

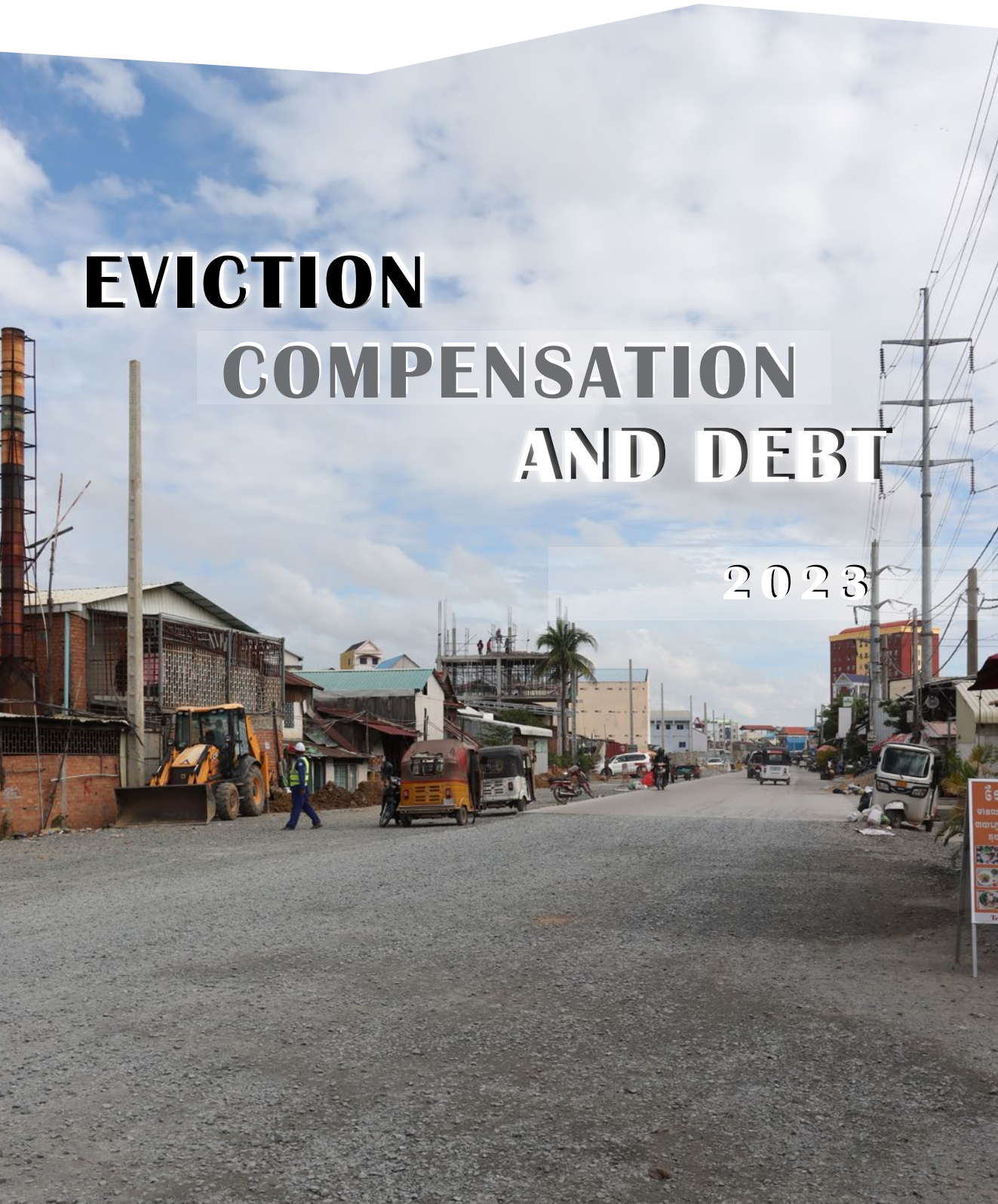


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Sahmakum Teang Tnaut Organization • a Cambodian Urban NGO

EVICTED COMPENSATION AND DEBT

2023



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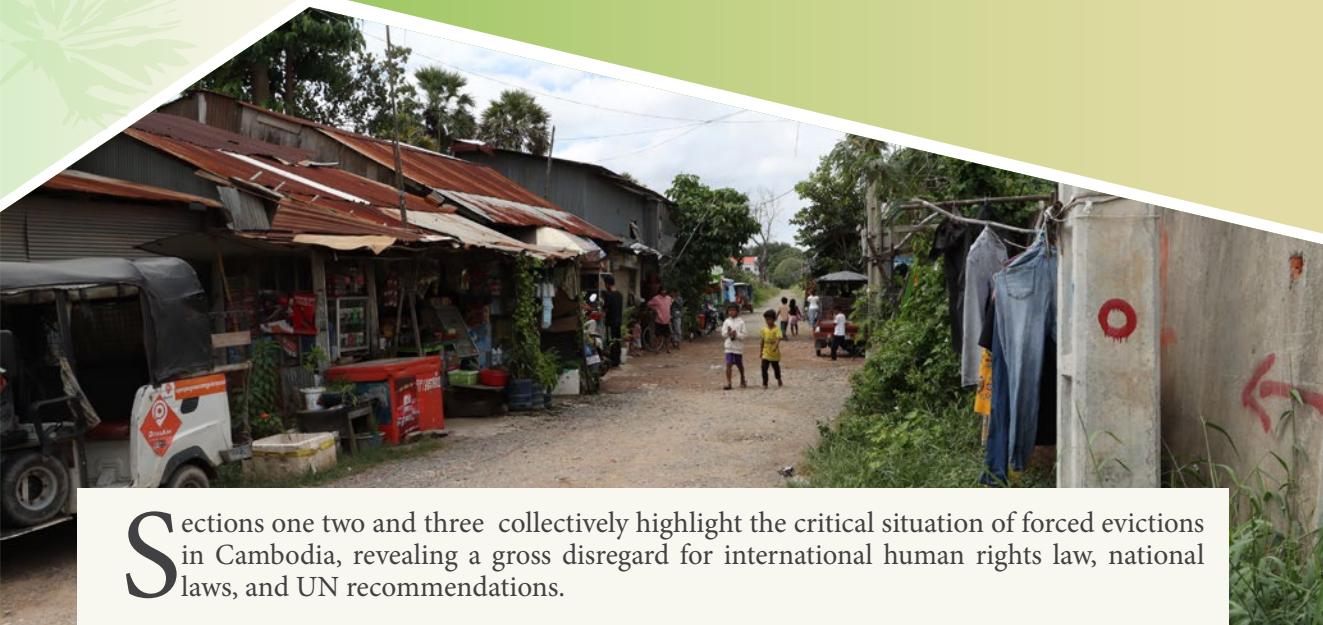
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SUMMARY



Sections one two and three collectively highlight the critical situation of forced evictions in Cambodia, revealing a gross disregard for international human rights law, national laws, and UN recommendations.

Facts and Figures Number 49 details 12 cases of eviction across Phnom Penh, Kandal, and Takeo provinces between 2019 and 2022, amidst the COVID-19 pandemic. This study also emphasizes the critical importance of access to safe housing in preventing the spread of diseases like COVID-19. Despite government instructions to stay home during the pandemic, evictions occurred in various locations in Cambodia, particularly in Phnom Penh. These evictions are viewed as a violation of international human rights law, specifically the right to adequate housing, as highlighted by the UN special rapporteur on the Right to Adequate Housing, Leilani Farha. Farha emphasized the potential life-threatening consequences of eviction during a pandemic in a COVID-19 Guidance Note.

