



អង្គការការពារសិទ្ធិជនជាតិភាគតិច Minority Rights Organization

(Human Rights Respect, Legal Protection, Peace & Development for Minorities)

Research Finding Statelessness Minority Groups in Cambodia Takeo, Kampong Chhnang, and Pursat Provinces

2016

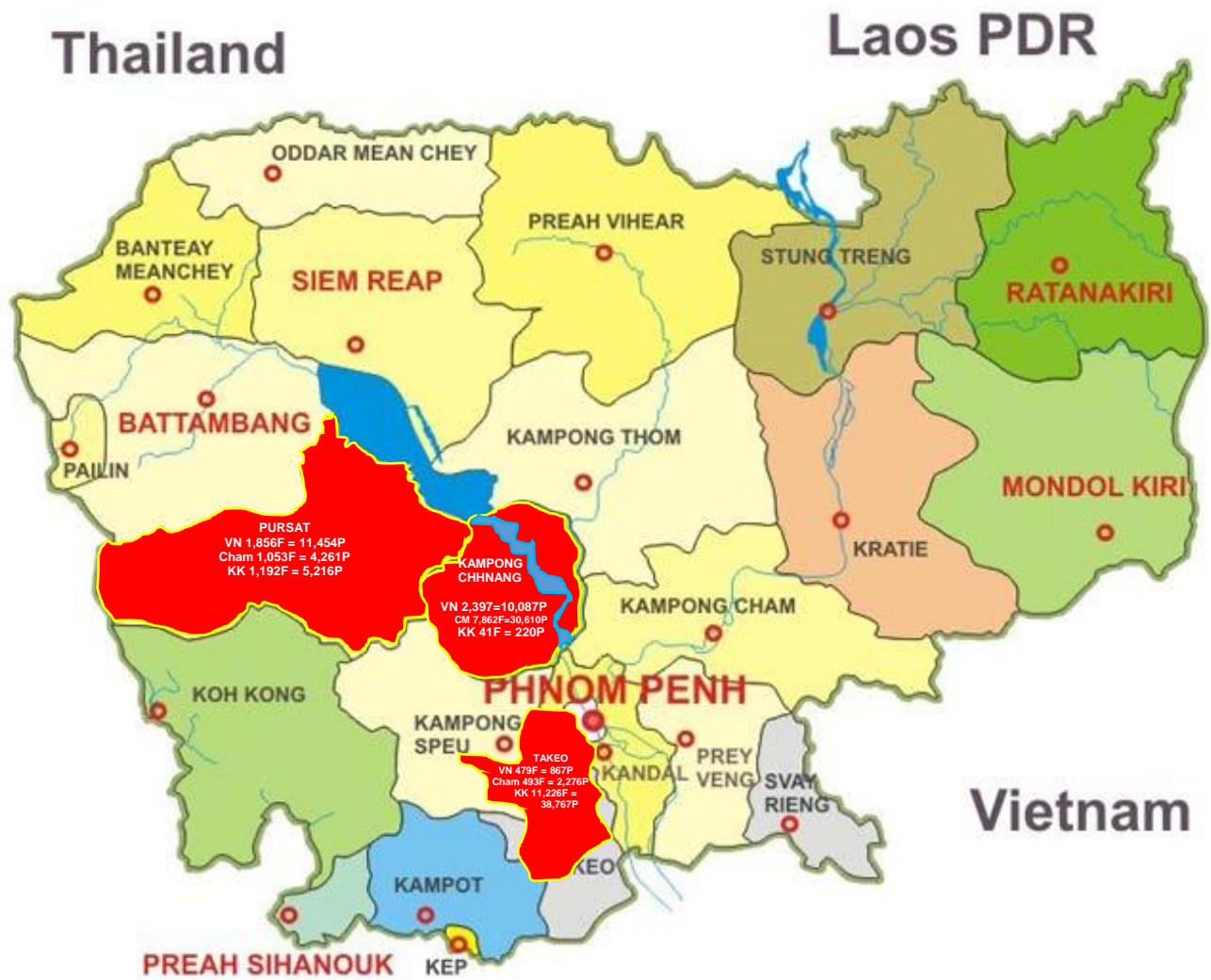


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1-Introduction

1.1-Background of the Study

Located in Southeast Asia with a population of 15.14 million (NIS, 2013), Cambodia has ratified variety of conventions to help improving national development. Cambodia is a state party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol and ratified on 15 Oct 1992, but did not ratify the 1954 Convention relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness¹. Statelessness is an issue that persists in the country and it's also a part of the world. However, Cambodia has to play important role to prevent and reduce stateless person and protect their right through various mechanism. In the last decade, stateless persons in the country remain a significant issue. It's one of many concerns that need overcome in the next future.

Stateless persons including Vietnamese and Khmer Krom who are living in the country have been considered as one of the many persisting challenges in Cambodia society. As one of the many developing countries in South East Asia, Cambodia is acutely met with the complexity of the issue; Statelessness in Cambodia has been a matter of significant concerns for the last decade. It's become a political agenda for political parties in the country. Especially, the ethnic Vietnamese in Cambodia is one of the minority groups most at risk of statelessness while the Khmer Krom has the same situation.

At the present, the exact number of stateless people is not known, but UNHCR estimates that there are at least *10 million* globally situated in all regions of the world. Approximately one third of these are children. Otherwise, the statistics reveals that there were 1.4 million stateless persons or persons at risk of statelessness in Asia and included Vietnam (11,500)² but exact number of stateless persons in Cambodia was unknown or not addressed. The statelessness of these persons leaves them socially disadvantaged in being unable to economic rights and entitlements afforded to those with a nationality. Hence, this research greatly felt the need to investigate such situation in the country, what disadvantages to the stateless persons, and what interventions have been

¹UNHCR REGIONAL BUREAU FOR ASIA AND THE PACIFIC FACT SHEET,LIST OF STATE PARTIES TO THE CONVENTIONS IN ASIA / PACIFIC on September 2014,p:7

²Ibid., at p:2

undertaken by both government and non-government organizations in Cambodia to address this issue. It is therefore for these reasons that this study was conducted.

2-Aim of the Study

The study aims to achieve the following objectives: 1) Research on the situation in relation to legal documents among ethnic Vietnamese and Khmer Krom Refugee, and 2) Meet the expected outputs through collecting legal status and the possession of identification papers of Vietnamese minority members and Khmer Krom in various communities in three provinces.

3-Scope and Limitation of the study

This study has focused on legal documents among ethnic Vietnamese and Khmer Krom Refugee in Cambodia. To define its scope, the study has concentrated on those ethnic groups who are living in the country. The study further identified not only legal status but included their possessive rights.

4-Methodology

Supplemented using baseline research from 2014 and current desk-research, we will collect data by individual in-depth-interviews with long-term ethnic Vietnamese communities, Khmer Krom refugees and relevant authorities over two four-day trips to each province. Project teams will collaborate with advisors to design questionnaire forms, map geographies, and questionnaire testing. There have been four interviewers (three from Phnom Penh and one base in the province). We've estimated around 120 respondents in each province. All of the information has been entered into SPSS. SPSS is one of applications has been used to analyze data with major support of MS Excel. This is a study in which structured questionnaire is used. The interviewer interviewed respondent face-to-face at a convenient place, mostly in the respondent's house. There were 414 respondents have been interviewed in three provinces, which the minority ethnics are 402 and local authorities are 12. Furthermore, the study is also extracted some main parts of Law on Cambodian nationality and international laws to be references in this study.

5-Study Areas

The study was conducted in three provinces; namely Takeo (123), Kampong Chhnang (123) and Pursat (137). It is noted that 19 questionnaires were not mentioned the name of any province, so they are not included here.

6-Significance of the study

The research findings of this study will be very helpful and significant in the following manners: First, the study will illustrate what documents are ethnic Vietnamese and Khmer Krom Refugees available for their living in Cambodia as well as identify their possessive papers to address their possessive rights. Thus, it will be significant first and foremost to the Royal Government of Cambodia, as well as to various concerned Non-Governmental Organizations (NGOs) operating in the country-especially MIRO organization in their efforts to raise the level of awareness of these ethnic groups in Cambodia society, and in an effort to reduce and prevent stateless persons.

Second, the study will also benefit directly to the NGOs especially those who are working towards the protection of stateless peoples particularly those who from Khmer Krom refugee (Cambodian citizenship) and Vietnam minority group. This study described how their living condition in Cambodia is. Such findings allow them to explore understanding of legal rights in the country, thus giving them base line information on how they can help these groups to stay legally and access to nationality according to national laws.

Finally, this study will serve as the tool to fill in the gaps between the government and non-governmental organization's effort in order to reduce and prevent stateless person and protect their rights in Cambodia by setting up specific action plans which will also bring the stateless persons to a better situation and following the national and international laws.

7-Literature Review

Migration has become a common concern for almost all countries in the world. The movement of people within a country or across its borders is an important policy issue, particularly in the framework of globalization and integration. The flow of capital, commodities and information across national borders is currently unavoidable. Along with this flow, the movement of people and workers from their places of origin in search of better economic opportunities elsewhere is increasing. It is important for every country to manage migration effectively and to protect the legal rights of migrants. Nowadays, those migrants become the statelessness people in the world. Moreover, today, Cambodia itself has been challenging with this issue that Cambodian government should be solved this.

7.1-Definition Term of the Statelessness

In the year of 1951, the United Nations General Assembly has done the Conference of Plenipotentiaries to draft an international treaty on refugees and stateless persons and the Convention relating to the Status of Refugees was adopted that year, the international negotiations on the protection needs of stateless persons continued. On September 18, 1958, the Convention relating to the Status of Stateless Persons was adopted and entered into force on 6 June 1960. It establishes a framework for the international protection of stateless persons and is the most comprehensive codification of the rights of stateless persons yet attempted at the international level. The 1954 Convention's most significant contribution to international law is its definition of a "stateless person" as someone "who is not considered as a national by any State under operation of its law." (Introductory note by the Office of the United Nations High Commissioner for Refugees, Geneva, May-2014 Retrieved on 04-August-2016 from <http://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>). For those who qualify as stateless persons, the Convention provides important minimum standards of treatment. It requires that stateless persons have the same rights as citizens with respect to freedom of religion and education of their children. As quote from Text of the 1954 Convention relating to the Status of Stateless Persons:

Article 1 definition of the term "stateless person"

1. For the purpose of this Convention, the term "stateless person" means a person who is not considered as a national by any State under the operation of its law.
2. This Convention shall not apply:
 - (i) To persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance so long as they are receiving such protection or assistance;
 - (ii) To persons who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country;
 - (iii) To persons with respect to whom there are serious reasons for considering that:
 - (a) They have committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provisions in respect of such crimes;

- (b) They have committed a serious non-political crime outside the country of their residence prior to their admission to that country;
- (c) They have been guilty of acts contrary to the purposes and principles of the United Nations.

