



# ចលនាខ្មែរដើម្បីប្រជាធិបតេយ្យ

## **Khmer Movement For Democracy**

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### **General Comment of the Draft Law on Nationality**

The draft amendments to Cambodia's Nationality Law, recently approved by the National Assembly, grant the government broad powers to revoke citizenship from individuals accused of colluding with foreign entities or threatening national security. While framed as a measure to protect sovereignty, the law is dangerously vague and poses profound risks to Cambodia's democracy, rule of law, and international reputation.

Key gaps in the draft law include the absence of clear definitions, judicial oversight, and protections against statelessness. It contradicts Cambodia's constitutional commitments and international obligations, leaving the door open to selective enforcement against activists, minorities, and political opponents.

The harmful impacts are far-reaching. Revocation of citizenship risks rendering people stateless, stripping them of access to basic rights such as healthcare, education, land ownership, and legal work. It will likely create a chilling effect on free expression, civic participation, and activism, eroding Cambodia's already fragile democratic space. The law also undermines trust in the justice system by enabling arbitrary punishment and weakening the rule of law.

To prevent lasting damage, the Cambodian government should withdraw or substantially revise the law, ensure judicial safeguards, prohibit statelessness, and engage in genuine public consultation. Civil society and the international community have an essential role in documenting risks, raising awareness, and pressing Cambodia to uphold its obligations under international law.

#### **I. Gaps in Cambodia's Draft Nationality Law Amendments**

The draft law contains vague and overbroad wording. Terms such as "colluding with foreign entities" or "undermining national security or national interests" are not clearly defined, giving the government wide discretionary power to interpret ordinary activism, dissent, or speech as threats to sovereignty.

It also lacks due process and judicial oversight. The law does not specify who has the authority to make decisions about revoking nationality, whether an independent court will review such cases, or if there is a right to appeal. Without these safeguards, the revocation process could be arbitrary and political.

Another major gap is the absence of explicit protection against statelessness. International law prohibits rendering individuals stateless, yet the draft law does not guarantee that revocation will only apply to those who hold dual nationality. As a result, Cambodians with only Cambodian citizenship could lose all legal identity and rights.

The law also allows for disproportionate punishment. Citizenship is the foundation of all rights, and revocation is an extreme penalty. However, the draft law permits this severe measure for vaguely defined misdemeanors related to "national security," which is disproportionate compared to the alleged offenses.

Furthermore, the law contradicts Cambodia's Constitution. Prior to its recent amendment, Article 33 guaranteed that citizens could not be deprived of nationality. Even now, the Constitution incorporates international human rights treaties, including the Universal Declaration of Human Rights, yet the draft law undermines this principle.

The absence of safeguards against discrimination is another serious flaw. Nothing in the law prevents targeting individuals based on their ethnicity, political affiliation, or peaceful activism in areas such as environmental or labor rights. This opens the door to selective enforcement against vulnerable groups.

The draft law also fails to provide transparency or accountability mechanisms. It does not explain how decisions will be made public, whether affected persons can access the evidence used against them, or if civil society or oversight bodies will be allowed to monitor implementation.

Finally, the draft law conflicts with Cambodia's international obligations. The country has ratified treaties such as the ICCPR and committed to principles of the UDHR, which prohibit arbitrary deprivation of nationality. By failing to align with these obligations, Cambodia exposes itself to international criticism and reputational damage.

## **II. Harmful Impacts of the Draft Law**

The draft law poses a serious risk of statelessness. By allowing revocation of citizenship in vaguely defined cases, it could leave individuals without any nationality. Stateless people lose the right to own land, work legally, access healthcare and education, and may even be denied re-entry into their own country.

The law will also create a chilling effect on free expression. Citizens may refrain from criticizing the government, engaging in activism, or participating in politics out of fear of losing their citizenship. This undermines democracy, civic engagement, and accountability.

Revocation of citizenship amounts to disproportionate punishment. As the foundation of all other rights, nationality should never be stripped away lightly. Yet the law allows this extreme penalty for accusations such as "colluding with foreign powers," which can be interpreted broadly and arbitrarily.

The vague definitions also open the door to ethnic and political targeting. People may be singled out based on their ethnicity, political opinions, or peaceful activism. Such practices would erode social cohesion and increase discrimination.

In addition, the law risks violating Cambodia's international obligations. Article 15 of the Universal Declaration of Human Rights and other treaties prohibit the arbitrary deprivation of nationality. By disregarding these commitments, Cambodia risks damaging its international reputation and exposing itself to diplomatic consequences.

Finally, the draft law weakens the rule of law. The absence of clear judicial safeguards, proportionality, and the right to appeal erodes trust in the legal system and strengthens arbitrary state power.

### III. Recommendations

To the Cambodian Government and Legislature, the first priority should be to withdraw or substantially revise the amendments. Any law on nationality must be clear, proportionate, and consistent with both the Constitution and international human rights standards. Decisions to revoke citizenship should only be made with judicial oversight, ensuring that they pass through independent courts and that individuals have the right to appeal. The concept of “national security” must be narrowly and precisely defined to prevent vague interpretations that could be used to criminalize peaceful activism or dissent. The law must also explicitly prohibit the revocation of citizenship in cases where it would result in statelessness. Finally, the government should engage in genuine public consultation, allowing civil society, legal experts, and affected communities to review and provide input before adoption.

Civil society and human rights organizations also have an essential role to play. They should document and publicize the risks by collecting testimonies from activists and communities most at risk, thereby raising awareness both domestically and internationally. Advocacy must be strengthened at the regional and international levels by engaging ASEAN, the United Nations, and other human rights bodies to pressure for compliance with global norms. It is equally important to educate Cambodian citizens about their nationality rights and possible remedies, providing legal literacy to empower individuals. Building broad coalitions is also vital, continuing joint statements such as those led by LICADHO to demonstrate unified opposition to the amendments.

The international community should also act to prevent the erosion of citizenship rights in Cambodia. Governments and multilateral institutions should raise concerns diplomatically through bilateral and regional platforms, urging Cambodia to reconsider the amendments. They can support Cambodian civil society by providing funding, legal expertise, and protection mechanisms for activists who face heightened risks. In addition, the international community should closely monitor the law’s implementation, tracking any cases of citizenship revocation while pushing for transparency, accountability, and due process.

### IV. Conclusion

The proposed amendments to Cambodia’s Nationality Law represent one of the most serious threats to citizenship rights and freedoms in the country’s modern history. By empowering the state to arbitrarily revoke nationality, the law risks dividing society, silencing dissent, and stripping citizens of their most fundamental legal identity.

Cambodia has endured decades of hardship and resilience, but this law threatens to undo progress toward democracy, human rights, and social unity. Citizenship is not a privilege granted at the discretion of the state—it is the foundation of all other rights. Preserving it is essential for national cohesion and international credibility.

It is not too late for Cambodia’s leaders to reverse course. By upholding constitutional guarantees and aligning with international human rights standards, Cambodia can protect its people from statelessness, safeguard civic freedoms, and build a stronger, more inclusive future.



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