Facts and Figures Number 50 reviews compensation provided to evicted urban poor communities in Phnom Penh from 2006 onward. Previous research by STT in 2021 revealed inconsistency in how compensation is offered and obtained for such communities, with significant variations in land plots provided without clear reasoning. The current research identifies inconsistencies in authorities' approaches to compensating evictees, potentially leading to human rights violations, particularly in terms of citizens' rights to adequate housing and compensation

Lastly, Facts and Figures Number 51 underscores Cambodia's international obligation to uphold the human right to adequate housing, prohibiting forced evictions and mandating the provision of resettlement sites with access to decent housing. Housing is emphasized as crucial not only as a basic need but also for safeguarding and advancing other human rights. The study exposes that individuals experiencing forced eviction without proper housing at resettlement sites incur debts, leading to food scarcity, forced child labor, and disrupted education. Continued hardships at resettlement sites due to insufficient housing and sanitation facilities create a concerning cycle of debt for victims of forced evictions. The study advocates for decisive action by Cambodian authorities to ensure every citizen can realise their right to adequate housing.

In light of these findings, it is evident that immediate legal and policy reforms are urgently needed to uphold the right to adequate housing, provide fair compensation, and ensure the proper execution of resettlements in accordance with international human rights law. A comprehensive approach to addressing these issues is vital to preventing further human rights infringements.

CASE STUDIES ABOUT EVICTIONS DURING
THE COVID-19 PANDEMIC

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1. INTRODUCTION



Accessing the human right to adequate housing is essential to protect the spread of diseases, such as COVID-19. During the pandemic, the Cambodian government issued instructions and restrictions on citizens to stay home and not to go out. These included lockdowns of entire villages, communes, cities, and provinces.

As lockdown measures such as social distancing were in place between 2019 and 2022, evictions and forced evictions occurred in 12 locations throughout Phnom Penh, Kandal and Takeo provinces. Most evictions happened in Phnom Penh.

Evicting people from their homes during the COVID-19 pandemic is considered a violation of international human rights law, including the right to adequate housing. The UN special rapporteur on the Right to Adequate Housing, Leilani Farha, stated, in the COVID-19 Guidance Note entitled Prohibition of Evictions (28 April 2020,) that being evicted from homes, particularly when homes help protect people

from life-threatening dangers, is a potential death sentence.¹

LAWS AND REGULATIONS RELATED TO THE RIGHT OF OWNERSHIP, THE RIGHT TO ADEQUATE HOUSING, EVICTIONS AND COMPENSATION

Article 44, Cambodian Constitution

All persons, individually or collectively, shall have the right to ownership. Only physical persons and legal entities of Khmer nationality shall have the right to own land. Legal private ownership shall be protected by law. The right to confiscate properties from any person shall be exercised only in the public interest as provided for in the law and shall require fair and just compensation in advance.

Article 30, Land Law

Any person who, for not less than five years prior to the promulgation of this law, enjoyed peaceful, uncontested possession of immovable

1. United Nation/Human Rights/Special Rapporteur: COVID-19 Guidance Note - Prohibition of evictions Leilani Farha Special Rapporteur on the right to adequate housing 28 April 2020 https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdfhttps://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf

property that can lawfully be privately possessed, has the right to request a definitive title of ownership. In case the granting of a definitive title to ownership is subject to an opposition, the claimant has to prove that he himself fulfills the conditions of peaceful, uncontested possession for not less than five years over the contested immovable property. Either that or the claimant has to prove that he purchased the immovable property from the original possessor, the legal beneficiary, from the person to whom the ownership was transferred, or from their successors.

Article 22, Law on Expropriation

The amount of compensation to be paid to the owner of and/or holder of ownership of the immovable property shall be based on the market price or replacement cost as of the date of the issuance of the declaration on the expropriation project. The market price or the

replacement cost shall be determined by an independent committee or agent appointed by the Expropriation Committee.

Article 24, Law on Expropriation

The compensation shall be made in cash, in kind or replacement rights, according to the actual situation with the consent from the owner of and/or right holder of the immovable property and from the Expropriation Committee. The payment methods and procedures shall be defined by a sub-decree at the request of the Ministry of Economy and Finance.



2. METHODOLOGY AND LIMITATION



This report presents findings from qualitative research conducted through interviews with 17 representatives of affected communities, community members, and citizens whose homes have been impacted by evictions. In addition, STT staff analyzed local media and social media coverage regarding evictions from 2019 to 2022. The interviews were conducted either in person or over the phone, each lasting between 25-40 minutes. Prior to all interviews, the research team obtained verbal approval from participants and explained the publication of content. Throughout this report, we have maintained interviewees' anonymity for privacy and safety reasons.

It is important to note that the figures presented in this study do not provide a complete statistical representation of the eviction situation during COVID-19. This report counts 12 cases of eviction that occurred during COVID-19. It is possible that STT staff may have missed certain cases. If any information is deemed incomplete or unclear, please contact STT.

Note: This study was conducted in May – July 2022.