Because of protection as a stateless person is not a substitute for possession of a nationality, the Convention requires that States facilitate the assimilation and naturalization of stateless persons. Thus, the 1951 Convention relating to the Status of Refugees, the 1954 Convention explicitly excludes individuals when there are serious reasons for considering that they have committed a crime against peace, a war crime, a crime against humanity, or a serious nonpolitical crime abroad. The Office of the United Nations High Commissioner for Refugees has been mandated to assist stateless refugees since it was established on 1 January 1951. Since the 1954 Convention and the 1961 Convention on the Reduction of Statelessness entered into force, a series of General Assembly Resolutions and Conclusions adopted by the Executive Committee of the High Commissioner's Program have given UNHCR a leadership role in assisting non-refugee stateless persons as a distinct population of persons of concern (Introductory note by the Office of the United Nations High Commissioner for Refugees, Geneva, May-2014).

7.2-Legal Framework Context

The 1954 Convention is most significant contribution to international law is its definition of a *“stateless person” as someone “who is not considered as a national by any State under operation of its law.”* The 1954 Convention relating to the Status of Stateless Persons is of critical importance today as millions of people around the world continue to face many serious difficulties because they are stateless. In light of the High Commissioner's call to eliminate statelessness by 2024, UNHCR is renewing its efforts to motivate States to agree to both statelessness treaties. The 1954 and 1961 Statelessness Conventions comprise the specific body of international law for protecting the human rights of stateless persons, and for the prevention and reduction of statelessness (Introductory note by the Office of the United Nations High Commissioner for Refugees, Geneva, May-2014 Retrieved on 04-August-2016 from <http://www.unhcr.org/protection/statelessness/3bbb25729/convention-relating-status-stateless-persons.html>). According to the text of the 1961 Convention on the Reduction of Statelessness, The Convention on the Reduction of Statelessness was adopted on 30 August 1961 and entered into force on 13 December 1975. It complements the 1954 Convention relating to the Status of

Stateless Persons and was the result of over a decade of international negotiations on how to avoid the incidence of statelessness. And, these two treaties form the foundation of the **international legal framework** to address statelessness, a phenomenon which continues to adversely affect the lives of millions of people around the world. The 1961 Convention is the leading international instrument that sets rules for the conferral and non-withdrawal of citizenship to prevent cases of statelessness from arising.

By setting out rules to limit the occurrence of statelessness, the Convention provides effect to article 15 of the Universal Declaration of Human Rights which recognizes that “everyone has the right to a nationality.” Underlying the 1961 Convention is the notion that while States maintain the right to elaborate the content of their nationality laws, they must do so in compliance with international norms relating to nationality, including the principle that statelessness should be avoided. Through adopting the 1961 Convention safeguards that prevent statelessness, States contribute to the reduction of statelessness over time. Moreover, the 1961 Convention establishes safeguards against statelessness in several different contexts. A central focus of the Convention is the prevention of statelessness at birth by requiring States to grant citizenship to children born on their territory, or born to their nationals abroad, who would otherwise be stateless. To prevent statelessness in such cases, States may either grant nationality to children automatically at birth or subsequently upon application.

The Convention further finds to prevent statelessness later in life by prohibiting the withdrawal of citizenship from States’ nationals – either through loss, renunciation, or deprivation of nationality – when doing so would result in statelessness. Finally, the Convention instructs States to avoid statelessness in the context of transfer of territory. For all of these scenarios, the 1961 Convention safeguards are triggered only where statelessness would otherwise arise and for individuals who have some link with a country. The 1961 Convention on the Reduction of Statelessness is of critical importance today as statelessness situations and continues to arise in others. It is essential that the provisions of this Convention be widely known and that all stakeholders engage in efforts to achieve an increase in the number of accessions to the Convention, in order to address the characteristic of stateless persons around the world (Convention on Reduction of the statelessness-1961 Retrieved on 04-August-2016 from

<http://www.unhcr.org/protection/statelessness/3bbb286d8/convention-reduction-statelessness.html>).

Regarding to UNHCR (2014), how can this action be implemented? The most cost-effective way of resolving major statelessness situations is through changes to legislation or government policy, including one-off measures to recognize as nationals those populations excluded at the time of State independence. Rules for conferral of nationality can be changed so that all stateless people resident in the territory are considered nationals provided that they were born on the territory or have resided there before a particular date, or have parents or grandparents who meet these criteria. And, requirements and procedures for naturalization can also be simplified to make it easier for stateless people to acquire nationality, for instance, by reducing the required number of years of residence or by lowering or eliminating application fees. The UNHCR may help the major activities: 1) Advocate and provide technical advice for reform of nationality laws, policies and procedures to ensure equality between women and men in nationality matters. Where possible, use the opportunity of Constitutional reform processes to achieve these objectives. 2) Work with UN Women, UNICEF, OHCHR and civil society members of the Global Campaign for Equal Nationality Rights. 3) Support initiatives by the legal community to promote equality of women and men in nationality matters, including through strategic litigation aimed at achieving legislative reform or ending the discriminatory application of nationality laws. Build the capacity of legal professionals and the justice sector on statelessness and nationality issues (UNHCR, 2014). Otherwise, Cambodian laws on nationality and other relevant regulations have rarely been implemented as written. In order to facilitate an understanding of the hierarchy of Cambodian laws and regulations applicable to the focal group, the ranking of laws, as currently applied under the Kingdom of Cambodia. In the event of a conflict between legal instruments, the higher legal instrument prevails, with the highest law being the Constitution.

According to Lyma Nguyen, and Christoph Sperfeldt (2012), shows that Cambodian Constitution, laws on nationality and other relevant regulations have been implemented. Firstly, even though Cambodia's current 1996 Nationality Law governs access to Cambodian nationality, nationality laws applicable under earlier administrations remain relevant to the determination of citizenship today. Applying the applicable laws to the focal group, the following findings are made: members of the focal group born when the 1954 Nationality Law was in force, have a strong claim for recognition of a previous acquisition of Cambodian nationality, which they automatically acquired on the basis of the *jus soli* provisions of this law. No definitive assessment can be made about the status of the focal group members under the applicable Vietnamese nationality laws at the time, as

no Vietnamese nationality legislation pre-1988 could be identified or located. Secondly, Cambodian authorities do not regard members of the focal group as Cambodian nationals under the operation of Cambodia's laws, but rather have, by and large, treated them as "immigrants" or "foreign residents". In addition, the focal group has no effective access to civil registration in Cambodia, including birth registration. From the Vietnamese authorities' treatment of the focal group during their exile in Vietnam, and of others who emigrated permanently to Vietnam in more recent times, it appears that Vietnamese authorities do not currently view the focal group as Vietnamese citizens, but rather, the state leaves open an avenue for naturalization. Based on these findings, the report concludes that the focal group appears to be stateless, finding that could be confirmed through further research. Looking into the future, the report discusses ways for reducing and preventing statelessness among this group, including recognition of nationality acquired under previous laws, and makes recommendations to relevant stakeholders.

Furthermore, regarding to Khmer Krom people today, they are challenging living situation, it is important to raise awareness for this minority's "hidden problems". Initial improvement of the Khmer Krom's situation in Cambodia can be achieved if the Royal Government of Cambodia considers a formal implementation of Khmer Krom's citizenship into Nationality Law, revises the discriminating process of citizenship application and abides by its own constitution and responsibilities. Vietnamese authorities need to improve their respect for fundamental rights and religious freedom for Khmer Krom communities to maintain their distinct identity and culture (Laura Marcia Kirchner, 2015). Therefrom, article 19 of the 1996 Law on Nationality shows that only Khmer nationals have the right to receive and hold national identity cards, and passports. The acquisition of a National Identity Card is the key to engaging in civic life as it unlocks the mechanisms to enroll in voter registration, obtain birth and marriage certificates, enable a holder to work, open bank accounts, acquire land and property, open a business and receive travel documents. The acquisition of a Cambodian Identify Card is also significant in that the national ID card appears to constitute proof of Cambodian nationality.

7.3-Socio-Economic Context

According to Consular Department, Ministry of Foreign Affairs of Viet Nam (2012) states that in the context of complex developments occurring around the world and socio-economic developments within Viet Nam, new opportunities have encouraged a number of Vietnamese

nationals to migrate abroad. In recent years, migration flows have diversified significantly. The demand for living standards, incomes and social security conditions, continues to drive overseas Vietnamese migration. The development of the country as a result of 25 years of Doi Moi, together with the country's open-door policy and international integration, has gave Vietnamese to go to abroad for working, studying, visiting or residence. So, millions of Vietnamese nationals are currently working, studying and residing abroad. Migration categories are becoming increasingly as the scale of migration increases. Same as, Cambodia's Leading Independent Development Policy Research Institute (2009), shows that there is growing interest in promoting cooperation in the Great Mekong Sub-region (GMS), while the reasons for migrating for work are much the same for every migrant, the way of leaving varies greatly between different groups heading for countries within and outside the GMS. The comprising Yunan province of China, Vietnam, Thailand, Myanmar, Laos and Cambodia, there are still remarkable differences in socio-economic development among the six countries. The flows of migration from Vietnam are finding better jobs opportunity in Cambodia, Laos and Thailand has increased.

