

PUBLIC

AI Index: ASA 23 /006/2009

09 April 2009

UA 99/09 **Fear of forced eviction/health concern**

CAMBODIA **Around 32 families living at Borei Keila, Phnom Penh**

Around 32 families living with HIV and AIDS are facing forced eviction from Borei Keila, central Phnom Penh. The families have protested at their planned resettlement to a site 20 kilometres from the capital, where they would have no means of income; lose access to medical treatment; and go without basic services. Despite protests, the local authorities have said the eviction will take place in May 2009.

At least one person in each family requires access to anti-retroviral treatment and treatment for AIDS-related illnesses. There are no adequate health services at or near the proposed resettlement site, and transport costs to continue anti-retroviral treatment and access to medical services would be prohibitive. The families have been denied assessment for eligibility to new housing under construction at Borei Keila.

The proposed resettlement site, Tuol Sambo in Dangkor district, sits on a landfill, and forms a separate enclave of housing. The housing, made of green metal sheets, looks different from other housing in the area. The living space is not sufficient for an average family, and buildings are too close together for safety and ventilation. Both the land and the buildings are unstable. In addition, the proposed site has no clean water, sanitation, or electricity. Such conditions would pose serious dangers for opportunistic diseases. The families, most of whom are living in severe poverty, strongly fear they will face further stigmatization and discrimination at Tuol Sambo because of their HIV status. Villagers in the vicinity already call it "Aids Village".

Most of the 32 families make a living as scavengers or porters in a market near to Borei Keila or as day labourers, earning daily wages of between 6,000 and 10,000 riels (approx 2.25-4 USD). A one-way trip from Tuol Sambo to their current work places costs an estimated 15,000 riels, so the forced eviction would effectively deprive them of their livelihood.

The families currently live within a large urban poor community, Borei Keila, which is part of a land-sharing arrangement made in 2003 between a private developer, the Municipality of Phnom Penh and residents. The agreement gave the developer part of the land of Borei Keila for commercial development, while providing new housing for the original over 1,700 residents on another part of the land.

In 2007 the Municipality of Phnom Penh resettled the families in the so-called Green Houses, temporary shelters with appalling conditions, to pave way for the construction of a number of residential multi-storey houses. Many of them have lived long enough in Borei Keila to be eligible for flats in the new buildings still under construction. The families believe that because of their HIV status, the authorities are discriminating against them, by forcibly evicting them instead of assessing them to determine eligibility for flats in the new buildings.

BACKGROUND INFORMATION

The last decade has seen a steady rise in the number of reported land disputes and land confiscations and evictions, including forced evictions, in Cambodia. Victims are almost exclusively marginalized people living

in poverty, who are unable to obtain effective remedies. This rise is a result of the lack of the rule of law; a seriously delayed process of legal and judicial reform; and endemic corruption.

In 2008, Amnesty International received reports about 27 forced evictions, affecting an estimated 23,000 people. Some 150,000 Cambodians are known to be living at risk of forced eviction in the wake of land disputes, land grabbing, agro-industrial and urban redevelopment projects. An estimated 70,000 of these live in Phnom Penh.

HIV prevalence is reported to be declining in Cambodia, down from 1.2 percent of the adult population between 15 and 49 years in 2003 to 0.9 percent in June 2007, according to UNAIDS. The number of adults living with HIV is estimated at 67,200 and 3,800 children.

As a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international human rights treaties which prohibit forced eviction and related human rights violations, including the International Covenant on Civil and Political Rights (ICCPR), Cambodia has an obligation to stop forced evictions and to protect the population from forced evictions.

Forced evictions are evictions that are carried out without adequate notice, consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation. Whether they be owners, renters or illegal settlers, everyone should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.

Cambodia also has an obligation to ensure adequate provision of health care to all its citizens, including access to treatment for people living with HIV and AIDS. The International Guidelines on HIV/AIDS and human rights also urge states to ensure universal access to HIV-related goods, services and information, and that they “not only be available, acceptable and of good quality, but within physical reach and affordable for all”.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, French, Khmer or your own language:

- expressing concern that 32 families living with HIV and AIDS at Borei Keila, Phnom Penh, are at risk of forced eviction to an inadequate resettlement site, with no clean water, sanitation, electricity or health services;
- calling on the authorities to protect the 32 families from forced eviction, and ensure that they are immediately assessed to determine their eligibility for flats in the new buildings which are being constructed as part of the 2003 land-share agreement;
- calling on the authorities to guarantee adequate alternative housing with security of tenure for those determined to be ineligible, including access to health services for continuation of anti-retroviral treatment and treatment for HIV and AIDS related illnesses or opportunistic infections;
- calling on the authorities to ensure that the families are not discriminated against because of their health status, either in the assessment process for eligibility for housing at Borei Keila, or provision of alternative adequate housing;
- calling on the government to end all forced evictions as a matter of urgency.

APPEALS TO:

Kep Chuktema
Governor
Phnom Penh Municipality
#69 Blvd. Preah Monivong
Phnom Penh
Cambodia

Fax: + 855 23 426101

Email: phnompenh@phnompenh.gov.kh

Salutation: Dear Minister

COPIES TO:

Lok Chumteav Bun Rany Hun Sen
President, Cambodian Red Cross
#17, Street Cambodian Red Cross (street 180)
Phnom Penh
Cambodia

Email: info@redcross.org.kh

Salutation: **Dear Lok Chumteav**

Sar Kheng
Deputy Prime Minister and Minister of Interior
Ministry of Interior
#75 Norodom Blvd, Khan Chamkarmon
Phnom Penh
Cambodia

Fax: **+ 855 23 212708**

Email: moi@interior.gov.kh

Salutation: **Dear Minister**

and to diplomatic representatives of Cambodia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 May 2009.