Map: 12 Settlements that were evicted during COVID-19

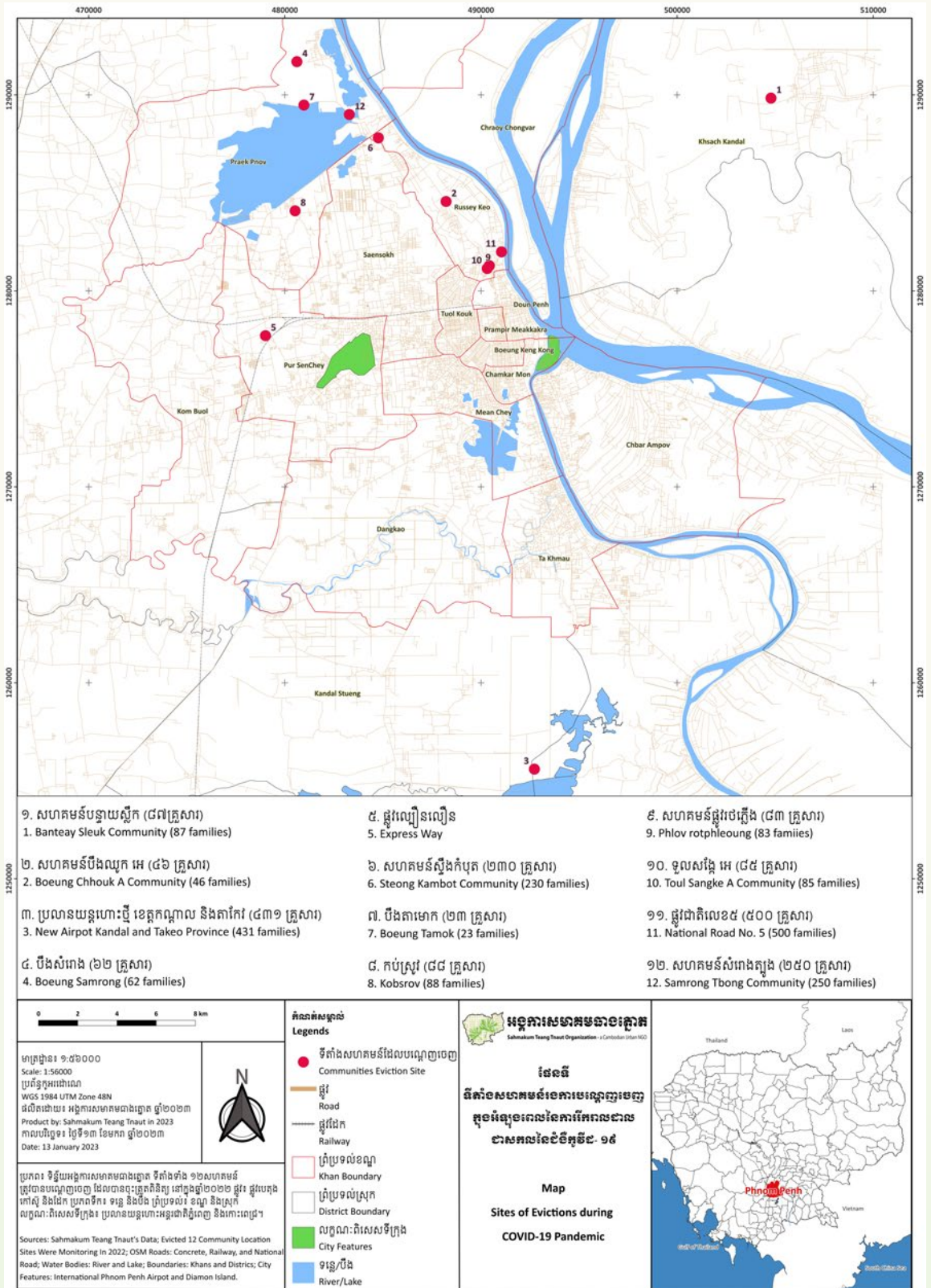


Table: 12 Settlements that were evicted during COVID-19

No	Name of community	Pre-eviction	During eviction	Post-eviction
01	Banteay Sloek Community	Banteay Sloek Community is located in Village 4, Sangkat Tumnap Teuk, Khan Boeung Keng Kang, Phnom Penh. The people living in the community came to settle there in 1993 and were organized as a community in 2000 with a total population of 87 families. The people do not have legal titles and were neither recognized nor attested by the local authority. Community members earned a living as vendors, construction workers, factory workers and as scrap buyers.	<p>Banteay Sloek community was evicted in 2020. Authority members from Phnom Penh Capital Hall visited the community in Village 4, Sangkat Tumnap Teuk, Khan Boeung Keng Kang (BKK), Phnom Penh, and invited the community members to a meeting in BKK. The authorities offered a proposal for the community members to leave in 2020. Residents of Banteay Sloek community agreed to leave with the following compensation package:</p> <p>\$100, 4x15 meter land plots, legal titles (soft title), free transportation to the resettlement site and one-month free rent until the construction of the new houses. Phnom Penh Capital Hall was tasked to build and develop a road, this was the reason for the community's eviction. The eviction process lasted about one month. The community accepted the compensation package and moved out on July 11, 2020.</p>	<p>Banteay Sloek community has now moved to Vihear Sour Khang Cheung Village, Vihear Sour Commune, Khsach Kandal District, Kandal Province. There are currently about 45 families living on the new settlement site which now has 57 houses, some of which aren't inhabited yet, as some families are working and living elsewhere.</p> <p>Community members have lost their jobs, livelihoods, and are worried about being evicted again.</p> <p>A few families remain at the original site due to concerns regarding distance to services, employment, children's education and general livelihood.</p>
2	Boeung Chhouk A Community and its adjoining areas	Boeung Chhouk A Community is located in Boeung Chhouk Village, Sangkat Kilomet 6, Khan Russey Keo, Phnom Penh. The community was established in 1995 with a total population of 46 families (20 households) who settled there in 1992. Although they do not have legal title deeds, they have been recognized by local authorities. The community members work in various industries, including street vending, construction, factory work, tuk-tuk driving, and scrap buying.	<p>The Boeung Chhouk A community has faced multiple evictions, the latest occurring in July 2021. The community received written notices a week prior to the evictions, but it was unclear if compensation would be offered to the residents who chose to remain and negotiate further.</p> <p>Authorities gave the community two options: One relocation site in Seven NG (7NG), or another in Phnom Prasadh. A parcel of land (4x15m) would be offered in either relocation site as compensation to each evicted household. Community members deemed this offer unacceptable and attempted to start negotiations for fairer compensation.</p> <p>The authorities cited the construction of a concrete road as the reason for the eviction.</p>	As of 4 August 2021, 11 of the 20 households were six houses belonging to citizens who are not considered part of this community were demolished by the authorities. The six homeowners were forced to relocate and were given a mere \$500 in cash.

3	New airport, Cheung Keb Commune and Kandork Commune, Kandal Steung District, Kandal Province.	Most of the residents of Cheung Keb and Kandork communes in Kandal Steung district, Kandal province have settled on the land of Boeung Ta Prohm since 1986. The commune is home to 101 families who work in various sectors such as street vending, construction, and factory work.	<p>The residents of Cheung Keb and Kandork communes were informed of the new airport development project in 2012. In 2020, authorities announced plans to instigate a land swap with those affected by the project, offering two options: 5x30m land located at Dey Krahorm in Takeo province, about 20 kilometres away, or remaining near the previous area and receiving 5x20 meters of land and 5x8 meter houses.</p> <p>Initially, locals protested for better compensation and infrastructure at the relocation site. However, after requests were made and assessed, authorities provided roads, electricity, clean water, a sewage system, a solar system, and access roads to homes.</p> <p>As a result, all 101 families agreed to move to the new location on December 1, 2021, under the second option.</p>	The relocation was completed on December 1, 2021, in Kampong Talong village in Boeng Khyang commune, Kandal Steung district, Kandal province. As part of the relocation, land (5x20m) and houses (5x8m) were received, with legal titles (hard titles) to be provided.
	New airport, Boeung Khyang commune, Ampov Prey commune, Prek Slaeng commune, Kandal Steung district, Kandal province and Put Sor commune, Bati district, Takeo province	The community of Boeung Khyang, Ampov Prey, and Prek Slaeng, consisted of 330 families, owning a combined land surface area of 1 million square meters, with legal titles (hard titles) claimed by the landowners ² .	People were informed in 2018 about land swaps for the new international airport, with an offer of \$8 per square meter as compensation. However, this compensation was deemed unfair by most people as they felt that it did not cover their losses. As a result, petitions were submitted, and clashes occurred between authorities and local residents who were affected by the development project. Although many continued to protest, most were forced to accept the compensation and leave since there was no alternative solution.	<p>The community members (330 families) who accepted compensation were forced to relocate to different sites.</p> <p>As a result, they lost their land to grow crops and became indebted to banks³.</p> <p>It is very common for evicted communities to take out loans to build new houses, especially when compensation rates are not adequate.</p>

². VOD Khmer, Some citizens Affected by New Airport Project remain non-compensation \$8 per square meter, 7 November 2022, Available at: <https://www.vodkhmer.news/2022/11/07/some-citizens-affected-kandal-airport-project-remain-non-compensation/>