Due to Vietnam's recent history, large numbers of Vietnamese have migrated to Cambodia, whose children remain largely stateless and more vulnerable to exploitation. Vietnamese are often perceived as more diligent and beautiful by Cambodian society, fuelling the demand for Vietnamese migrants (UNIAP, 2008). Same as quotes from CCHR (2011) raises that despite Khmer Krom attempts to keep hold of their cultural and religious identity, the Vietnamese communist regime introduced measures to assimilate and Vietnamize the Khmer Krom, eroding their indigenous norms and values. At the hands of the Vietnamese government, the Khmer Krom have been subjected to religious and cultural persecution with restrictions placed on the teaching of the Khmer language and Theravada Buddhism, a form of Buddhism practiced by Khmers. Additionally, to a history of land grabbing by the Vietnamese government over the Khmer Krom's fertile Delta lands of Mekong River, the persecution has resulted in the Khmer Krom becoming an impoverished and marginalized part of Vietnamese society. Those in the Khmer Krom community who speak out against this persecution face arrest for engaging in activities that undermine Vietnam's national unity policy. As a result of these restrictions and to escape direct persecution, many Khmer Kroms leave Vietnam seeking a better life in neighboring countries, in particular Cambodia territory.

As Lyma Nguyen, and Christoph Sperfeldt (2012), shows that in the 2008 research project, all of the 70 respondents from Kampong Chhnang province indicated that they lacked Cambodian nationality and relevant documentation. It should be noted that the data formed from interviews in Kampong Chhnang province differed from data gathered in Pursat province and Kandal province, where a larger number of ethnic Vietnamese people appeared to have Cambodian ID cards. Interestingly, on the currently available information, it appears that these differences bear no relation as to whether the ethnic Vietnamese respondents were born in Cambodia or speak the Khmer language. Thus, alternative explanations may relate to attitudes of provincial authorities in issuing Cambodian citizenship documentation to minority groups and/or the economic situation and living conditions in the floating villages where respondents reside.

Moreover, regarding to Nicolas Lainez (2011), shows that being excluded from Cambodian citizenship and a majority not possessing Vietnamese nationality, they are stateless people who live in a legal and administrative void. Consequently, the Vietnamese are confronted with several administrative, socio-economic and political obstacles that prevent them from being fully integrated into Cambodian society: administrative precariousness, poor or nonexistent schooling, frequent illiteracy in the Khmer and Vietnamese languages, lack of access to professional training, and the impossibility of accessing jobs reserved for Cambodians. In addition, the economic situation of the Vietnamese populations under study is difficult. Problems of access to credit compound the problems linked to poverty.

7.4-Migration and Living Condition Related to Legal Documents

The movement of people within a country or across its borders is an important policy issue, particularly in the framework of globalization and integration. And, migration has concerned for all countries around the world. Today, the movement of people and workers from their countries of origin in search of better economic opportunities is increasing. It is important for every state to manage migration effectively and to protect the legal rights of migrants.

Migration in the Greater Mekong Sub-region (GMS), including Vietnam, is increasing due to various factors such as uneven economic development, more open borders, demographic imbalances etc. Shared history, social relationships and ethnicity are also relevant migration factors particularly in border areas. Also, there has been a ‘feminization’ of migration particularly for domestic, agricultural and factory work, but also for marriages (Ana Revenga, et.al, 2006).

According to (Lyma Nguyen, and Christoph Sperfeldt, 2012), without citizenship and other documentation, the ethnic Vietnamese of the focal group do not have access to many basic economic, political, and social rights, as a result of a lack of documentation, rather than due to any discrimination against the group on the basis of ethnicity. Participants of the Phase II Research complained that, without Cambodian national ID cards, they faced an array of legal, political, economic and social disadvantages, including difficulty accessing employment, education, health care, legal protection, registration of births and marriages, an inability to travel, own property or open a bank account, and higher taxes for fishing.

However, The Khmer Krom's struggle to retain a unique identity, culture and religion runs through their history. Living in modern day southern Vietnam they continue to be subject to oppression and persecution by the Vietnamese Government. Therefore, they escape human rights violations in Vietnam and seek a safer place in Cambodia. In theory they are recognized as citizens of Cambodia, in practice, however, they face major difficulties when it comes to receiving Khmer Identity Cards. Since they often do not find the safety they had wished for, their difficult journey finally leads them to Thailand where they are trying to receive asylum. Yet, in Thailand they are confronted with new problems. Besides complaints of discrimination it is undoubtedly true that Khmer Krom are disproportionately poor, and disproportionately lacking in education (Laura Marcia Kirchner, 2015).

The Current Situation: Citizenship Promised but not Delivered Many Khmer Krom who are determined to exercise their freedom and leave Vietnam choose to cross the border to Cambodia looking for a new life in a country that shares their cultural and spiritual identity. They come to Cambodia seeking access to their rights as Khmer people, and to live under a Khmer king whom they see as their sovereign. However, unbeknownst to many who embark on the journey, Cambodia presents a completely new set of problems. Whilst the Royal Government of Cambodia (RGC) has repeatedly and publicly declared that the Khmer Krom are considered to be Cambodian nationals and Cambodian citizens, the reality is that many Khmer Krom face insurmountable obstacles when they try to formalize this citizenship by applying for a citizens' Khmer ID cards, which are required to access employment, education, land rights, welfare and generally to unlock the rights and benefits that are attached to citizenship/nationality. In order to be considered a refugee, a person must be outside of his/her country of nationality for fear of persecution. As a result of the RGC's declaration, those Khmer Krom people who leave Vietnam are less likely to

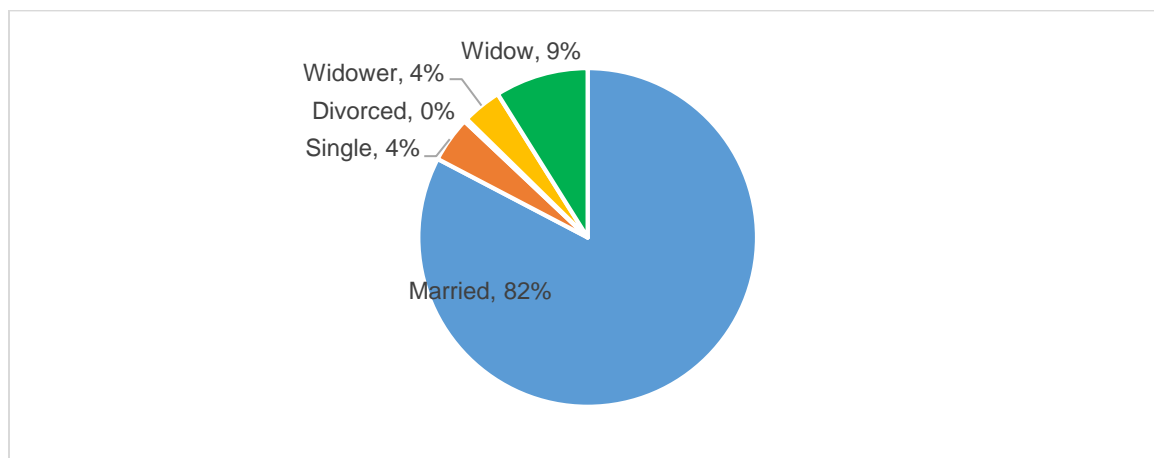
be granted asylum and/or refugee status in Cambodia or a third country (for example Thailand) unless they can show a well-founded fear of persecution in Vietnam and Cambodia (CCHR, 2011). Therefore, the majority of intra-Mekong migration happens through informal channels. Migrants largely rely on family/friend networks, or employ the services of brokers to arrange travel routes and assist in finding jobs. By some estimates, over one-half of migrants enter Thailand holding legal documentation (1-day or 7-day passes) and then overstay, becoming illegal workers. (Ana Revenga, et.al, 2006).

8-FINDINGS

8.1-Overall Context of legal documents, children and other

On average, the duration of each interview was 10 minutes, where the minimum was 5 minutes and the maximum was 35 minutes. 65.5% of interviewees consented to a photo being taken during their interviewing processes. The minimum age of the interviewees were 19 years old and the maximum age of interviewees were 85 years old; the average age was 46 years old. Further, 82% of respondents were married.

Graph 1: Marital status of respondents

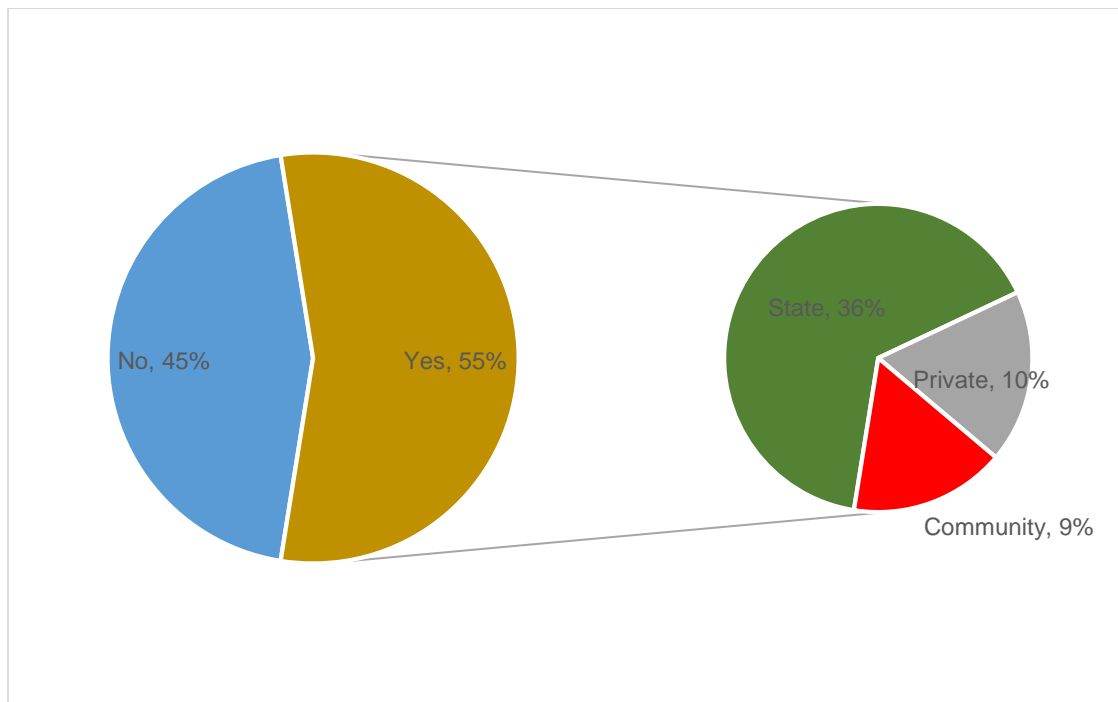


The following graph shows about respondents who have children at school. More than half of respondents have children at school. The state school has the highest percentage of children who attend school (36%).

