational poverty.

5.2. Poverty and other socio-economic impacts

There is little data or empirical information available to systematically examine the interrelationship between poverty and statelessness/nationality, or more generally lack of proof of legal identity. The nexus is not explored in the published reports from Cambodia's censuses, socio-economic surveys nor in most household surveys. Some development actors acknowledge the issue. For instance, the Swedish development agency Sida found in their multi-dimensional poverty analysis for Cambodia that certain communities of Vietnamese descent who are affected by recent relocation programs were 'amongst the poorest'.⁸⁸ Yet, a more systematic assessment is not available. In 2023, the Raoul Wallenberg Institute (RWI) commissioned a scoping study to

explore the nexus between statelessness, legal identity and poverty through fieldwork in ethnic Vietnamese and Khmer Krom communities.⁸⁹ Apart from income discrepancies, the study showed the difficulties faced by these communities with access to public infrastructure and services, including clean water, electricity, roads etc., especially in ethnic Vietnamese communities. Pronounced differences existed also in relation to access to public (subsidised) health care, with most respondents of Vietnamese origin only accessing private health care facilities, often just pharmacies or informal care. However, the study also found high Covid-19 vaccination rates among both groups not too dissimilar from the majority population. The largely non-discriminatory response to the Covid-19 pandemic may hold lessons for improving access to other vital areas of basic health care.⁹⁰

Both poor Khmer Krom and ethnic Vietnamese communities struggled with their socio-economic situation, many living near or below the national poverty line. So, one of the more concerning findings of the study was the finding that most individuals who do not hold a national ID card, especially stateless Vietnamese communities, are by and large not registered in IDPoor, Cambodia's

88 Andersen, Henny (2019) 'Multidimensional Poverty Analysis Cambodia', Final report for Sida, 7, 31 & 46.

89 RWI Scoping Study 2023.

90 Ngoc Phuong Hong Tao et al (2022) 'Cambodia Achieved a High Vaccination Coverage for its Population: A Good Example of a Lower Middle-Income Country', *Journal of Global Health* 12: 03088.

main poverty identification program.⁹¹ Although Sub-decree 291 on Identification of Poor Households (2011) is silent on the requirement for a legal identity document, the questionnaires used for identifying poor households embed a request for a national ID card number, including the attachment of a copy of the national ID card.⁹² This implies that, in practice, a Cambodian national ID card is required to be recorded in IDPoor. Given the centrality of IDPoor for the identification of poor households (not to mention any actual delivery of assistance), there is a need for further inquiry into the relationship between possession of proof of legal identity (in particular Cambodian nationality) and access to IDPoor by some of the poorest and most marginalised households.⁹³

5.3. Land, relocations and cross-border migration

Land ownership in Cambodia is limited to nationals only, leaving stateless communities and those without proof of

nationality frequently in precarious living and housing conditions. Furthermore, around the Tonle Sap Lake authorities have taken measures to relocate floating villages onto the land, citing environmental and other regulatory reasons.⁹⁴ Many of these comprise stateless communities of Vietnamese origin. Kampong Chhnang province was the first to implement relocations for more than 10,000 people, affecting Vietnamese and other communities alike.⁹⁵ However, the conditions of the relocation sites differ markedly between Vietnamese and non-Vietnamese groups. In 2019, the UN Special Rapporteur visited some of these sites and expressed great concern about housing and sanitation conditions for Vietnamese families and the general lack of public infrastructure.⁹⁶ 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.⁹⁷ Apart from disrupting the livelihood of traditional fishing communities, these relocations have highlighted the precarious legal status of

91 Refer to Department of Identification of Poor Households at <<https://idpoor.gov.kh/en/>>

92 See IDPoor questionnaire at <<https://idpoor.gov.kh/en/idpoor-questionnaire/>> (17 November 2023)

93 RWI Scoping Study 2023.

94 Smith, Rhona (2021) 'Relocating Floating Communities in Cambodia: Kampong Chhnang', *Human Rights Quarterly* 43(2): 290; and Beban, Alice et al (2024) 'Disorientations: The Political Ecology of "Displacing" Floating Communities from Cambodia's Tonle Sap Lake', *Antipode: A Radical Journal of Geography*, 1-25.