³. Ibid

4	Boeung Samrong ⁴	<p>Duong Village is located in Sangkat Prek Pnov, Khan Prek Pnov, Phnom Penh. This site has been home to 108 families since 1996. The locals earn a living through various means such as fishing, street vending, construction and factory work.</p>	<p>The community was evicted in 2021 after receiving a written notice from the district authorities, one month before the eviction.</p> <p>The compensation package offered by the authorities was land swap in exchange for moving to a new settlement in Samrong Tbong village, Sangkat Samrong, Khan Prek Pnov. Offered land plots in the new settlement measured 4.2 x 18 meters.</p> <p>The eviction occurred because community members claimed the land they were living on was sold and bought by a private entity.</p> <p>Some families accepted the compensation packages. 32 out of 108 refused, citing concerns of unfairness. Violent clashes also occurred with authorities.</p>	<p>The people who agreed to receive compensation are currently resettled in Samrong Tbong village, Sangkat Samrong, Khan Prek Pnov, Phnom Penh. There are 62 families living there.</p>
5	Phnom Penh-Sihanoukville Expressway	<p>The community is located at Chaeng Maeng Village, Sangkat Samraong Krom, Khan Por Senchey, Phnom Penh. They settled there before the Khmer Rouge took power and have continued to live in the same place since the fall of the regime. They have legal titles (hard titles).</p>	<p>Authorities notified the affected residents of Chaeng Maeng Village, to relocate in 2021 in exchange for compensation, between \$30,000 and \$40,000 per house. Most citizens refused to accept the compensation offered by the authorities and expected the authorities would continue negotiations to find an appropriate solution.</p> <p>Contrary to people's expectations, on October 27th, 2021, the authorities dismantled and demolished houses without prior notice and forced residents to affix thumbprints to accept immediate compensation on the spot⁵.</p> <p>The reason for the eviction was the construction of the Phnom Penh-Sihanoukville Expressway</p>	<p>The entire affected population was compelled to accept the government's offer of compensation, which ranged from \$30,000 to \$40,000. The community members claimed this is half the value of the lost property and bank debts that they had accumulated⁶. Some evicted persons suffered from mental health issues after losing their homes and employment.</p>

⁴ RFI, Land issue: Authorities and more than 30 families in Boeung Samrong clash when authorities implement procedures, 15 January 2023. Available at: <http://surl.li/ojlmv>

⁵ VOD Khmer, Citizens Affected by Expressway Project Regret Authorities Destroyed Homes for Little Compensation, 30 October 2021, Available at: <https://www.vodkhmer.news/2021/10/30/families-impacted-in-pp-sv-highway-project-regret-that-authorites-destroyed-their-house/>

⁶ Ibid

6	Steung Kambot	<p>Steung Kambot Community is located in Lor Kambor Village, Sangkat Svay Pak, Khan Russey Keo, Phnom Penh. The community was established in the early 2000s by settlers who started to arrive in 1990s. The community has a total population of 240 families, who do not possess land titles. Community members work in various fields such as fishing, street vending, construction, factory work, welding, and as motorbike-automobile mechanics.</p>	<p>Since 2019, the community has been plagued by eviction orders. A plan was recently announced to extend a 30-meter road at the expense of nearby residents' homes. This development project means displacing people living close to the area and swapping land in Prek O Veng district's Boeung Sralang village (in Sangkat Russey Keo, Khan Russey Keo). However, citizens are, to this day, standing up for their right to stay and demanding just compensation commensurate with the current market value.</p> <p>These individuals are requesting legal titles to be given to them, and their houses developed on-site instead of eviction. The reason for their planned eviction is to make way for road widening from Road 1003 to Win-Win Boulevard⁷.</p> <p>Note: Thirty-five families in the O Veng Canal Development Zone, located in Sangkat Chrang Chamres 1, Khan Russey Keo, Phnom Penh, are engaging with authorities to find a deal to exchange land. Instead of pursuing on-site development as initially requested, relocation has been proposed as an alternative. As the families wait for officials to manage arrangements for the transition and infrastructure, they have yet to move from their current location.</p>	N/A
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⁷. VOD Khmer, Over 200 Families in Russey Keo District Demand on-site Development and Titles as Authorities Ask Them To Move to New Locations, 01 November 2022, Available at: <https://www.vodkhmer.news/2022/11/01/more-than-200-families-in-russey-keo-demand-development-in-locations-and-owner-ships/>

7	Boeung Tamok (first location)	<p>The community of Koh Rongeaing village is situated in the Sangkat Ponsaing, Khan Prek Pnov area of Phnom Penh. During the years between 1985 and 1990, this area was inhabited by 23 families who made a living through construction, factory work, street vending, and fishing. As of today, these residents still do not possess legal title deeds.</p>	<p>Due to the Deum Kor Market development in 2021-2022, residents of this community were faced with eviction. Without warning, the authorities began making demands regarding dismantling and demolishing homes they believed had been illegally occupied. In December of 2021, thirteen families made an agreement with the authority and relocated after accepting \$500 per family as compensation, in addition to 5x18m plots with unofficial titles in Tuol village, Phnom Penh.</p> <p>The remaining ten families resettled nearby in May 2022, following negotiations resulting in \$13,000 remuneration along with 5x25-5x30 meter plots (without official land titles) and 50% payment for house construction measuring 5x12 meters each.</p>	<p>Thirteen families relocated to Toul village, Sangkat Ponsaing, Khan Prek Pnov. They already have access to concrete roads, water supply, electricity, and drainage systems. Unfortunately, they are struggling with income loss due to a decrease in places to fish (their main food staple.) They are also struggling with debt from banks. The new settlement has a small population size, making it difficult to find gainful employment and income.</p> <p>The other 10 families who were relocated to Sre Daun Touch village face similar issues and lawsuits regarding land disputes at the old site. These residents have also been given access to concrete roads, water supply, electricity and drainage systems.</p>
8	Boeung Tamok(second location)	<p>Since 1979, Sangkat Kork Roka, Khan Prek Pnov, of Phnom Penh has been home to Kob Srov Villagers. This vibrant community is made up of 88 families⁸ who utilise the land, through cultivating vegetables and rice during dry seasons, in addition to farming lotus, and fishing⁹.</p>	<p>In 2021, land and the surrounding lake belonging to 88 families in Boeung Kob Srov or Boeung Ta Mok in Kob Srov village, was infilled with sand without any solutions provided to villagers. Affected villagers raised several petitions asking for assistance; however, nothing came of them¹⁰.</p> <p>Citizens gathered together and protested at Kork Roka commune hall demanding a resolution. Residents highlighted that they had been using and relying on the 79 hectares of land for over 30 years. The government issued multiple sub-decrees authorizing ministries to develop infrastructures on the land in question.</p>	<p>The evicted people have lost their land and no longer have a place to grow crops for their livelihood¹¹.</p>

⁸. VOD Khmer, Residents by Ta Mok Lake protest in front of Sangkat Kork Roka Office, demanding a solution to the land issue, 21 March 2022, Available at: <https://www.vodkhmer.news/2022/03/21/residents-protest-at-prek-pnov-district-demanding-land-settlement-of-ta-mok-lake/>

⁹. VOD Khmer 80 families by Ta Mok Lake accuse a private company of encroaching on their land, 25 February 2022. Available at: <https://www.vodkhmer.news/2022/02/25/families-near-ta-mok-lake-accuse-a-private-company-of-encroaching-on-their-land/>