This signal shows that the state schools are popular among the most parents. Meanwhile, the percentages of the private school and community school are close to each other (10%, 9%). Community schools referred mostly to Vietnamese community schools.

Based on the information provided by local authorities, it is interesting that all communities have schools. Importantly, 8 out of the total 12 local authorities raised that 100% of Khmer children have the opportunity to go to school. Conversely, only 6 out of the total 12 local authorities stated that only or less than 30% of Vietnamese children have the opportunity to go to school. Furthermore, 4 out of the total 12 local authorities told that only or less than 20% of Khmer Krom children have the opportunity to go to school. The main reasons for children that do not go to school included lack of legal documents, and specifically, discrimination against Vietnamese children.

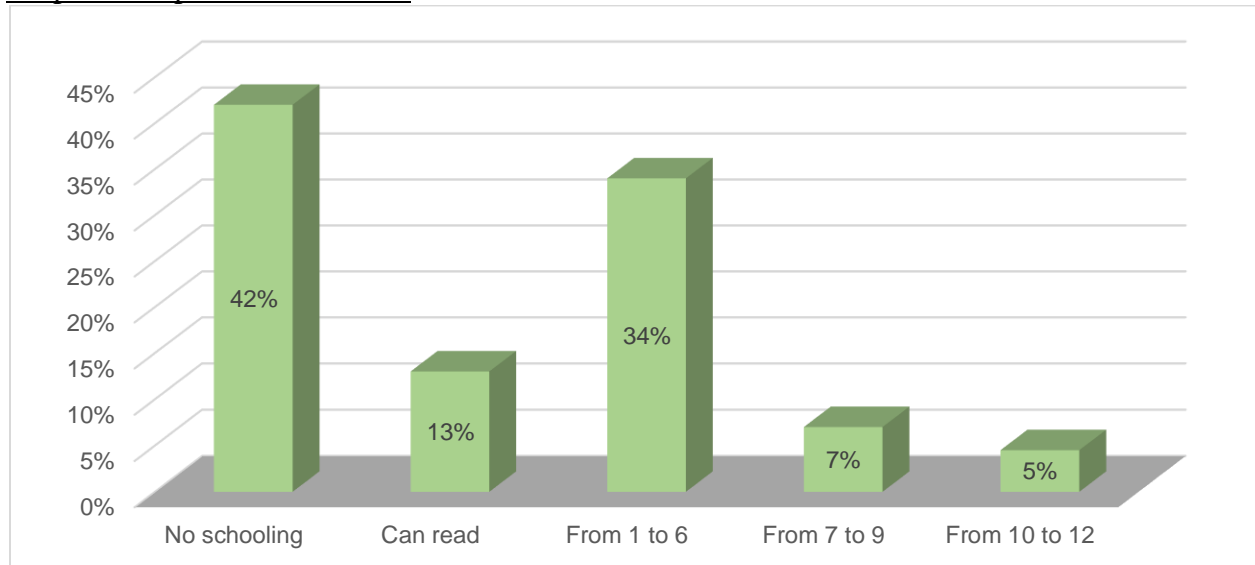
Graph 2: Children at school



Among the total respondents, 59% of them speaks Khmer language in their daily conversation, followed by 40% of them speaks Vietnamese. Graph 3 illustrates respondent education. Out of the total samples, 42% answered that they never attend school, followed by 34% who said that they study in the level of primary school. In addition, 13% of the respondents can read. Other levels of education show that less than 10% of respondents have passed both secondary and high schools.

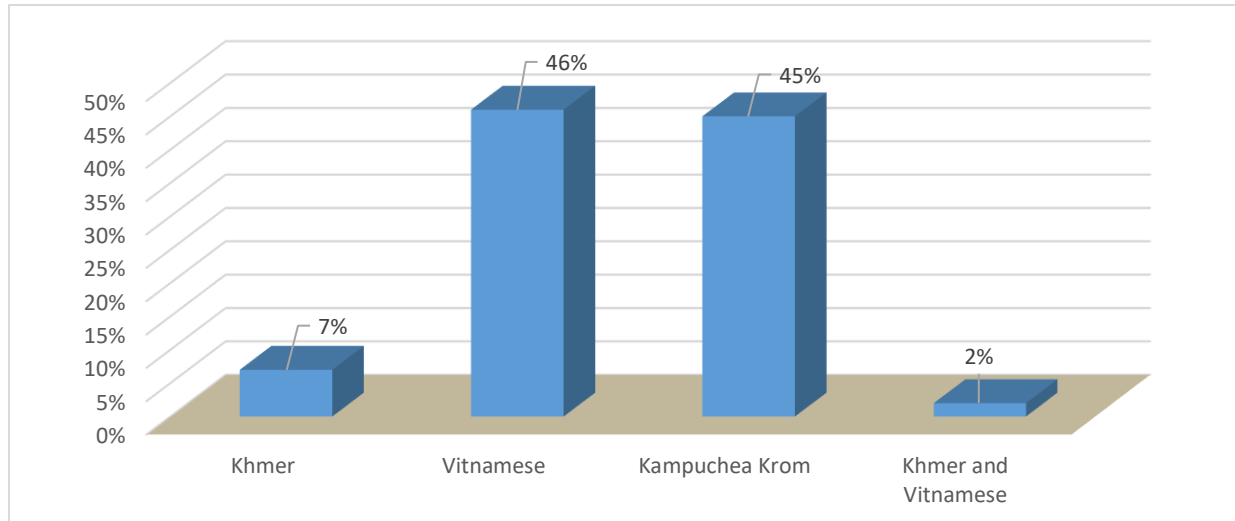
These figures demonstrate that a large percentage of the population are illiterate or have very limited education. Only 12% of the population studied has attained some level of education beyond primary school, a shocking statistics.

Graph 3: Respondent education



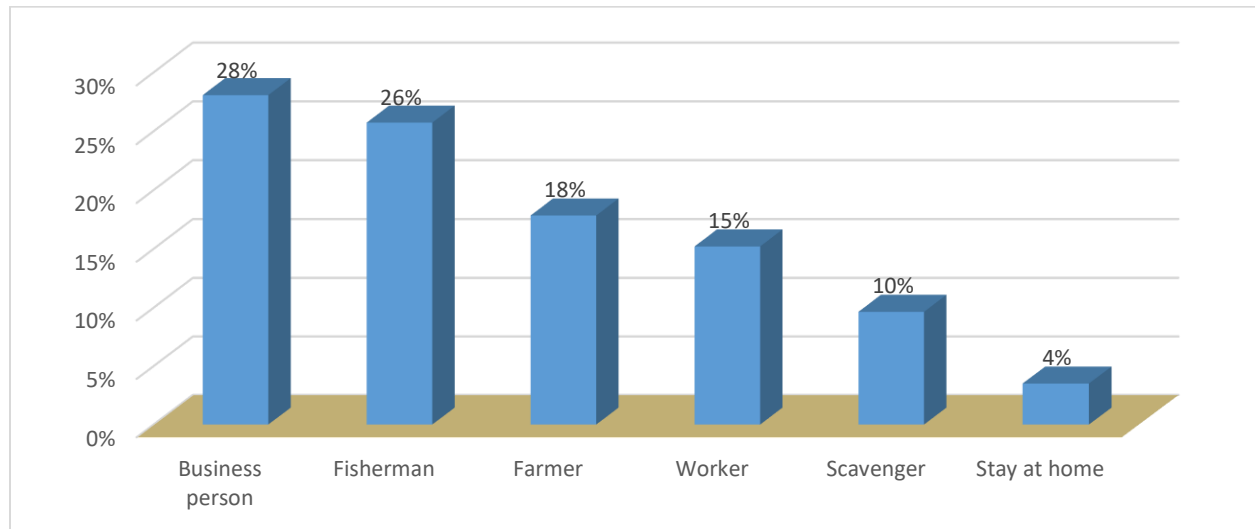
The Graph 4 below illustrates the nationality breakdown of respondents. The majority of the respondents are Vietnamese (46%), followed by Kampuchea Krom (45%). The percentage of Khmer is 7% and the percentage of Khmer-Vietnamese is not significant at 2%. In addition, 99% out of them are Buddhist; meanwhile Christianity represents only 1%.

Graph 4: Nationality



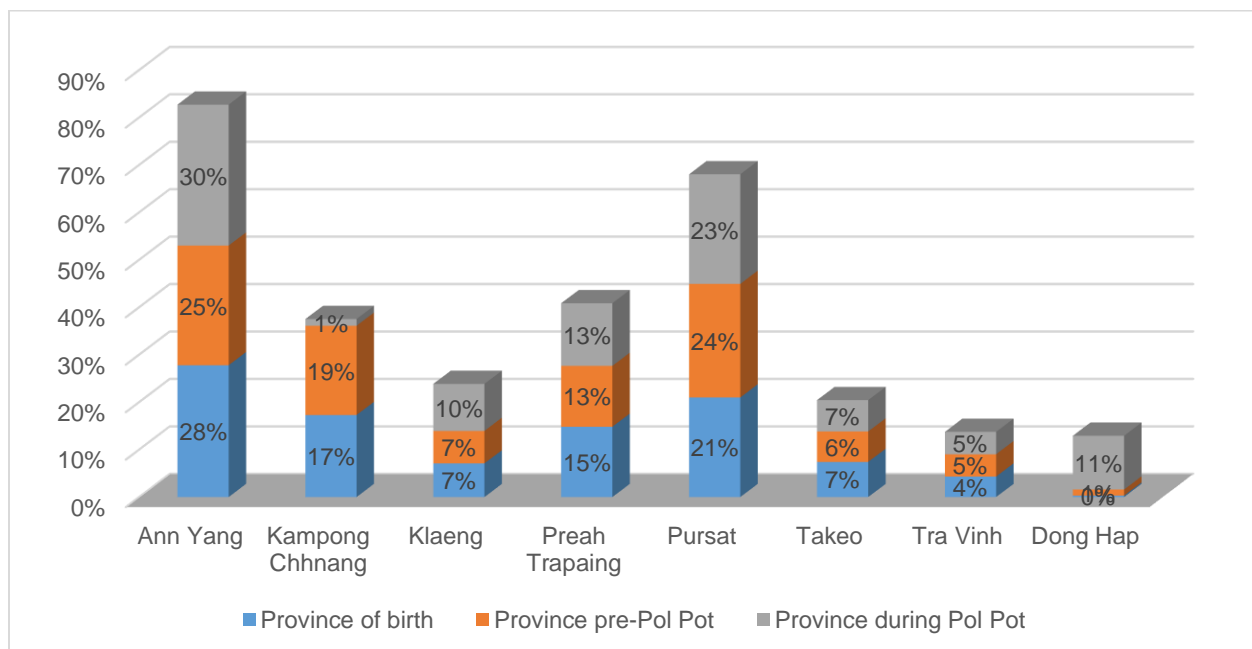
The Graph 5 indicates the main occupations of respondents. 28% out of the total respondents are business people, followed by fisherman at 26%. The percentage of farmers and workers are similar to each other, 18% and 15%, respectively. The percentage of stay at home is the least at 4%.

