

CAMBODIA

BOREI KEILA - LIVES AT RISK

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Amnesty International Publications

First published in 2009 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

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Index: ASA 23/008/2009
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

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BOREI KEILA – LIVES AT RISK

“I want Prime Minister Hun Sen and [his wife] Bun Rany to know that we are living in misery so that they can help and intervene, because we have no one else. We also want to live.”

Community member living with HIV and facing forced eviction

Around 32 Phnom Penh families living with HIV-AIDS are facing imminent forced eviction from Borei Keila in central Phnom Penh to a resettlement site without water, electricity and medical services. The families, who now live in temporary shelters, have protested at the planned resettlement to Tuol Sambo, some 25 kilometres from the city, where they would have no means of income and lose access to adequate health services.

Living conditions at Tuol Sambo pose a great health risk while transport costs to continue anti-retroviral treatment and access to medical services in the city would be prohibitive. So far, their protests to the authorities have been unsuccessful.

“They have told us that we will have to leave early May”, said Seang Vy, 32, who is blind from opportunistic disease as a result of HIV.

Seang Vy told Amnesty International that members of all the families have visited Tuol Sambo to see the site for themselves; her mother went to check it on her behalf. They describe the housing as cramped, unstable and lacking basic services, but fear the distance to medical facilities the most.

“I wonder if they want us to move there so that we die more quickly. If we get sick at night, there is no means of transportation,” she said.



“I wonder if they want us to move there so that we die more quickly,” said Seang Vy, a Borei Keila community representative.

And if they get sick during the day, they may not be able to afford a motorcycle taxi to travel to a clinic. All 32 families have at least one member who requires anti-retroviral treatment, a life-saving treatment provided through government- and NGO-supported programs. However, many have opportunistic infections.

The resettlement site

The housing at the resettlement site in Dangkor district is made of green metal sheets and looks distinct from the other homes in the semi-rural area. When Amnesty International visited the site in April 2009, villagers in the vicinity already referred to it as “the AIDS-village”. Seang Vy and the other village representatives expressed strong fears that they will face further discrimination and stigmatization because of their HIV status if forced to live in this separate, distinct enclave. Stigmatization may be further perpetuated by their poverty and lack of job opportunities.

“We are afraid that [in Tuol Sambo] we won’t be able to sell anything we might produce, and we won’t be able to touch meat or fruit when we go to the market. That’s not the case in the city, where people have many ways of living and don’t have such ideas”, said Thy, 35, a mother of two.

The resettlement housing does not meet minimal standards for emergency shelter with respect to size, fire safety and sanitation, according to Medecins Sans Frontiers, which surveyed the site in 2008 when construction had first begun. The buildings are too close together for safety and ventilation, while the land and the buildings are unstable. The living space is not sufficient for an average family and there is no privacy as the metal sheets separating the flats are only partial.



Tuol Sambo has no clean water supply and only a very rudimentary sanitation system. The housing is made of corrugated metal which makes the inside space very hot, while the outside space between the rows of housing is almost non-existent.

“There is no land to plant even a banana tree,” said Seang Vy.

Most of the 32 families are living in severe poverty and would sink even deeper into poverty if they are forcibly evicted to Tuol Sambo.

The housing at the resettlement site at Tuol Sambo is far from adequate: it is cramped and lacks basic amenities, including clean water supply.

Currently they 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 1.50-2.5 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 means to earn a living.

Thy and her husband, both of them living with HIV, struggle to earn an income due to health problems. She has had to give up her work as a fruit-seller a year ago, and they rely on what her husband can earn as a motorcycle taxi driver. It would be very difficult for him to earn enough driving a taxi in the semi-rural village of Tuol Sambo.



Thy and her husband Prum Pel are both in poor health and struggle to earn a living. Like the other 31 families they rely on access to medical services.

Borei Keila – a social land concession

The families live within a large poor urban community, Borei Keila, which the government designated as a so-called social land concession for residential development in 2003. Poor, homeless families are the primary beneficiaries of social land concessions, according to the 2003 Sub-Decree on Social Land Concessions. In the case of Borei Keila social land concession it was intended to be implemented as a land-sharing arrangement between a private developer, the Ministry of Education, Youth and Sport, and residents. The agreement gave the developer 2.6 hectares of the land in Borei Keila for commercial development, in exchange for constructing new housing for the original over 1,700 residents on two hectares of the land. The remainder, consisting of 10 hectares, was to be returned to the Ministry of Education, Youth and Sport.

In March 2007 the Municipality of Phnom Penh resettled the families, who lived in Borei Keila, against their will and reportedly with force, in the so-called Green Houses, temporary shelters built – just like the resettlement site - of mostly green corrugated metal sheets. The authorities told them that they would stay there for a few months only, to pave way for the construction of a number of residential multi-storey houses. They agreed, hoping that at least

those of them who had rented housing since at least 2000 would get flats in the new buildings, still under construction.

Many of the 32 families have lived in Borei Keila long enough to be eligible for flats in the new buildings, in accordance with a 2004 agreement between the Municipality and the community that affords housing entitlements to renter families residing in Borei Keila since the year 2000 or earlier. However, in an assessment process involving NGOs and the UN in March 2007, officials of the Municipality refused to assess the vast majority of cases involving HIV-affected families. Seang Vy, Thy and others believe that the authorities discriminated against them because of their HIV status. Instead of assessing them to determine eligibility for flats in the new buildings, the authorities decided to forcibly evict them.

On 27 April 2009, amid criticism against the imminent forced eviction, local officials - for the first time - publicly acknowledged to journalists that families who are eligible should receive apartments at Borei Keila. However, there appears to have been no decision to halt the planned forced eviction, nor have any representatives of the Prampi Makara District, mandated to conduct such vetting, started assessing the families' eligibility. Sun Srun, the District Governor, told the Cambodia Daily on 11 April 2009 that the families "must accept this offer" [of relocation].

Amnesty International believes that those who have been denied housing for which they are eligible, should immediately be given apartments at Borei Keila. Any family found ineligible, should be provided other adequate alternative housing with access to health services for anti-retroviral treatment and treatment and job opportunities.

BACKGROUND

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 people living with HIV is estimated at 71,000.

As a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other international human rights treaties, Cambodia has an obligation to stop forced evictions and to protect the population from forced evictions.

Forced evictions are evictions 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”.

Cambodian health authorities, which have won international acclaim for their achievements in addressing HIV and AIDS, espouse an approach of "continuum of care" which seeks to address not only the medical issues but also social, psychological, legal, and economic consequences of living with HIV. The Cambodian 2002 Law on Prevention and Control of HIV/AIDS provides that no one “shall be quarantined, placed in isolation or refused abode”, or expelled “due to the actual, perceived or suspected HIV/AIDS status of that person or his/her family members.”¹

TAKE ACTION!

Write urgently to the Prime Minister:

- Calling on the authorities to protect the 32 families living at Borei Keila from forced eviction, and to immediately determine their eligibility for flats in the new buildings which are being built as part of the 2003 social land concession;
- Calling on the authorities to guarantee adequate alternative housing with security of tenure for those found to be ineligible, including access to health services for 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;
- Calling on the government to end all forced evictions as a matter of urgency.

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¹ Law on the Prevention and Control of HIV/AIDS, 2002, (see e.g <http://www.ilo.org/public/english/protection/trav/aids/laws/cambodia1.pdf>)