¹⁰. Ibid

¹¹. Ibid footnote 8

9	Railway	<p>The Railway Community was located in Toul Sangke Village, Sangkat Toul Sangke 1, Khan Russey Keo, Phnom Penh. The community members first settled in 1993 and organized their community in 2010. The community does not yet have legal title deeds. 83 families lived in this community. The members of this community were civil servants, tuk tuk drivers, vendors, construction workers and factory workers.</p>	<p>Since 2009, the World Bank's Road Development Project has had considerable repercussions on the livelihoods of residents of Toul Sangke Village in Khan Russey Keo. In 2018 and 2019, the local government provided families with a 15-day verbal notice to leave their village for resettlement near Wat Toul As Lauk.</p> <p>The majority of those families have since relocated to the new area in 2022, with each family being given 4x15 m plots of land; Some felt that these removals were against their consent and that cash compensation was insufficient or unjust.</p>	<p>The relocated community members located behind Wat Toul As Lok, Sangkat Toul Sangke, Khan Russey Keo, Phnom Penh are facing numerous challenges. These include the lack of water and electricity supply, impeded access to education for minors, inadequate road construction that is further damaged during rainy season, job loss due to economic constraints and insufficient housing as building projects remain unfinished.</p>
10	Toul Sangke A	<p>Toul Sangke A Community was situated in the Toul Sangke Village of Phnom Penh, Cambodia. People started to live there in 1985 and the villagers were integrated as a community in 1994, although they still lacked legal title deeds up to their eviction.</p> <p>The area was home to 85 families whose members work in industries such as fishing, street vending, construction, and factory work.</p>	<p>Toul Sangke A community was evicted twice. The first time, the community members received a notice to leave their homes and were given \$500 and 7x15 square meters of land at Trapeang Anchanh village in Kandal province in November 2010.</p> <p>The second time was in August 2022. The community once again received notices from authorities announcing their eviction from Trapeang Anchanh to a new resettlement site in Krol Kor. Without protest, the community consented to the relocation – to make way for a new concrete road on the railway from Boeung Kak to Prek Leap. As compensation for their second displacement, each community member was given a 4x15 meter land allocation.</p>	<p>The resettlement area of Krol Kor village, located in Sangkat Kilometer 6, Khan Russey Keo, Phnom Penh, is facing numerous challenges. Although the village has experienced rapid development in recent years, there are still many dwellings without access to basic utilities such as running water and electricity. The lack of job opportunities and long travel distances to schools leave children with limited education prospects.</p>

11	National Road No. 5	<p>The community was situated in Samaki Village, Sangkat Russey Keo and Phsar Touch Village, Sangkat Toul Sangke 1, Khan Russey Keo in Phnom Penh. This area was home to settlers since the 1980s. Most residents living there have been residents for around 10 to 30 years and lacked legal title deeds¹². The population was composed of people of all backgrounds from street vendors to automobile mechanics, construction workers and factory employees.</p>	<p>In 2021 and 2022, Russey Keo district authorities issued eviction orders to individuals residing on the banks of the river. While residents were aware of the order, many did not know what the process of eviction entailed nor that compensation was being offered for their relocation. It was reported by those interviewed for this report that those who had rented land from other people received anywhere from around \$700 per house in compensation, while landowners were offered \$3,000 for 4x4 square meters' worth of both house and land; or cash payments amounting to \$300-\$320 per square meter. Despite facing displacement, most citizens objected to leaving their homes and rejected offers made by the Russey Keo district authority; however, they ultimately had no choice but to accept them due to an apparent lack of viable alternative options¹³.</p>	<p>Citizens accepted the compensation and then moved to build their new houses, at unspecified locations. Evictees reported having lost their homes and their livelihoods.</p>
12	Samrong Tbong	<p>In 1990, Samrong Tbong Village settled in Khan Prek Pnov, Phnom Penh. The members of the community were organized under the name Samrong Tbong and had a population of 250 families (108 households). They were never provided with titles by the district authority. Over 80% of residents relied on Ta Mok Lake for lakeside agriculture. Community members obtained other sources of income through working as factory workers and employees in private companies or selling goods. The community set up many petitions and protests asking for suitable resolutions.</p>	<p>In 2019, Prek Pnov district authorities issued an informal notice for the eviction, asking the community members to relocate to a new place. The authorities agreed to provide 4.5x14 meters of land for for each household – claiming they had been living illegally on Road No. 151. The government is planning to widen this road by 50 meters. The citizens affected by the eviction were not given proper written notification. Most residents requested on-site development and wished to obtain documents like family books and land titles. They declined to relocate as they feared losing their jobs, occupations, and further social disruptions.</p> <p>Prek Pnov district authorities took away thirty to forty fish-farming cages during the process, which caused many people to lose vital equipment and tools. This act of violence further escalated when Mr. Meas Sambo – the Prek Pnov district security chief – filed a lawsuit against seven people who protested for their land¹⁴. The charges were framed as “preventing, inciting and creating anarchic activities along public streets.” According to reports from October 1st, 2021, four female protesters were involved in a clash with authorities that resulted in minor and serious injuries.</p>	<p>26 households so far have accepted compensation or a land swap from the authorities. Compensation packages include \$10,000 in cash and 4.5x18 meters of land as well as a new house.</p>

¹². VOD Khmer, Residents along the riverbank in Russey Keo want fair compensation before leaving, 22 July 2022. Available at: <https://www.vodkhmer.news/2022/07/22/russey-keo-residents-want-fair-compensation-before-leaving/>

¹³. Ibid

¹⁴. VOD Khmer, Boeung Ta Mok Residents pitch tents to prevent authorities from filling in the lake while land disputes remain unresolved, 08 November 2022, Available at: <https://www.vodkhmer.news/2022/11/08/boeung-ta-mok-residents-set-tents-prevent-authorities-dumping-land-enjoying/>

3. RESEARCH FINDINGS



- 12 cases of eviction occurred in Phnom Penh, Kandal, and Takeo provinces between 2019 and 2022 during the COVID-19 pandemic, but they were not handled properly in accordance with UN recommendations and comments on eviction and resettlement. National laws and international human rights law procedures were also disregarded during the eviction process.
- Each eviction occurred differently, and each outcome has been unique, both in terms of negotiation process and compensation packages. This shows that eviction processes are not following a prescribed process and must be observed and analyzed on a case-by-case basis.
- People who have been evicted have lost their jobs, had their children's education interrupted, and are struggling to find new careers. They are also worried about being evicted again, because for the most part, they do not have land titles where they are now living.
- Due to time and money invested in protesting and advocating for land rights, citizens who are being evicted face employment losses and take a financial hit.
- People in communities facing evictions worry about the unpredictability of compensation options, the loss of their homes, loss of livelihood, and the prospect of losing land. They also worry about house demolitions without prior notice, and threats from local authorities.
- Communities facing evictions are concerned about the loss of proximity to public services such as hospitals, health centers, schools, food markets and communal spaces.
- Residents of the communities that were forcibly evicted during the COVID-19 pandemic have all reported mental health issues because of their experiences with violent

conflicts, criminal prosecution (including charges of intentional violence), accusations of confronting public officials, threats from authorities, loss of employment, homes, and land.

- Most evicted persons are compelled to accept compensation in the form of relocation, a land swap, or a set sum of money that is insufficient to cover the necessities they need.



4. CONCLUSION



Contrary to COVID-19 Guidance Note, Prohibition of Evictions of the UN Special Rapporteur on the Right to Adequate Housing (Leilani Farha), issued on 28 April 2020 during the COVID-19 pandemics, evictions took place in at least 12 locations between 2019 and 2022. Each eviction was not carried out in compliance with national laws and international human rights laws, notably those regarding the right to adequate housing and guidelines on evictions and resettlement. The majority of forced evictions affect the lives and emotions of the people who already suffer enough from economic grievances, indebtedness, and other knock-on effects of poverty. Evicted citizens have lost homes, jobs, employment, income, education, easy access to public services, and have endured psychological distress due to the compensation and negotiation process.