Graph 5: Occupation



The Graph 6 below illustrates the main provinces in which respondents were born, lived before the Pol Pot regime and during the Pol Pot regime. Out of the total samples, 53% were originally from Vietnam and 47% from Cambodia. The majority of the respondents were born in Ann Yang, 28% (Vietnam), followed by in Pursat, 21% (Cambodia). This trend is similar to the times before and during Pol Pot regime as well.

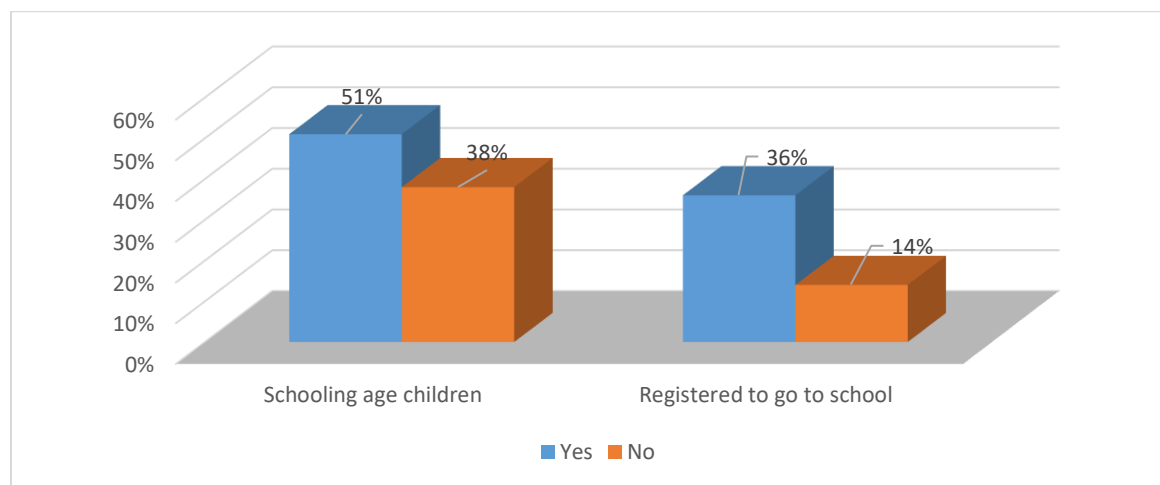
Graph 6: Provinces of birth, Pre-Pol Pot and During Pol Pot



The Graph 7 below shows the percentage of respondents who have school age children. More than half of the respondents (51%) replied that they have children who are school age. In addition, 11% of them did not provide an answer related to this question.

Interestingly, 36% out of the total samples who have schooling age children said that their children are registered to go school. In contrast, 14% of samples said that their children were not registered. The main reasons for children were not registered to go to schools included: a lack of legal documentation; Vietnamese nationality; the family does not have money; and school is far from home.

Graph 7: Schooling age children and schooling registration



The Graph 8 below shows the respondents have got the Legal Documents from Authorities, moreover, this Graph shows percentage (%) of Research Finding which related to Family Record Books, Khmer Identity Cards, Birth Certificates, Residential Books, Election Cards, Immigration Cards, ID Poor Cards, and Marriage Registration Letters.

Regarding to the Graph 8 shows the majority 31% of Vietnamese respondents has got the Immigration Cards, 25% of them have had Residential Books, and followed by 19% of them got Election Cards. However, the Graph found that 4% of Vietnamese people have got Identity Cards (Khmer ID) and 5% of them have Birth Certificate are similar to each other. Meanwhile, 11% of them have Family Record Books. And, ID Poor Card and Marriage Registration Letter are less common, 5% and 1% respectively.

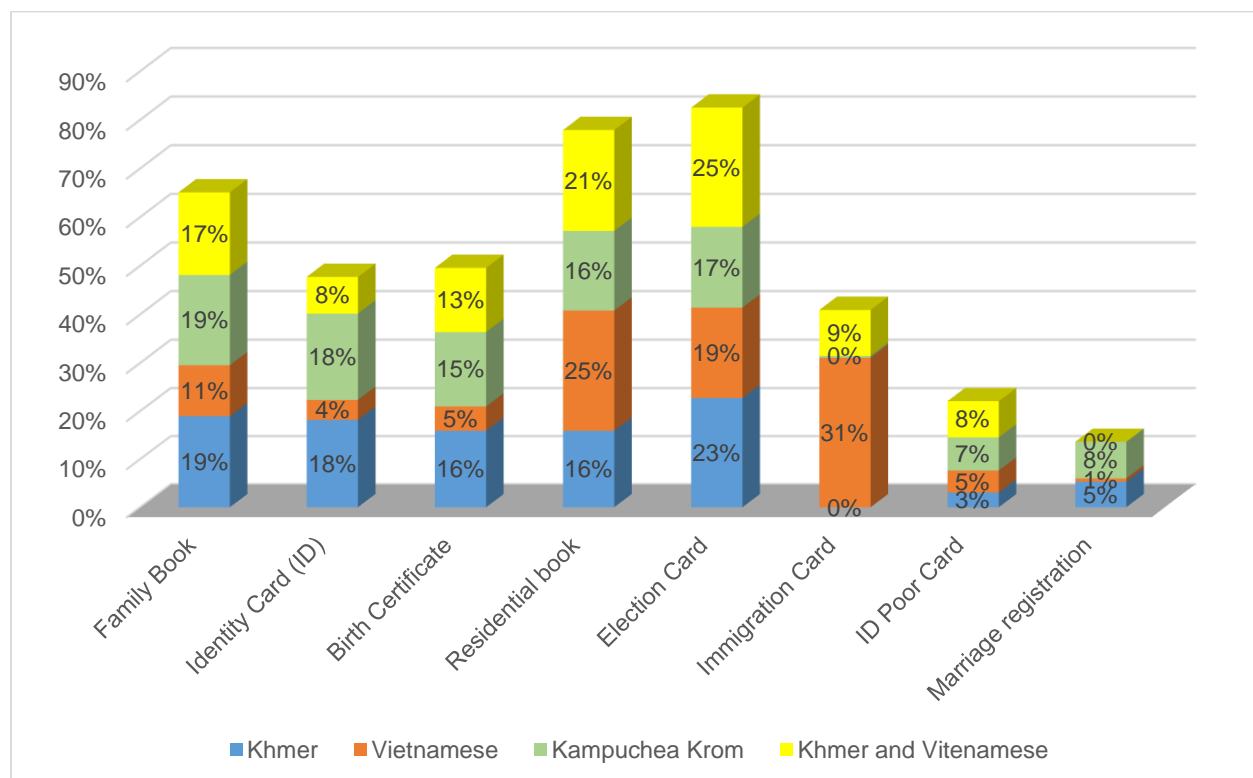
According to the Graph 8 most Khmer Krom people have a Family Record Books (19%), Khmer ID Cards (18%), Election Cards (17%), Residential Books (16%), and Birth Certificate (15%). Also, ID Poor Card and Marriage Registration Letter are less common, 7% and 8% respectively.

Therefore, the main reasons provided by people who do not possessing these documents are discrimination (34%), they don't know (33%), they don't have money (20%), and the local authority doesn't make it for them (5%).

In addition, 48% out of the total samples replied that their children have Birth Certificates and 21% of them said that their children have a Letter of Physician from hospital. The main reasons of those children who don't have these two main legal documents are their Vietnamese heritage (77%), discrimination (13%), and the local authority does not make it for them (10%).

Through comparison for the significant legal document, this Graph shows that Khmer ID Cards and Birth Certificates are the most significant for them; this Graph shows Khmer Krom people have Khmer ID Cards (18%) and Birth Certificate (15%). However, the Graph found that 4% of Vietnamese people have got Identity Cards (Khmer ID) and 5% of them have Birth Certificate that is small percentage.

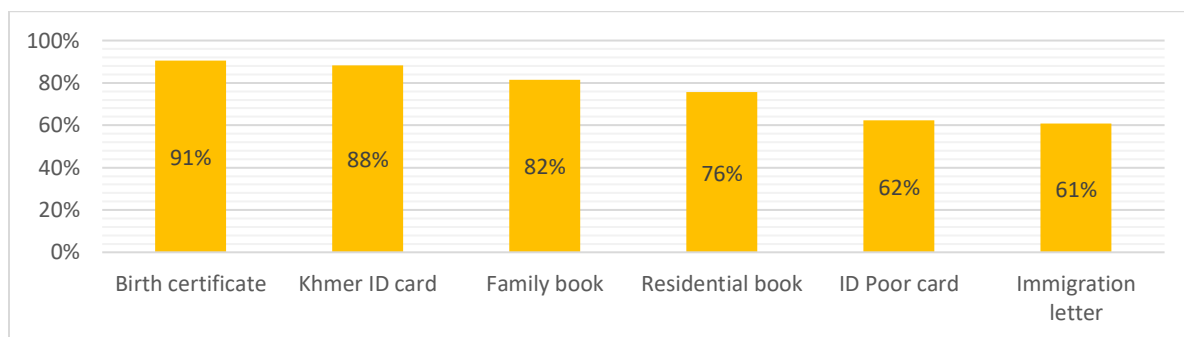
Graph 8: Legal documents that respondents have:



The Graph 9 below indicates the legal documents, which respondents needed/wanted for their living condition. In general, by looking at the result analysis, they **need all Legal Documents**. Regarding to the Graph shows Birth Certificate has the highest percentage (91%), and 88% of them need Khmer ID Cards, moreover, 82% of them need Family Record Books, meanwhile an Immigration Letter is positioned at the lowest percentage (61%).

