

PUBLIC

**AI Index: ASA 23/011/2009
11 June 2009**

Further Information on UA 99/09 (ASA 23/006/2009, 9 April 2009) Fear of forced eviction/health concern

CAMBODIA

Around 32 families living at Borei Keila, Phnom Penh

The Phnom Penh Municipal authorities have indicated this week that the families living at Borei Keila will be forcibly evicted sometime in the next few days. Around 32 families living with HIV and AIDS have protested at their planned resettlement to a site without basic services and 20 kilometres from the capital, where they would have no means of income and would lose access to medical treatment.

At least one person in each family requires access to anti-retroviral treatment for HIV and treatment for AIDS-related illnesses. There are no adequate health services at or near the proposed resettlement site at Tuol Sambo in Dangkor district. Transport costs to continue anti-retroviral treatment and access to medical services would be prohibitive. They would also effectively be deprived of their livelihood, as they could not afford to travel to a market near to Borei Keila, where most of the families make a living as scavengers or porters.

The families have been denied assessment for eligibility to new housing under construction at Borei Keila, despite having lived there long enough to qualify. However, about two weeks ago the local authority informed community representatives that 11 of the 32 families would be given new flats at the site. This has not been confirmed by the municipality, and uncertainty remains.

The housing at Tuol Sambo, made of green metal sheets, looks distinct from other housing in the area, and is called the "AIDS Village" by local villagers. The families, most of whom are living in severe poverty, strongly fear they will face stigmatization and discrimination because of their HIV status. The living space is not sufficient for an average family, and buildings are too close together for safety and ventilation. The proposed site has no clean water, sanitation, or electricity. Such conditions would pose serious dangers for opportunistic diseases.

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. 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

In 2008, Amnesty International received reports about 27 forced evictions, affecting an estimated 23,000 people, most of whom are living in poverty. 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 them.

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 or your own language:

- expressing concern that 32 families living with HIV and AIDS at Borei Keila, Phnom Penh, are at imminent risk of forced eviction to a resettlement site, with no clean water, sanitation, electricity or health services;
- calling on the authorities to protect the 32 families from forced eviction, and to clarify reports that some of the families are considered eligible 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.

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

Mom Bunheng
Minister of Health
Ministry of Health
No 151-153 Kampuchea Krom Blvd.
Phnom Penh
Cambodia

Fax: + 855 23 426841
Email: webmaster@moh.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

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 23 July 2009.