5. RECOMMENDATIONS



Royal Government of Cambodia

- Provide land titles to people who own land in the area around Tamok Lake.
- Provide land concessions to vulnerable poor communities, as provided to some private individuals, to ensure the human right to housing can be met for landless communities.
- Follow the COVID-19 Guidance Note on the Prohibition of Evictions by the United Nations Special Rapporteur on the Right to Adequate Housing, Leilani Farha, issued on 28 April 2020¹⁵, points 1, 2, 6, 7, 8, 9, 10.
- Ensure proper implementation of the UN's comments regarding eviction and resettlement guidelines, especially in sections III, IV, V.

- Stop intimidation, violence, and all forms of threats during eviction processes, and grant citizens the right to peaceful protest and advocacy.

Office of the United Nations High Commissioner for Human Rights in Cambodia (OHCHR)

- The Office of the United Nations High Commissioner for Human Rights in Cambodia should continue to cooperate closely with the Royal Government of Cambodia to monitor and track the eviction process in Cambodia in order to promote and protect the right to adequate housing of those who live in the Cambodian territory and continue to support the government in fulfilling its obligations under international human rights law.

¹⁵. United Nation/Human Rights/Special Rapporteur: COVID-19 Guidance Note - Prohibition of evictions Leilani Farha Special Rapporteur on the right to adequate housing 28 April 2020 https://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdfhttps://www.ohchr.org/sites/default/files/Documents/Issues/Housing/SR_housing_COVID-19_guidance_evictions.pdf

EVICTIION AND COMPENSATION

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1. INTRODUCTION



This Facts and Figures reviews compensation provided to Phnom Penh's evicted urban poor communities from 2006 onwards. Previous research conducted by STT, notably in 2021,¹ found that there is little consistency in how compensation is offered and obtained for urban poor communities and other evictees. There are massive differences in land plots offered as compensation without any clear logic.² This can exacerbate human rights violations, notably citizens' rights to adequate housing and adequate compensation.



¹ STT, Eviction and Relocation, 2021 – available at https://media.business-humanrights.org/media/documents/files/documents/STT-Eviction-and-Relocation_ENG_Final.pdf

² STT, Eviction and Relocation, 2021 – available at https://media.business-humanrights.org/media/documents/files/documents/STT-Eviction-and-Relocation_ENG_Final.pdf

2. RESEARCH METHODOLOGY



STT carried out a comprehensive legal review to gain a clear understanding of both international human rights laws and Cambodian laws concerning the process of eviction, resettlement, and compensation. STT also carried out a thorough examination of literary resources and news reports to evaluate past practices implemented by authorities across Cambodia.

STT revisited its previous internal research and cases concerning communities that have faced eviction, including more recent instances of eviction. As a final step, STT assessed cases that other human rights NGOs have been focusing on, particularly those related to eviction and compensation. This comprehensive approach ensured a thorough understanding of the legal, historical, and current context of forced evictions in Cambodia.

Note: This study was conducted in May – July 2023 with 9 selected cases from 2006 onwards.

3. COMMUNITIES AND THE COMPENSATION OFFERED

This table provides an overview of the communities that received compensation for their eviction and what each compensation package entailed.

No	Evicted Community	Year of Eviction	Relocation Site	Number of Families	Compensation	Other Information
01	Sambok Chab community was located in Tonle Basac, Chamkarmon, Phnom Penh	2006	Andong Thmey village, Kokroka, dangkor, Phnom Penh (about 20kms from previous location)	1,465 families (data from MPP)	MPP provided 777 plots of land to the community. Each household received 4x6m plots of land. (No infrastructure at the relocation site at the time)	Forced eviction orchestrated by the MPP
02	Dey Kraham community, located in Tonle Bassac, Chamkarmon, Phnom Penh. The community first settled in Dey Kraham in 1980	2009	Damnak Trayeoung village, Chom Chao, Dangkor, Phnom Penh	Around 400 families	Evictees were offered either new flats, or financial compensation by 7NG estimated at 234\$ per square meter	This was a forced eviction orchestrated by the MPP and 7NG, which is a private company.
03	Beoung Kak, located in Srah Chork, Daun Penh, Phnom Penh	2008	Some families moved to Damnak Traw Young, about 25 kms from previous site. Some families received monetary compensation, and then scattered all around the city.	4,252 families ³	The residents were offered the following options: either receive approximately US\$ 8,500 in compensation; accept on-site upgrading; or relocate with a plot of land and housing (4 x 12 m flat) at the Damnak Trayoeng relocation site, which is approximately 25 km from the city center ⁴ .	The lake was approximately 133 hectares.
04	Beoung Tamok community of Koh Rongeaung village, situated in the Sangkat Ponsaing, Khan Prek Pnov area of Phnom Penh. The community settled there between 1985 and 1990.	In December of 2021, 13 families were evicted. In May 2022, 10 families were evicted.	13 families to Toul village, Sangkat Pansaing Saing, Khan Prek Pnov. 10 to Sre Daun TouchVillage.	23 families	13 families got \$500 and 5x18m plots with unofficial titles. 10 families received \$13,000 remuneration along with 5x25-5x30 meter plots (without official land titles) and 50% payment for house construction from local authority.	N/A

³. Statement: Boeung Kok lease contract violates Cambodian law | Cambodia | LICADHO ([licadho-cambodia.org](https://www.licadho-cambodia.org))

⁴. Statement: Boeung Kok lease contract violates Cambodian law | Cambodia | LICADHO ([licadho-cambodia.org](https://www.licadho-cambodia.org))

05	Community by Boeung Tamok lake. Residents settled since 1979 at Samrong Thbuong village, Sangkat Samrong, Khan Prek Pnov, of Phnom Penh	2023	The relocation site is at Samrong Commune, Prek Phov district, Phnom Penh. Around 2 Kilometers from the previous site	26 families	Evictees received \$10,000 to build new homes (4.2x15 meters) on plots of land (4.5x18 meters)	N/A
06	New airport: Cheung Keb Commune and Kandork Commune, Kandal Steung District, Kandal Province	December 01, 2021	Kampong Talong village in Boeng Khyang commune, Kandal Steung district, Kandal province.	101 families	Evictees were compensated \$8 per square meter. They were also provided new homes (5x8 meters) on plots of land (5x20 meters) with hard land titles.	N/A
07	New Airport: Boeung Khyang commune, Ampov Prey commune, Prek Slaeng commune, Kandal Steung district, Kandal province and Put Sor commune, Bati district, Takeo province	In 2018, the community was notified about their imminent eviction to make way for the new international airport.	N/A	330 families	Evictees were offered \$8 per square meter as compensation; Residents were forced to accept the compensation and leave as no alternative solution was provided.	N/A
08	Sihanoukville expressway, Chaeng Maeng Village, Sangkat Samraong Krom, Khan Por Senchey, Phnom Penh	October 27, 2021	N/A	5,627 families ⁵	Evictees were provided compensation in cash, ranging from \$30,000 to \$40,000. However, this only equates to half the value of their lost property and bank debts.	N/A
09	White Building. The people began settling there in 1979 and throughout the 1980s. Located in Phum 1 and 2 village, Tonle Bassac commune/ Sangkat, Chamkar Morn district/ Khan, Phnom Penh Central.	June 06, 2017 ⁶	The eviction site is rumored to be at Rong Rerng ⁷	532 families at first 493 families on a second instant ⁸	Evictees received cash, ranging between \$20,000 to \$70,000. Evictees also received \$1,400 per square meter as compensation for the loss of their apartments ⁹ .	N/A