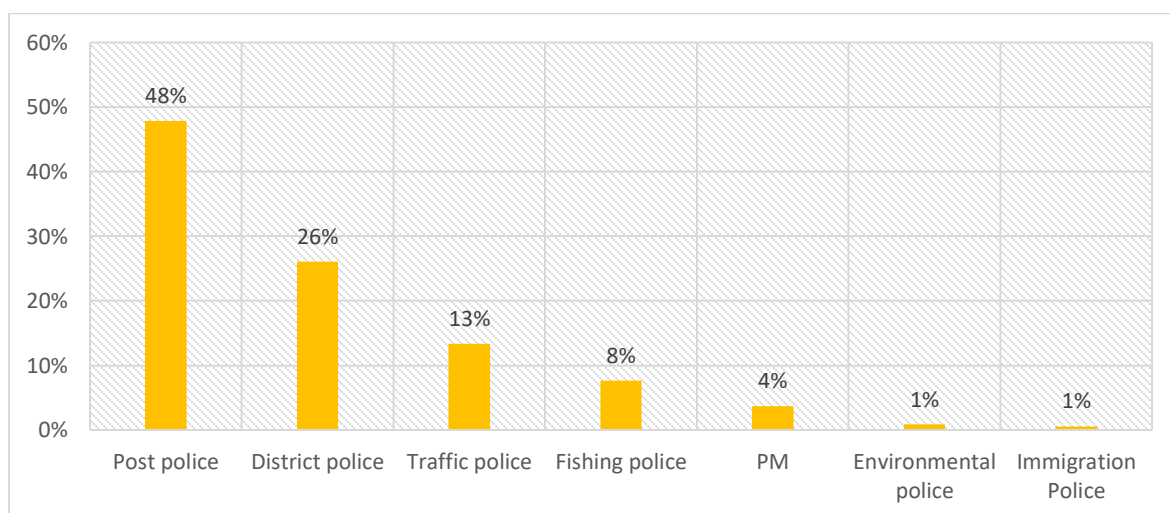
The main reasons why those respondents need them included: it becomes easier to find a job (96%), to register their children to go to school (93%) and the local authorities need those Legal Documents from them/respondents (84%).

Graph 9: Legal documents that respondents need:



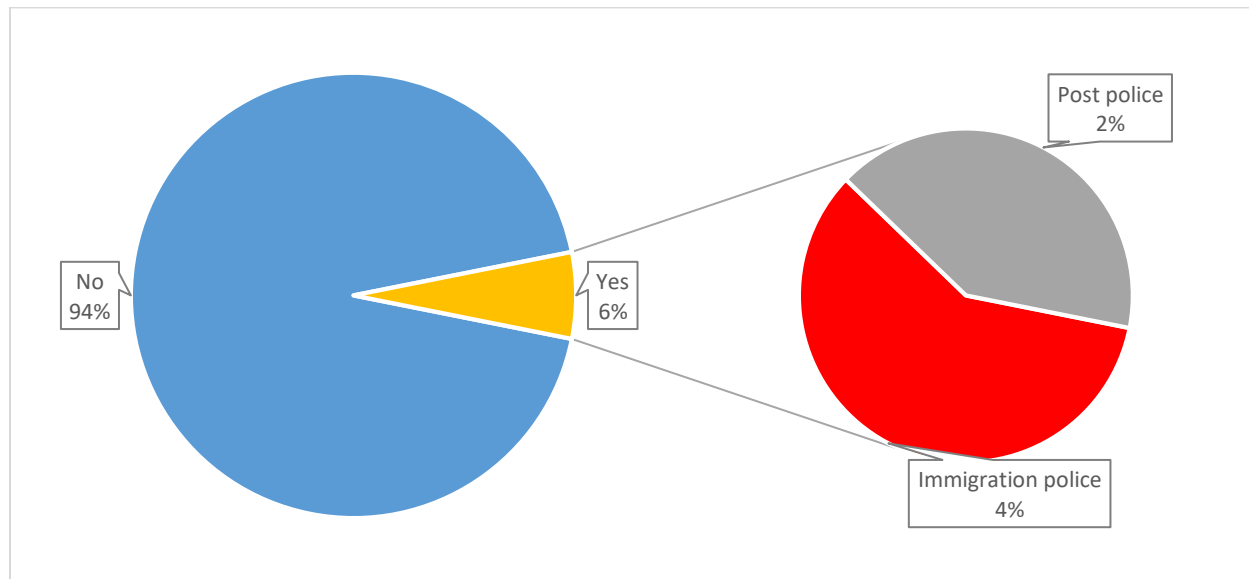
The Graph 10 below illustrates the types of authorities or police who respondents have met. Out of the total samples, 48% have met with Post Police, followed by District Police (26%). For this study, respondents said that they rarely meet with the Environmental Police or Immigration Police (1% each).

Graph 10: Have met authorities or police



The Graph 11 indicates whether the respondents have been arrested by police or not. Only 6% raised that they are used to being arrested by the police; this figure comprising immigration police (4%) and post police (2%). The main reasons of being arrested included not paying the immigration fee or illegal fishing activities.

Graph 11: Arrested by police



Based on the Graph 12 below shows suggestions of respondents ask to issue legal documents from Authorities for their living condition regarding to Khmer ID Cards, Family Record Books, Residential Books, Birth Certificates, and Immigration Cards.

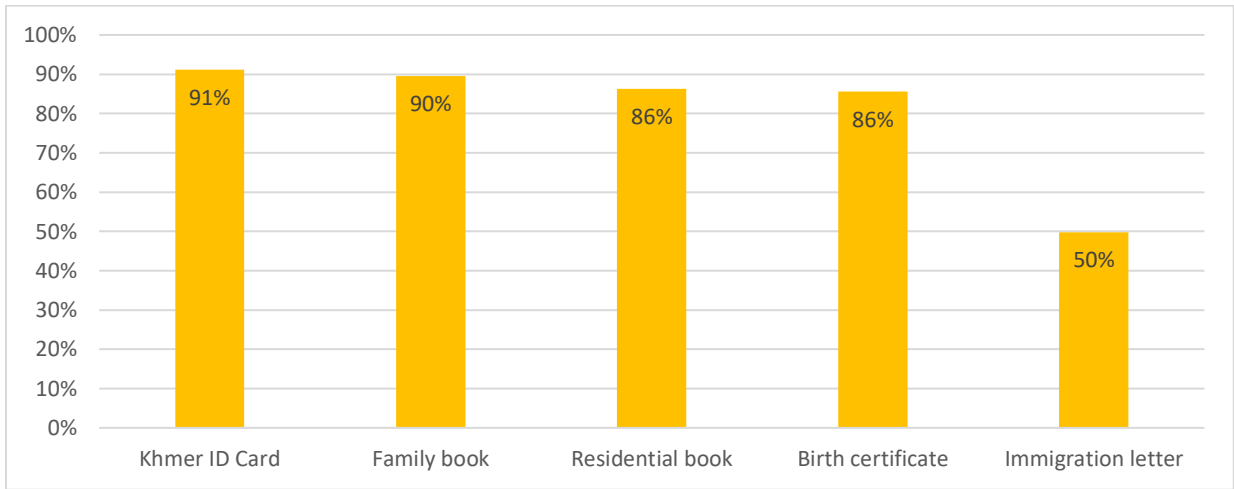
We note that 84% out of the total sample answered that they have asked local authorities or the police to issue legal documents for their families. It is noteworthy that nearly all important legal documents were asked to be issued by respondents. Most notably are the Khmer Identity Card (91%), followed by the Family Record Books (90%). Meanwhile Resident card and Birth Certificate have the same percentage (86%). Interestingly, 69% of the respondents said that local authorities helped to issue those legal documents to their families. Furthermore, 77% of the interviewees said that the local authority takes care of them.

On the other hand, 31% of respondents said that local authorities do not help them with anything. The main reasons included: discrimination based on race (Vietnamese or Khmer Krom); and that they do not have money to pay for those legal documents.

Similar to the above reasons, 21% of respondents stated that they have met discrimination from local authorities or Khmer people. The race still stands for the top of that discrimination.

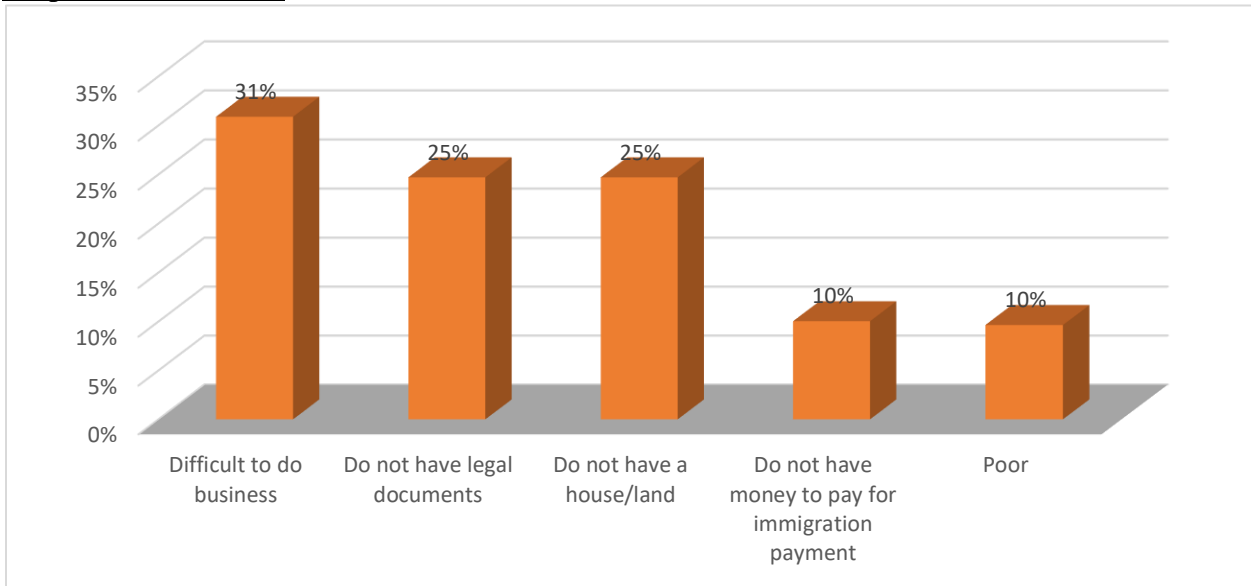
Relating to the relationship with relatives or neighbors, 7% of the interviewees accepted that they have conflicts with their relatives or neighbors. The most common arguments included: words; drinking; or house boundaries.