95 Smith, Relocating Floating Communities in Cambodia, 295.

96 '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.

97 See Nicseybon Samoeun and Danielle Keeton-Olsen (2021) 'Floating Communities, Many Vietnamese, Uprooted by Phnom Penh Evictions', VOD, 11 June 2021. <<https://vodenglish.news/floating-communities-many-vietnamese-uprooted-by-phnom-penh-evictions/>> (12 July 2024)

relocated Vietnamese residents, as they cannot own the land at relocation sites.⁹⁸

The combined effects of the government's tightened immigration regime and associated registration requirements, document revocation, decreasing fish stocks in the Tonle Sap and forced relocations have increased a feeling of precarity and insecurity among affected communities. Thousands of people of Vietnamese origin have therefore left for Vietnam in search of better living conditions. There are no clear figures about this cross-border migration, as many are forced to cross the border irregularly. Many of these migrants will see Vietnam

for the first time. Information about how stateless individuals from Cambodia are treated in Vietnam is sparse, but the available information suggests that those without family connections or other ties to Vietnam may struggle to gain a secure legal status.⁹⁹ Many struggle to make a living in Vietnam, especially those who previously lived from fishing. Numerous have returned to Cambodia after some years and find themselves again in a precarious and irregular situation, as they missed the registration process and hold no valid PRC. This cross-border migration and its effects on stateless persons remains understudied.

98 Hyma, Raymond and Lyhour Heang (2022) 'Listening to the Ethnic Vietnamese Living along the Tonle Sap: A Community at a Crossroads', Phnom Penh: Women Peace Makers. <<https://wpmcambodia.org/wp-content/uploads/2022/06/a-communityatacrossroads.pdf>>

99 See Nguyen Nu Nguyet Anh, and Cao Tanh Tam (2024) 'Citizenship Policies and Precarity of Stateless Vietnamese from Cambodia Migrating to Vietnam', *Inter-Asia Cultural Studies* 25(1): 62-75.

6. Reducing and preventing statelessness in Cambodia

Statelessness is usually addressed through reduction and prevention. Reduction involves finding solutions that enable stateless persons to acquire citizenship and promote their social inclusion. Prevention of statelessness involves addressing the causes of statelessness so that new cases of statelessness do not arise, and cycles of intergenerational statelessness are broken. UN human rights treaty bodies, the UPR and Cambodian civil society have laid out a range of recommendations that may assist with reducing and preventing statelessness in Cambodia (see also Annex).¹⁰⁰ This section builds on these recommendations when considering opportunities for the reduction and prevention of statelessness in the country.

Some significant barriers exist in Cambodia to the effective resolution and prevention of statelessness. The first relates to a lack of knowledge and awareness about the phenomenon, including among many key stakeholders, such as authorities, development partners but also in civil

society. Most fundamental perhaps is the lack of official acknowledgement of the existence of statelessness in Cambodia, which in turn has flow-on effects on statistical data gathering, social service delivery and more. Despite an increase in overall awareness among a small sub-set of actors, a lack of reliable and comprehensive (public) data about affected populations has inhibited more coordinated action. Furthermore, issues of citizenship and legal identity are frequently considered 'sensitive', further nurtured by negative public attitudes vis-à-vis certain minority populations. As a consequence, many stakeholders do not want to talk about or otherwise work on the issue. Tackling these sentiments and discrimination requires careful and context-sensitive approaches that adhere to do-no-harm principles. It also necessitates leadership and change agents from both Cambodia's majority population and affected communities themselves. These remarks point to a longer-term strategy for the reduction and prevention of statelessness.

