



LOW-INCOME RENTAL HOUSING IN URBAN AREAS

JANUARY 2021

RESEARCH FOCUSING ON FACTORY WORKERS AND THE RIGHT TO HOUSING

LOW-INCOME RENTAL HOUSING IN URBAN AREAS



សហព័ន្ធសហជីពកម្ពុជា
CAMBODIAN ALLIANCE OF TRADE UNIONS



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Sahmakum Teang Tnaut • a Cambodian Urban NGO

Cambodian Alliance of Trade Unions (CATU)

The Cambodian Alliance of Trade Unions (CATU) is a legally-registered independent trade union federation representing workers in Cambodia`s manufacturing sectors since 2011. CATU represents worker in textile, garment, footwear, travel goods and bag producing factories in Cambodia. CATU has assisted tens of thousands of workers in receiving benefits higher than those legally prescribed, moving of short-term contracts and into permanent employment, and improving health and safety conditions in workplaces. CATU has also helped thousands of workers, including those discriminated against for pregnancy or trade union activities, be reinstated with full backpay.

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Center for Alliance of Labor and Human Rights (CENTRAL)

CENTRAL empowers Cambodian working people to demand transparent and accountable governance for labor and human rights through legal aid and other appropriate means. Its vision is that Cambodian people are the master of the country, living with human dignity and in peace. CENTRAL organizes and supports the Cambodian working people though legal aid and other appropriate means to demand transparent and accountable governance for labor and human rights, in order to contribute to a transparent and accountable governance for fulfillment of workers` & human rights in Cambodia.

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Federation Union of Free and Independent

The Federation Union of Free and Independent was formed with the participation of employees in 2018 and was registered on the list of Recognition by the Ministry of Labor and Vocational Training No. 369 K.Bor/Vor.Bor.Vor. Kor recognized 212180066 On 22nd August 2018. The Federation Union of Free and Independent plays a role in creating a social dialogue in the workplace is aim to improve the standards related to the field of work. By protecting and respecting rights, freedoms, and benefits and benefit workers in the garment and footwear sector or workers with similar occupations with the same or similar economic activity as members.

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Sahmakum Teang Tnaut

Sahmakum Teang Tnaut (STT) was founded in 2005 and officially registered in 2006 as a local NGO supporting urban poor communities. STT started as a small NGO that focused on technical upgrades in poor communities and has since grown to produce community maps, research and advocacy in order to achieve its goal of helping poor communities realise their rights to land and housing.

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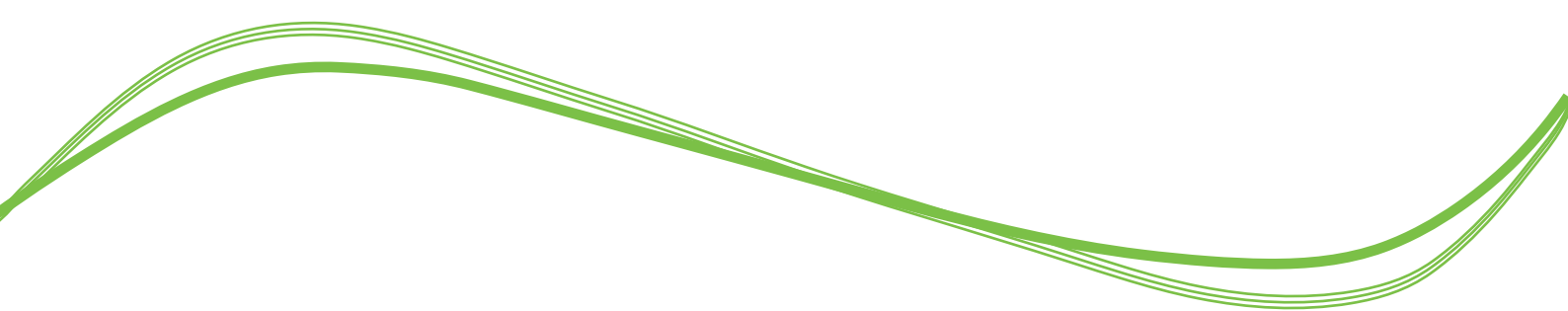
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1. EXECUTIVE SUMMARY

Phnom Penh is the largest city in Cambodia, with many urban residents enjoying its benefits as it grows. New condos, apartments, and gated communities are being built every day, but there remain many low-income renters living in dangerous housing. Economic migrants, such as factory workers, tend to make up a large portion of this group and the issues they face are often because of their vulnerability as renters. Factory workers often migrate to an area for work and look for rental housing because they cannot afford to buy. This research investigates their experiences in rental housing and concludes that the housing provided is often inadequate and dangerous. The key findings are outlined below.