Graph 12: The suggestions of respondents ask to issue legal documents:



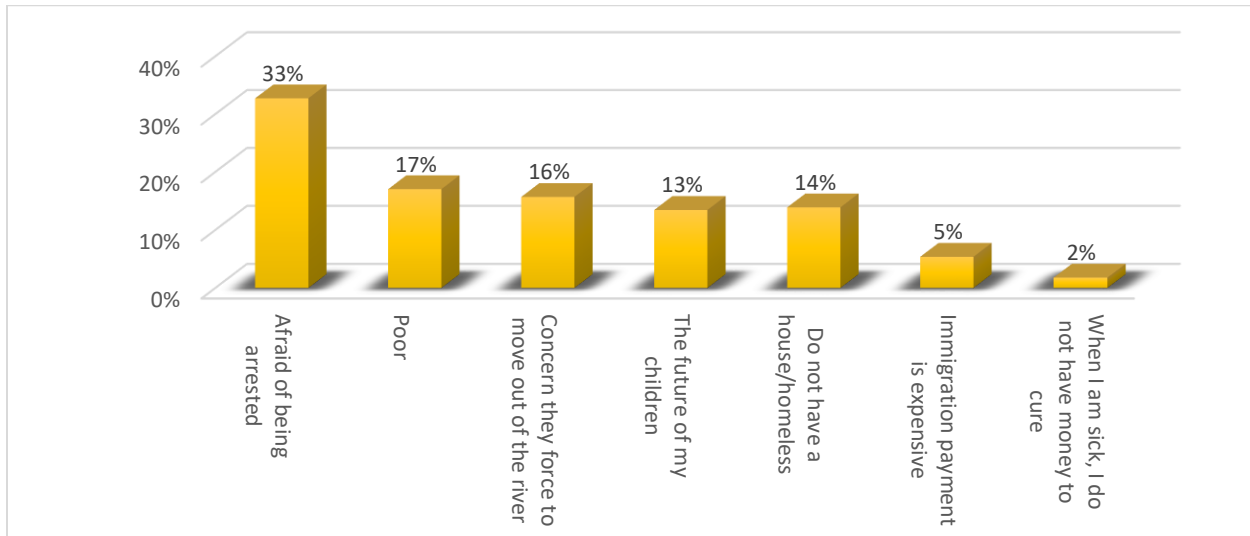
When asking about difficulties in their daily lives, difficulty in doing business stands for the highest percentage at 31%. The percentages of those who do not have legal documents and those who do not have a house/land to live are equal at 25% each. In addition, the percentages of those who do not have money to pay for immigration, and those who are poor, are equal at 10% each.

Graph 13: Difficulties



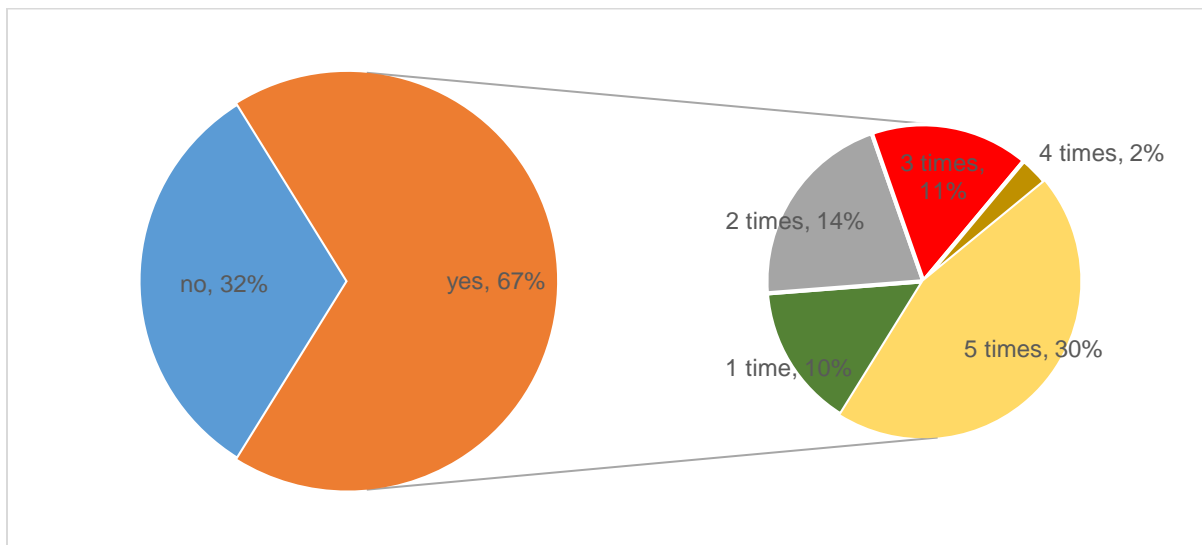
The Graph 14 demonstrates respondents' greatest concerns. Critically, 33% out of the total samples held concerns about being arrested. Those who had concern regarding being poor and being forced to move out of the river have similar percentages, 17% and 16%, respectively.

Graph 14: Concern



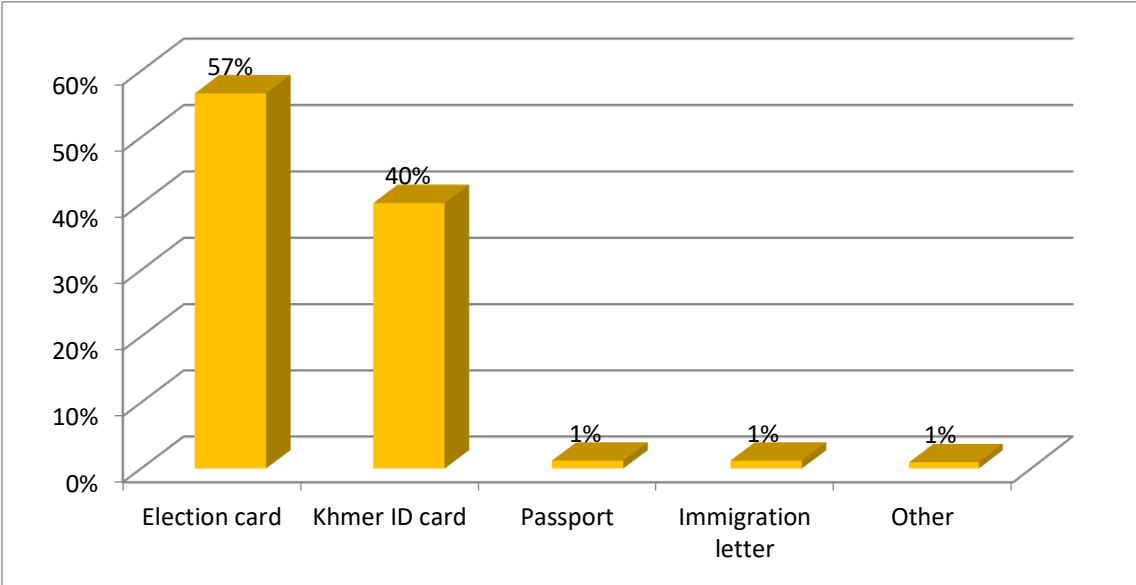
The Graph 15 below indicates the elective participation. Notably, 67% of the respondents have voted in any national election. Most of them have voted 5 times (30%) and followed by 2 times (14%). In addition, most respondents who participated in the elections went to vote in the last national election, held in 2013 (53%).

Graph 15: Election



The majority of respondents has an election card (57%) and used them for voting. Khmer ID card also has a frequent use in the elections (40%). Passport, immigration letter and other legal documents contribute a less significant importance during the election (1% each).