100 Nationality For All, Women Peace Makers, Gender and Development for Cambodia, and Khmer Community Development (2023) '46th Session of the Universal Periodic Review: Cambodia', Joint Submission to the Human Rights Council, UPR Country Submissions. <https://nationalityforall.org/wp-content/uploads/2024/02/Cambodia-UPR_Statelessness_Final.pdf>

However, shorter and mid-term solutions are available to improve the situation of affected populations and gradually chart a way to reduce and prevent statelessness in Cambodia. There has been some considerable movement in the past years. The ‘foreigner’ census, new permanent resident cards and instructions to local authorities demonstrate that the government deemed necessary more centralised, regulatory action regarding affected populations on Cambodian territory. Yet, as it stands, the PRCs do not provide any significant benefit to their holders, other than that they are required to have one to avoid penalties. This affects particularly communities of Vietnamese origin. Certain ministerial instructions seem to indicate that this is not necessarily the intention. Clarifying and effectively implementing the legal rights associated with the PRCs could provide their holders with much needed access to rights and services, including in relation to education, employment, health care and other basic services.

The new CRVSID law in particular provides a tangible opportunity to make civil registration universal in Cambodia, extending its coverage to hitherto excluded stateless communities. Effective and non-discriminatory access to birth and marriage registration would go a long way to addressing self-generated problems associated with administrative requirements for legal status and citizenship in Cambodia. Fully universal coverage, however, will require a more systematic assessment of current inequalities in civil registration, raising awareness among and providing support to stateless communities and those at risk of statelessness, as well as building capacities and providing clear instructions

to local authorities, who will ultimately implement the new civil registration regime.

These efforts should also be linked to promoting universal and non-discriminatory access to public education for all children regardless of whether they have sufficient proof of identity, including ethnic Vietnamese children. Linking access to public education to the possession of a birth certificate, while simultaneously not addressing inequalities in civil registration has, in practice, excluded many children from accessing public schooling. This is further reinforced by the entrenched legacies of social exclusion and lack of awareness among poor stateless households about the benefits of education. Education for all is therefore a key ingredient to broader action on statelessness. This requires making inclusive education for all stateless children a reality and ending exclusion from education based on lack of nationality or proof of legal identity. Inaction risks perpetuating educational disadvantages and statelessness, which further contribute to intergenerational poverty. This situation in turn threatens Cambodia’s commitment to the SDGs and its own sustainable development agenda.

While improvements in CRVS will be particularly useful for the next generation, including those inheriting the statelessness status from their parents, further action is required to address the predicaments of the adult stateless population. Access to (proof of) nationality alone will not overcome entrenched discrimination and social exclusion, but it is one step towards improving access to rights, opportunities and protections. Several pathways to citizenship already exist under Cambodia’s

current legal framework and may be realised if underpinned by assistance efforts and met with political willingness. First, public acknowledgement that Khmer Krom residents of Cambodia are Cambodian nationals needs to be followed up with concrete action to facilitate access to proof of nationality, including for individuals who struggle to comply with evidentiary requirements. More flexibility in the way administrative requirements are applied would ensure that Khmer Krom can regularise their legal status and access proof of Cambodian nationality, including by recording their true name and place of birth in identification documents. Again, this requires clear instructions, targeted awareness-raising and capacity development among local authorities.

Second, it is important that pathways to Cambodian citizenship are enacted in a non-discriminatory manner for long-term, often multigenerational residents, as stipulated under Cambodian laws. Many individuals may already qualify for Cambodian nationality and should gain access to proof of their nationality. Prominent examples include children of mixed marriages with at least one Cambodian national parent, who may struggle to get their citizenship confirmed, especially if they have Vietnamese names or live in predominantly Vietnamese communities. Moreover, children born to parents who were also born in Cambodia and hold the new resident cards are Cambodian nationals by birth, in accordance with Article 9(2) of the Nationality Law, and should be recognised as such. Finally, the first cohort of those who received the new resident cards will soon reach the seven-year mark, whereupon it is said they become eligible to apply for naturalisation. In response, the procedures

for naturalisation need to be made more transparent and accessible. Additional measures may be considered to ensure that children born in Cambodia who would otherwise be stateless have the ability to acquire nationality and have access to identity documents. The ratification of the two statelessness conventions could also be considered, as they provide an already existing framework not only for the protection of stateless persons but also for the reduction and prevention of statelessness.

This report has shown that much of the phenomenon of statelessness in Cambodia is in situ and relates to historical exclusion from citizenship. This situation requires broader, deeper and more context-specific strategies in furtherance of local solutions for the reduction and prevention of statelessness. Responses need to consider the root causes of social exclusion and tackle the public sentiments and socio-political conditions sustaining this exclusion, including raising awareness and learning from creative community-level solutions to some of these issues. Careful engagement with public concerns with respect to the inclusion of particular groups is necessary, but so is building wider country-level coalitions of actors and listening to the voices of affected people themselves.