⁵. Cambodianess, Government Defends Demolishing Houses for Expressway, 02 November 2021, available at: <https://cambodianess.com/article/government-defends-demolishing-houses-for-expressway>

⁶. Phnom Penh Post, White Building holdouts, 04 July 2017, Available at: <https://www.phnompenhpost.com/national/white-building-holdouts>

⁷. Phnom Penh Post, White Building residents offered new Chroy Changvar homes, 26 February 2016, Available at: <https://www.phnompenhpost.com/national/white-building-residents-offered-new-chroy-changvar-homes>

⁸. Ibid footnote #6

⁹. Phnom Penh Post, Demolition derby: Preparing the White Building, 13 July 2017, Available at: <https://www.phnompenhpost.com/national/demolition-derby-preparing-white-building>

4. INTERNATIONAL LAW



According to international law, the state must ensure that compensation for evicted families is guaranteed¹⁰. This includes paying compensation for “any property, both personal and real.”¹¹ When the Cambodian government evicts communities, compensation must be ensured. All loss of property, employment, land and goods must be compensated for.

The provision of a home in some cases was part of the compensation. Evictions must not lead to people becoming homeless¹². This requires that for those who cannot provide themselves with another home, the state, or the relevant entity leading the eviction process, must provide housing elsewhere. In addition, the provision of land as compensation, for farmers for example, may also be needed as a means of covering losses¹³.



¹⁰. UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, para 13.

¹¹. Ibid.

¹². UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, para 16.

¹³. Ibid.

5. CAMBODIAN LAW



Under the Cambodian Constitution (1993), the rights of all citizens to human rights, such as those outlined above are to be recognized and respected¹⁴. With specific respect to eviction and resettlement, Article 44 states that all persons have the right to ownership¹⁵.

Ownership can be superseded by the State and can result in confiscation. However, this can only be done if the confiscation is for the public interest. There is also a requirement that fair and just compensation is supplied and must be observed¹⁶.

In addition to the Constitution, the Land Law (2001) also provides protections and guarantees compensation against taking land from private citizens by the State, declaring this only possible where it is in the public interest and where fair and just compensation is provided¹⁷.

It is not clear how fair compensation is decided upon, but the Law on Expropriation suggests that fair compensation should be based on market prices or replacement costs as determined by an independent committee or agent¹⁸.

Despite international law requiring Cambodia to place protections against forced eviction into its own domestic legal system¹⁹, there is little in Cambodian legislation that protects communities against forced evictions. Cambodian law does not provide enough to help communities receive adequate housing or just compensation when they are facing eviction. As a result, and as we have attempted to highlight in this report, **there is almost no consistency in compensation patterns**. The provision of adequate and fair compensation and the right to adequate housing needs to be upheld in Cambodian law.

¹⁴. Constitution of Cambodia, 1993. Article 31.

¹⁵. Constitution of Cambodia, 1993. Article 44.

¹⁶. Ibid.

¹⁷. Land Law, 2001. Article 5.

¹⁸. The Law on Expropriation, 2010. Article 22.

¹⁹. UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, para 9.

6. ANALYSIS OF COMPENSATION OFFERED TO EVICTED COMMUNITIES



Access to Information About The Compensation Calculations

Communities that STT spoke with consistently described the compensation process as lacking sufficient information. Despite the Law on Expropriation emphasizing an independent committee to assess market value, communities were provided with such limited information that they couldn't explain to STT how the government or companies involved in the evictions arrived at the proposed compensation figures. Access to information regarding the eviction is crucial for preventing forced evictions under the international framework²⁰. However, this research underscores that in Cambodia, it is common for communities to receive minimal or no information regarding how the compensation offers were calculated.

Lack of Clarity Leading to Inconsistency

The compensation process lacks consistency, which exposes it to bias, exploitation, and unfairness. For instance, when the residents of the White Building were evicted, they received significantly higher amounts of compensation compared to other communities in similar situations throughout Phnom Penh. Consequently, communities that received lesser compensation often feel discriminated against. The Cambodian government's absence of a clear compensation policy has led to this situation. Without legislative changes or the development of a clear policy, future evictions will undoubtedly continue to violate international law and perpetuate discrimination.

²⁰ UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, para 15



Compensation in The Form of Land or Money

Some communities were compensated with both land and money, while others received either land or money. The reasons for this inconsistency in the type of compensation offered to communities were unclear, as there were no written explanations provided. It is worth noting that receiving compensation in the form of land may be more favorable for certain communities. For instance, farming communities may prefer farmland in order to sustain their livelihoods, whereas other communities may have different preferences. However, there is no evidence to suggest that the Cambodian authorities have taken these factors into consideration.

No Provision of Housing For Those at Risk of Homelessness

Finally, only one community was provided with housing at resettlement sites, despite it being a requirement for those at risk of homelessness under international law. This not only violates the right to adequate housing, but also puts many community members at risk of homelessness or debt as they had to borrow money to build their houses. The provision of housing is a minimum requirement and cannot be disregarded when individuals are unable to provide housing for themselves. It should not be viewed as compensation, but rather as a fundamental human right that must be upheld during the resettlement process.

7. RECOMENDATIONS

- Develop a clear policy on compensation for evictions that takes into account land ownership, cultural sensitivity, and monetary restitution, as mandated by international law.
- Promote transparency, consistency, and accountability in the decision-making process regarding compensation by publicly disclosing all relevant information and decisions made thus far.
- Ensure that no individual becomes homeless or at risk of homelessness due to evictions. This can be achieved by implementing legislation that safeguards people from forced evictions and guarantees housing assistance for those unable to afford it, in accordance with international standards.

The above recommendations are made to the state and should be adopted by relevant ministries and municipalities, including the Municipality of Phnom Penh.



RELOCATION AND DEBT

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1. INTRODUCTION



Under international law, Cambodia is obligated to ensure the human right to adequate housing. This means that forced evictions are globally prohibited and, among other things, it mandates the establishment of resettlement sites that ensure access to decent housing.

Housing isn't just a basic need, it's vital for protecting and promoting other human rights. Its absence can directly lead to further human rights infringements. This study reveals that individuals who were forcibly evicted and not provided with housing at resettlement

sites ended up accumulating debts. These debts subsequently resulted in food scarcity, forced child labor, and children having to discontinue their education.

The study also highlights that Cambodians who have been victims of forced evictions continue to face hardships at resettlement sites due to the lack of housing or sanitation facilities, resulting in an alarming cycle of debt. Therefore, it is imperative that Cambodian authorities take more decisive action to ensure that every citizen can exercise their right to adequate housing.



2. RESEARCH METHODOLOGY



In June 2023, Sahmakum Teang Thaut (STT) conducted a field visit to six newly formed resettlement sites to interview 32 individuals who had been evicted from their homes in Phnom Penh. These sites were specifically chosen to provide the most current evaluation of Cambodia's resettlement policies, as they were established by the Cambodian government between 2019 and 2022 to accommodate evicted families.