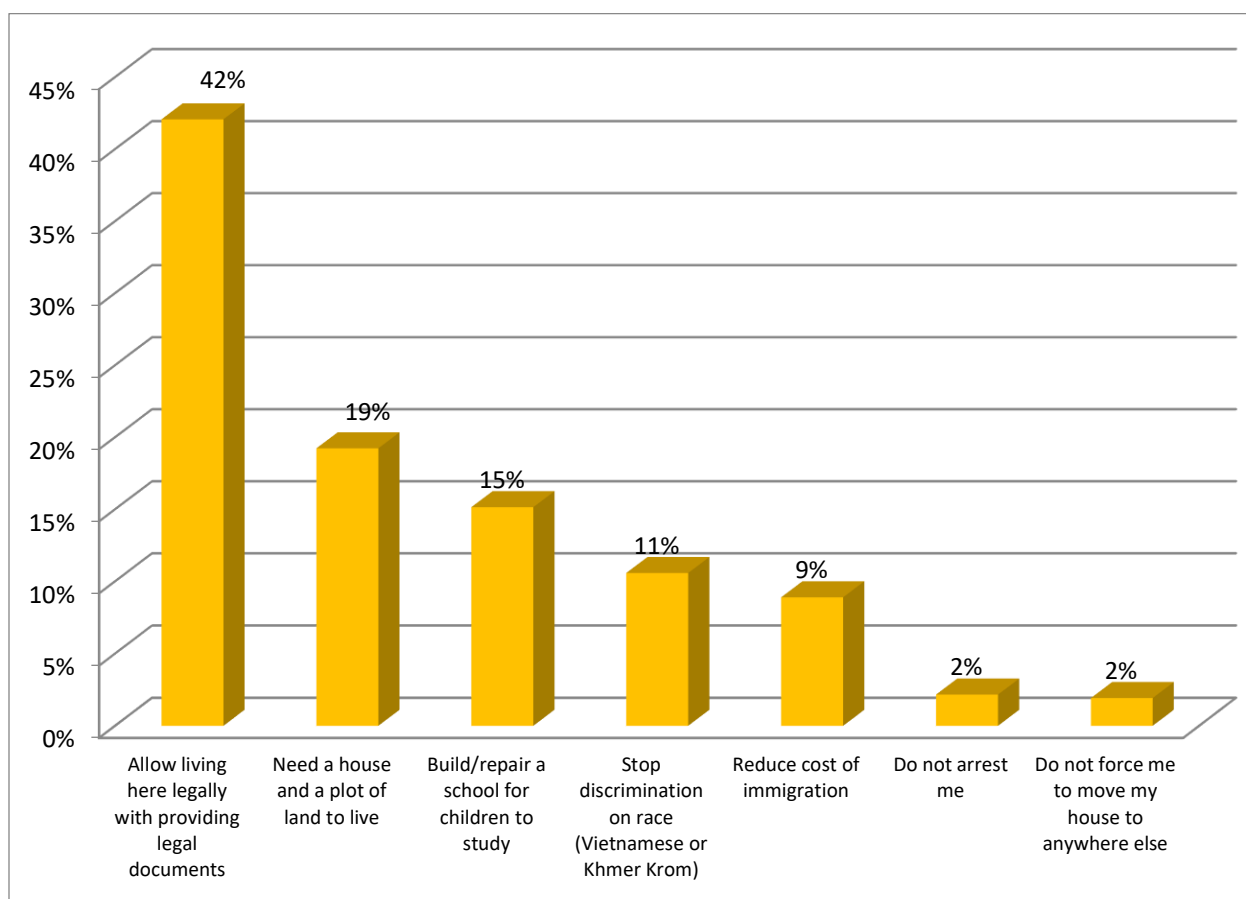
Graph 16: Document used for voting



Local authorities also provided information related to health services in their communities, 8 out of the total 12 local authorities said that most people go to the health center for getting health services and only 4 out of them stated that most people go the private physician house/clinic if they need health services. The main difficulties identified that the people in their community’s face included: providing a health service, lack of documentation and money problems.

Lastly, respondents utilized the opportunity to suggest what they want relating to their daily lives noted by our data collectors. Graph 17 below indicates the main suggestions raised by those respondents. The highest percentage refers to allowing people to live here legally by the provision of legal documents (42%). The second highest suggestion projected a need for a house and a plot of land on which to live (19%). On the other hand, the percentages of do not arrest me and do not force me to move my house to anywhere else have the least percentages (2% each).

Graph 17: Suggestions



8.2-Domestic law on nationality and immigration

Based on data analyze above the ethnic Vietnam and Khmer Krom some of them consisted of legal documents to support their living in the country, but those documents do not prove their nationality it just proves immigration status. The recognition of immigration process has mentioned in Law on immigration, it was stated in article 12 that “The process of recognition of any alien as an immigrant alien shall be decided by a Prakas of the Ministry of the Interior³. Otherwise, for those who are eligible for Cambodian nationality unless they were decided by Royal Decree of The Kingdom of Cambodia as the law stated that” The grant of Khmer nationality/citizenship following the case of demand for it, shall be decided by Royal-decree.⁴” Cambodia’s Law on Nationality grants nationality to any child born within the state who (1) is born from parent(s) with Khmer nationality (2) is born from foreign parents who are living *legally* within Cambodia or is found in Cambodia and the parents are unknown⁵.

³ Law on immigration article 12

⁴ Law on nationality 1996.(2), article 5

⁵ Ibid., at (1). article 4

The law on nationality is very strict to immigration alien if they want to apply for nationality they must follow conditions in the law. It's critical challenge to ethnic Vietnam. Statelessness is an issue can be affected to stateless person they cannot access to loan service from the bank, judicial system or file compliant to authority, social services, basic education and so on.

8.3-International conventions

International agreement-singed

There have been twenty countries in ASIA/PACIFIC as state party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol. Cambodia is a state party to the convention and ratified on 15 Oct 1992⁶. Furthermore, Cambodia also ratified on Convention on the Right of the Child.

International agreement-unsigned

There have been varieties of countries in the world ratified on 1954 convention relating to the Stateless Person and to the 1961 Convention on the reduction of Statelessness⁷. Cambodia had not ratified on the above convention so far.

9-Conclusion

Based on the result analysis above there were 374 of Respondents were interviewed, the summary can be concluded as the followings:

1. The state school is popular with parents at community to send their children to go to school.
2. More than two third of the respondents never study or only study below secondary school.
3. Stateless people have varied occupations, mostly are businessmen/women, fishermen, farmers and workers.
4. The majority 31% of Vietnamese respondents has got the Immigration Cards, 25% of them have had Residential Books, and followed by 19% of them got Election Cards. However, the Graph found that 4% of Vietnamese people have got Identity Cards (Khmer ID) and 5% of them have Birth Certificate are similar to each other. Meanwhile, 11% of them have Family Record Books. According to Khmer Krom people have a Family Record Books

⁶UNHCR REGIONAL BUREAU FOR ASIA AND THE PACIFIC FACT SHEET,LIST OF STATE PARTIES TO THE CONVENTIONS IN ASIA / PACIFIC on September 2014,p:7

⁷UNHCR REGIONAL BUREAU FOR ASIA AND THE PACIFIC FACT SHEET,LIST OF STATE PARTIES TO THE CONVENTIONS IN ASIA / PACIFIC on September 2014,p:7

(19%), Khmer ID Cards (18%), Election Cards (17%), Residential Books (16%), and Birth Certificate (15%). Therefore, the main reasons provided by people who do not possessing these documents are discrimination (34%), they don't know (33%), they don't have money (20%), and the local authority doesn't make it for them (5%). Through comparison for the significant legal document states that Khmer ID Cards and Birth Certificates are the most significant for them, Khmer Krom people have Khmer ID Cards (18%) and Birth Certificate (15%), however, we found that 4% of Vietnamese people have got Identity Cards (Khmer ID) and 5% of them have Birth Certificate that is small percentage.

5. Nearly half of the respondents said that their children have birth certification and only one fifth stated that their children have letter of physician. The main reasons of those children who don't have these two main legal documents are their Vietnamese heritage (77%), discrimination (13%), and the local authority does not make it for them (10%).
6. The highest percentage (91%) of respondents need Birth Certificates, and 88% of them need Khmer ID Cards, moreover, 82% of them need Family Record Books, meanwhile an Immigration Letter is positioned at the lowest percentage (61%). The main reasons why those respondents need them included: it becomes easier to find a job (96%), to register their children to go to school (93%) and the local authorities need those Legal Documents from them/respondents (84%).
7. Nearly half of the respondents have ever met with post police due to this type of police have location in or near their communities. Furthermore, less than ten percent of the respondents reported that they have been arrested by immigration police or post police. The main reasons of arresting included did not pay the immigration fee or illegal fishing.
8. Based on suggestions of respondents ask to issue legal documents from Authorities for their living condition regarding to Khmer ID Cards, Family Record Books, Residential Books, Birth Certificates, and Immigration Cards. Most notably are the Khmer Identity Card (91%), followed by the Family Record Books (90%). Meanwhile Resident card and Birth Certificate have the same percentage (86%).
9. Relating the relationship with relatives or neighbors, less than ten percent (10%) of the interviewees accepted that they have conflicts with their relatives or neighbors. The most common arguments included words, drinking or house boundary. This means that the argument caused by daily-life activities not caused by racial discrimination.

10. Difficult to do business, do not have legal documents and do not have a house/land to live stand for the highest ranks for difficulty (these three difficulties stand for more than eighty percent).
11. Furthermore, more than half of the respondents concern about being arrested, the poor and being forced to move out of the river are also raised significantly.
12. Approximately, two-third of the respondents reported that they have ever voted in the national election. Thirty percent out of the samples have voted for 5 times. In addition, most respondents who joined the elections went to vote in the last national election in 2013. Main legal documents to use for voting included election card and Khmer ID card.
13. The main three suggestions provided by those respondents included allow living here legally with providing legal documents, need a house and/or a plot of land to live and build/repair a school for children to study.

10-Recommendations

The recommendation to Government, Minority Rights Organization (MIRO), and Civil Society actors can be drawn as the followings:

10.1-Recommendations to government

1. Government should build more schools for children who need to go to school, especially kindergarten (preschool) and primary schools (both formal and non-formal education). The school should be recognized by the state because it is popular and trusted among their parents. Location of the school should central point they can access to. In addition, those stakeholders should provide schooling materials, such as books, pencils, pens and bags for those pupils in order to encourage them to continue with their study.

10.2-Recommendations to Minority Rights Organization and civil society actors

2. Minority Rights Organization and relevant Civil Societies should teach minority groups how to read and write a letter during their available time. Then they should train more about business starting or financial education because the majority of the respondents have low knowledge, seasonal business and raised about difficulty to do business.
3. Minority Rights Organization should facilitate with the local authorities and immigration police to issue legal document for those minority groups, such as immigration letter, family book, birth certificate and residential book for any minority groups who have been living for longer than 7 years⁸ in order they are easy to find job, easy to send their children to go to school and the police doesn't arrest them.
4. Minority Rights Organization should facilitate with the local authority to find, to buy suitable land then to provide those plots of land to those minority groups to build their houses in order they can live comfortably from being forced to move to improper places where those people do not want to live. They dare not to protest because they think that they live there illegally.
5. Minority Rights Organization should conduct mapping exercise to map ethnic Vietnam and Khmer Krom in order to define them in the three provinces that have been researching on.
6. Minority Rights Organization is encouraged to increase its engagement with local authority at the ground and civil society actors in respect to the identification of statelessness, in

⁸Royal Decree of Nationality Law of Cambodia, articles 8 and 9

particular by continuing efforts to promote a unified approach to the definition of a stateless person in accordance with international law.

7. In carrying out refugee status determination (Khmer Krom refugee), MIRO's staff should also identify those who are stateless or at risk of statelessness.
8. Minority Rights Organization should seek every opportunity to strengthen collaboration with civil society actors engaged in activities relevant to information/data collection on statelessness.
9. Minority Rights Organization should collaborate with government to figure out statistics of stateless persons in Cambodia by local mechanism.

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4. UNHCR REGIONAL BUREAU FOR ASIA AND THE PACIFIC FACT SHEET: LIST OF STATE PARTIES TO THE CONVENTIONS IN ASIA / PACIFIC on September 2014, p:7

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