Annex

Relevant Recent UN Human Rights Treaty Body Concluding Observations and Recommendations (2010-2022), and UPR Recommendations (1st to 3rd Cycle)

Treaty Body	Findings	Recommendations
<p>Committee on Elimination of Racial Discrimination (CERD 2010)</p> <p>CERD/C/KHM/CO/8-13</p>	<p>18. While noting that the State party has repeatedly affirmed that Khmer Krom are considered Cambodian citizens, the Committee is concerned that the process for individual Khmer Krom to document their citizenship is more burdensome than for other Cambodian citizens. The Committee is further concerned that an individual Khmer Krom's affirmation of his/her Cambodian citizenship is therefore delayed or denied resulting in his/her not being given full and equal rights and benefits as provided under the State Party's Constitution and laws (art. 5).</p>	<p>18. The Committee recommends that the State party ensure that each individual Khmer Krom who seeks to affirm and document his/her citizenship is able to obtain citizenship documents in a timely manner and under identical and equal procedures that exist for all persons deemed to be Cambodian citizens.</p>
	<p>19. The Committee has received information that in applying for Cambodian identification / documents, Khmer Krom individuals are either required or feel compelled to change essential information, such as name and place of birth, in order to secure their document (art. 5)</p>	<p>19. Considering that the name of an individual is a fundamental aspect of the cultural and ethnic identity and that personal histories, including date and place of birth, are also part of this identity, the Committee strongly recommends that the State party take the necessary measures to ensure that Khmer Krom who seek to confirm their citizenship fully enjoy their rights to record their true name and place of birth if they so choose.</p>

Treaty Body	Findings	Recommendations
<p>Committee on the Rights of the Child (CRC 2011)</p> <p>CRC/C/KHM/CO/2</p>	<p>Birth registration</p> <p>36. The Committee welcomes the Sub-Decree on Civil Status No. 103 of December 2000 which makes birth registration compulsory, and the significant achievements of the State party to ensure free birth registration countrywide. The Committee is however concerned that children of irregular immigrants are not eligible for birth registration, and that families of Vietnamese origin are often rejected when they try to obtain a birth certificate for their children.</p>	<p>Birth registration</p> <p>37. In light of article 7 of the Convention, the Committee urges the State party to guarantee free birth registration for all, regardless of their parent's legal status and origins.</p>
	<p>Children of Vietnamese origin</p> <p>79. The Committee is concerned that children of Vietnamese origin are still not recognized as citizens, which leads them to live in poor and segregated conditions without access to identity documents and makes them very vulnerable to trafficking and exploitation. The Committee is particularly concerned that due to their low socio-economic status, one third of girls and young women of Vietnamese origin are reportedly sold into prostitution.</p>	<p>Children of Vietnamese origin</p> <p>80. The Committee urges the State party to acknowledge that children of Vietnamese origin are subject to discrimination and to take all necessary measures to address their situation and ensure that they have effective access to birth registration, identity documents, public education and health care services. The Committee also urges the State party to provide information in its next periodic report on the measures taken to end discrimination against children of Vietnamese origin and to prevent sexual exploitation and abuse of women and girls belonging to this community.</p>

Treaty Body	Findings	Recommendations
<p>CEDAW Committee (CEDAW 2013)</p> <p>CEDAW/C/ KHM/CO/4-5</p>	<p>Nationality 30. The Committee is concerned that women of Vietnamese origin undergo considerable difficulties in the registration of births and the acquisition of Cambodian citizenship, which places them at risk of statelessness.</p>	<p>Nationality 31. The Committee calls upon the State party: (a) To intensify efforts to facilitate the birth registration of children born to Vietnamese mothers and their acquisition of citizenship; (b) To consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.</p>
<p>Human Rights Committee (CCPR 2015)</p> <p>CCPR/C/KHM/ CO/2</p>	<p>Statelessness 27. The Committee is concerned about the situation of Khmer Krom and ethnic Vietnamese people who have been residing in Cambodia for generations and who have been left stateless or lack Cambodian identity documents. The Committee is also concerned about the insufficient safeguards to ensure that children born in Cambodia who would otherwise be stateless acquire Cambodian nationality and have access to identity documents (arts. 2, 24 and 26).</p>	<p>The State party should take all measures necessary to ensure the full enjoyment of Covenant rights by all residents, including stateless persons. It should also facilitate access to identification documentation. In addition, the State party should guarantee the right of stateless children who were born in the territory of Cambodia to stateless parents to acquire a nationality.</p>