Before the interviews, STT clarified the objective of the study, explained their role, and ensured the respondents understood how the findings would be used to advocate for policy changes with the Cambodian government. All respondents gave their consent to participate.

The research questionnaire was centered around the provision of adequate housing, a term defined by the UN Committee on Economic, Social, and Cultural Rights under international law.¹ A subsequent section of the questionnaire delved into the issue of debt and the resultant human rights violations. The questionnaire, along with photographs demonstrating the inadequate roads and infrastructure at the resettlement sites, can be found in the report's Annex.

The primary goal of this paper is to scrutinize the social injustices resulting from forced evictions and debt, in the context of the government's inadequate efforts in providing housing solutions and compensation.

(Note: This study was conducted in July - September 2023.)

¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), Adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991 (Contained in Document E/1992/23), para 8, (a)(b)(c)(d)(e)(f)(g).

3. RESEARCH FINDINGS



Failure to provide remedy in the form of adequate housing

The provision of remedy in the form of adequate housing at resettlement sites is required under international human rights law². Despite this, only one site, out of six, included partial provision of housing to evicted persons³. Interviewees from this particular site described the housing that they were provided as “half-built.” The housing included walls and a roof, but did not include doors, windows, or floors.

This means residents were exposed to the elements and lacked any kind of security by not having doors or windows. At every other site that STT visited, no housing was provided to evicted persons – just empty plots of land.

According to the UN Committee on Economic, Social and Cultural Rights, adequate housing requires:

- 1). Legal security of tenure
- 2). Affordability
- 3). Habitability
- 4). Accessibility
- 5). Proximity to services And
- 6). Cultural adequacy⁴.

Despite this, only two of the resettlement sites had access to water, electricity, roads, waste collection services and sewage when evicted persons first arrived at the site.



². UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, para 16.

³. Somrong Kanal community.

⁴. UN Office of the High Commissioner for Human Rights (OHCHR), Fact Sheet No. 21, The Human Right to Adequate Housing, November 2009, Fact Sheet No. 21/Rev.1, available at: <https://www.refworld.org/docid/479477400.html> [accessed 3 May 2023]

Resettlement sites varied in their proximity to schools, with some being up to five kilometers away from government schools. One interviewee told STT that her child was unable to attend school because he could not walk that far, and the family did not have any transportation options available to them. None of the resettlement sites are located close to public parks or any kind of recreational facilities.

In terms of security of tenure, all of the people interviewed by STT reported having land receipts for the resettlement plots (soft titles), but none had hard land titles.

Indebtedness resulting from the failure to provide remedy

The failure to offer suitable housing to those who have been evicted has led to a concerning rise in debt among these individuals, as they struggle to afford housing and basic sanitary facilities. A staggering 90% of the evicted residents have found themselves in debt. The study found that six participants resorted to borrowing money from loan sharks,⁵ eight turned to banks, while 11 relied on microfinance institutions (MFIs). Two respondents had to borrow from both a bank and an MFI or a loan shark and a bank simultaneously. The remaining five participants also found themselves in debt through other means. It's important to highlight that STT along with other human rights organizations and academic researchers, have documented the exploitative nature of the MFI industry within Cambodia, adding another layer of difficulty for these indebted individuals.

The main reasons cited by respondents for accumulating debt were the need to construct a house, to establish water and electricity connections, and to cover private school fees.

This suggests that the Cambodian government's failure to provide adequate housing — which should include basic utilities like sanitation, water, and electricity — has directly contributed to these individuals falling into debt. Of those who borrowed money, 28 respondents used their land receipts as collateral without being informed about the risks associated with loans. The remaining four participants did not provide a response. Therefore, if these individuals are unable to repay their loans, they may face pressure to sell their homes to settle the debts, essentially leading to another eviction scenario. The burden of loan repayment is intensifying the poverty experienced by some respondents and leading to further human rights violations. According to international human rights law, resettlement sites should not contribute to or put people at risk of additional human rights violations. However, this study has found that the debt incurred due to the government's failure to provide adequate housing is leading to such violations.



⁵. Defined as a private lender of money, not registered.

Out of the 21 respondents, seven reported that they had to withdraw their children from school as a result of the forced eviction and subsequent resettlement, debt, or both. Among them, one respondent had to remove their children from school due to the cost, while six others had to do so because they needed their children to work in order to manage the cost and the debt. This not only violates the rights of the children but also constitutes child labor.

The debt burden also meant that many families have to spend less in other areas. 27 families reported not spending as much as before on food.

A significant 90% of those who took out loans reported that the annual interest rates on their loans ranged from 1.1% to 1.7%.



The Plight of Urban Poor Women in Cambodia: A Case Study of Navy and Her Family

Navy, a woman from an urban poor community, was displaced from her home in the development area of Boeung Tamok (Samrong Kandal village) and relocated to a village in Prek Pnov, Phnom Penh. She lives with her two daughters, aged 12 and 14. Since their resettlement, Navy's family has been struggling with increasing expenses and a decreasing income.

Upon arriving at their new location, they couldn't afford to build a house, compelling Navy to take out a loan from a local microfinance institution. Navy works in a factory, and her husband was formerly a fisherman in Boeung Tamok. However, due to the significant distance from their new home to the lake, he had to stop fishing. Consequently, Navy's factory worker income alone is insufficient to cover their daily living costs and loan repayment.

After I've relocated here, I buy everything, even the money to transport the wood from the old house to the new place, she shared.

To cope with this financial challenge, her family has had to reduce their daily food expenses and occasionally borrow money from private lenders to repay the loan interest.

When I could not repay the bank, I had no choice but to borrow more money, sometimes from loan sharks, Navy explained.

Witnessing their mother's struggle, her two daughters, who were in the 6th and 8th grades, decided to drop out of school to lighten the financial burden on the family. They now work in farming. One of her daughters told her, *"Mother, if you are having a hard time, then I will just have to quit school and find a job."*

Navy harbors deep regret for her daughters, who were excellent students but had to abandon their education to work due to their parents' debt issues. She lamented, *"I'm so sorry, they are outstanding students, but I don't have any money."*



4. CONCLUSION



The current relocation policy of the Cambodian government is in stark contradiction with its obligation to respect the human right to adequate housing. This study reveals that the resettlement sites established for communities evicted from Phnom Penh over the past five years are falling significantly short of international standards. These standards necessitate the provision of adequate housing at resettlement sites.

As a consequence of this failure, the evicted individuals have found themselves mired in debt, a burden that many fear they will be unable to bear. This debt crisis is forcing children to abandon their education or reduce their working hours. These debts are not only worsening human rights issues but are also a direct outcome of the forced evictions and the failure to provide suitable housing.

In essence, the Cambodian government is compelling its citizens to bear the cost of their own access to basic human rights.





5. RECOMMENDATIONS



- Enact legislation that prohibits forced evictions and clearly states the responsibilities of the state when undertaking evictions – including the provision of resettlement sites that do not lead to further human rights violations. This legislation should be detailed, control the process of evictions, and should be done in consultation with recognized experts of the right to adequate housing.
- Provide adequate housing to the resettlement sites listed in this report.
- Repay all the debts that have been incurred as a result of the failure to provide adequate housing at resettlement sites.
- Work with the microfinance sector to ensure safeguards are in place that protect borrowers and identify people that are at risk of defaulting on loan payments because of predatory lending and protect them from harms caused by this predatory lending.





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