Treaty Body	Findings	Recommendations
<p>CEDAW Committee (CEDAW 2019)</p> <p>CEDAW/C/ KHM/CO/6</p>	<p>Nationality</p> <p>32. The Committee notes that the information provided by the State party that children born to foreign parents who live legally in the State party have the possibility of obtaining birth certificates, which enables them to gain access to education and health care. It remains concerned, however, about reports of difficulties faced by ethnic Vietnamese and Khmer Krom women in obtaining birth certificates for their children born in Cambodia, as well as national identity cards for themselves, which prevents them and their children from gaining access to education, employment, health care and housing. It also expresses concern about the lack of sufficient safeguards to ensure that children born in Cambodia who would otherwise be stateless can acquire Cambodian nationality and have access to identity documents.</p>	<p>33. The Committee recommends that the State party:</p> <p>(a) Ensure access to Cambodian nationality for all ethnic minority women who meet the conditions for acquiring nationality, particularly women of Vietnamese origin and Khmer Krom women, and ensure that they have access to education, employment, health care and housing;</p> <p>(b) Facilitate access to identity documentation and birth registration and certificates by stateless women and their children and ensure that government officials do not confiscate documents during the process of registration;</p> <p>(c) Ratify the Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.</p>

Treaty Body	Findings	Recommendations
<p>Committee on Elimination of Racial Discrimination (CERD 2020)</p> <p>CERD/C/KHM/CO/14-17</p>	<p>Situation of ethnic Vietnamese</p> <p>23. The Committee is concerned about the situation of people of Vietnamese origin, in particular about:</p> <p>(a) Reports of violence against ethnic Vietnamese, including a few reported cases of mob killings;</p> <p>(b) Reports of hate speech against ethnic Vietnamese, including online, and reports of hate speech during elections, including by political leaders;</p> <p>(c) Ethnic Vietnamese who are being relocated from floating villages and are reportedly being discriminated against in obtaining access to adequate housing, water and electricity;</p> <p>(d) Ethnic Vietnamese registered recently as permanent residents in Cambodia who do not have clear rights under their permanent resident cards, and who face discrimination, the denial of basic rights and services, and a lack of access to education, employment and legal protection in the criminal justice system;</p> <p>(e) Reports that, although children born from Vietnamese parents who live legally in the State party have the possibility to obtain birth certificates, in practice such birth certificates are not being issued, which leads to challenges in accessing education, health care and services;</p>	<p>24. The Committee recommends that the State party:</p> <p>(a) Consider drafting a national action plan against racial discrimination;</p> <p>(b) Take all necessary measures to protect ethnic Vietnamese from violence, and ensure the proper registration, investigation, prosecution and conviction of perpetrators of any cases of hate crimes, especially those involving violence;</p> <p>(c) Prevent hate speech against ethnic Vietnamese, including through educational campaigns on tolerance and the elimination of stereotypes, as well as the proper registration, investigation, prosecution and conviction of perpetrators of hate speech, at all levels;</p> <p>(d) Take measures to ensure that any relocations of ethnic Vietnamese are carried out following the basic principles and guidelines on development-based evictions and displacement, and ensure equal access to adequate housing, water and electricity;</p> <p>(e) Define rights under the permanent resident cards, in order to ensure access to education, employment, health care, basic services and legal protection in the criminal justice system;</p> <p>(f) Ensure the birth registration of all ethnic Vietnamese children born in the State party, and ensure the issuance of birth cer-</p>

Treaty Body	Findings	Recommendations
	(f) Challenges of ethnic Vietnamese children in accessing education (art. 5).	tificates in practice, to eliminate barriers in accessing education, health care and services; (g) Eliminate barriers in accessing education.
	<p>Situation of Khmer Krom 25. While taking note of the information provided by the State party on identity documentation for Khmer Krom, the Committee remains concerned that some Khmer Krom continue to be denied legal documents in practice, which puts them at risk of statelessness and leads to discrimination and barriers in accessing land, employment, education, health care and basic services. The Committee is also concerned that Khmer Krom are still not able to record their true name and place of birth in their identification documents (arts. 2 and 5).</p>	26. The Committee recommends that the State party ensure that the National Strategic Plan on Identification (2019–2026) addresses the specific challenges faced by minorities, including Khmer Krom, in accessing identification documents. The Committee also recommends that the State party take measures to ensure identification documents are provided to Khmer Krom, recognizing their citizenship, and allow Khmer Krom to record their true name and place of birth in their identification documents. The Committee further recommends the State party ensure equal access of Khmer Krom to land, employment, education and basic services.
	<p>Statelessness 33. The Committee is concerned by the lack of sufficient protections to ensure that children born in the State party, who would otherwise be stateless, can acquire nationality and have access to identity documents (art. 5).</p>	34. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take measures to ensure that children born in the State party who would otherwise be stateless have the ability to acquire nationality and have access to identity documents. The Committee recommends that the State party ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.

Treaty Body	Findings	Recommendations
<p>Committee on the Rights of the Child (CRC 2022)</p> <p>CRC/C/KHM/CO/4-6</p>	<p>Birth registration and nationality</p>	<p>19. Taking note of target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:</p> <p>(a) Strengthen its efforts to achieve universal registration, including through the expansion of electronic registration systems throughout the State party, capacity-building of officials on the use and management of electronic systems, introduction of mobile registration units in rural areas, and public awareness-raising on the importance of birth registrations;</p> <p>(b) Prohibit the practice of informal fees for the issuance of birth certificates;</p> <p>(c) Ensure that all children, including Khmer Krom, ethnic Vietnamese and migrant children, have access to birth registration and identity documents;</p> <p>(d) Develop a procedure to determine statelessness in order to properly identify and protect stateless children;</p> <p>(e) Consider ratifying the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.</p>

Treaty Body	Findings	Recommendations
	<p>Concerning children belonging to minority or indigenous groups, under Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)</p>	<p>44. Noting with deep concern the discrimination faced by children belonging to minority or indigenous groups, which places them in particularly vulnerable situations, the Committee recommends that the State party combat discrimination faced by children belonging to minority or indigenous groups, including children of Vietnamese origin and Khmer Krom children, and ensure their full and equal access to birth registration and identity documents, health care, adequate housing, education and all other services.</p>
<p>Human Rights Committee (CCPR 2022)</p> <p>CCPR/C/KHM/CO/3</p>	<p>Non-discrimination</p> <p>14. The Committee remains concerned about the discrimination and systemic exclusion faced by ethnic minorities, in particular Khmer Krom and Cambodians of Vietnamese origin, including the denial of identity documents, which limits their access to other rights. The Committee is also concerned about the discrimination, segregation and stigma faced by persons with disabilities, as well as by lesbians, gays, bisexuals and transgender persons, which often entails violence (arts. 2 and 26).</p>	<p>15. The State party should:</p> <p>(a) Adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination, in all spheres, in both the public and the private sectors, on all the grounds prohibited under the Covenant, including race, colour, sex, political or other opinion, national or social origin, sexual orientation and gender identity, disability, or any other status, and ensure access to effective and appropriate remedies for victims of discrimination;</p> <p>(b) Take effective measures to combat discrimination and exclusion against ethnic minorities, in particular Khmer Krom and Cambodians of Vietnamese origin, including by ensuring that they have access to identity documents; [...]</p>

Universal Periodic Review (UPR) – Recommendations (1st to 3rd Cycle)

The 4th cycle was underway at the time of writing this report, and a number of relevant recommendations were made to Cambodia of relevance to statelessness, identification, universal birth registration and non-discrimination (A/HRC/57/17, May 2024).

Rec	Code	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
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

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