The Government is failing to ensure that low-income renters enjoy the right to adequate housing. Governments have a responsibility to look after their people. The Cambodian Government has ratified several prominent conventions affirming the importance of the right to housing. In spite of this, the Government has not enforced laws or policies that help low-income renters realise their right to adequate housing. The result has been that landlords have continued to endanger and violate the rights of low-income renters with little Government intervention.

The current legislation and policy have failed to protect renters from housing issues. The research finds that rent increases, although often illegal, have continued unabated. Renters also suffer from a lack of minimum rental standards for a property before it can be rented out for habitation. Poor dissemination of already weak laws, and a lack of written rental contracts have meant that many low-income renters are vulnerable to inadequate housing and are without access to legal redress.

Written contracts should outline the rights of renters, but more than 91% of factory workers did not have a written contract. While verbal contracts still provide rights and rules, they are harder to understand as they are not written down. Factory workers' responses indicated that they were often unclear on the rights they did have at law. In some cases, this empowered landlords to raise rents or harass their tenants, despite these actions being illegal.

Factory workers without written contracts experienced five times more harassment from their landlords than factory workers with written rental contracts. Landlords can be empowered by the lack of a written contract, whereas factory workers become disempowered by not having their rights clearly stated. This has resulted in verbal and physical abuse, evictions and threats. For factory workers who rent, a written contract is a safeguard against abuse.

Although illegal, factory workers reported wage increases were often followed by rent increases.

This undermined the hard-earned payments of workers and provided more money to landlords who did not improve the houses they rent, instead only charging more to rent the same room. Factory workers felt frustration as their salary increases often ended up in the hands of landlords. The lack of dissemination of renters' rights to renters and subsequent enforcement by Government has allowed this practice to continue unabated.

Alarming, nearly a quarter of all factory workers had experienced a crime near their rental houses, with one in ten experiencing crime inside their homes. Shared bathrooms without locks or lights, unlit streets and lack of fire escapes meant that factory workers were unsafe in their own homes. Some workers had lost clothes and phones to thieves, whereas others had been physically assaulted whilst leaving their houses. Lack of lighting was the most common response when considering why they were experiencing crime.

The report concludes with several recommendations for improving low-income rental housing. **Improved dissemination and enforcement of the law, a requirement for written contracts, regulation of rental properties using a minimum standards approach, and the provision of street lighting** are key to ensuring low-income groups such as, like factory workers, are able to realise their human rights to adequate housing. Currently, factory workers are being endangered by the housing provided to them and the lack of Government support in the form of regulation, education and enforcement of the law.



The entrance to the rental housing of a factory worker is less than 1 meter in size.

2. METHODOLOGY

The methodology for this report was a mixed-methods approach. The research employed one-on-one interviews with 150 factory workers who rented their houses in Phnom Penh and worked in factories in Phnom Penh and Kandal province. A desk-top review of the relevant literature and a legal analysis of the relevant law was also conducted.

The research aims to:

1. Assess the current rental situation in terms of costs.
2. Review and assess the current legal framework related to renting.
3. Assess the current rental situation for factory workers in terms of their right to adequate housing.
4. Identify any immediate risks to renters.

In order to meet these aims, researchers interviewed 150 factory workers from Phnom Penh between August and October. Two-thirds of factory workers were employed in “sewing”, with others employed in roles such as “ironers”, “gluers” and “machine workers”.

Eight target factories were selected for the research. The owners, according to factory workers, were: Berry Apparel (Cambodia) Co., Ltd; Cambo Handsome Ltd; Roo Hsing Global Co., Ltd; Trax Apparel (Cambodia) Co., Ltd; Yi Da Manufacturer Co., Ltd; J.A.W Co., Ltd; Tien Sung Garment (Cambodia) Co., LTD; and Regence Footwear (Cambodia) Co., LTD.

Additionally, a review of the relevant research, legislation, and international conventions that Cambodia is a party to was conducted. This was done to identify gaps in the literature, to provide context for the findings of this research, and to provide a legal framework against which the workers’ rights to housing could be assessed.

Due to the limited sample size of 150 participants from a variety of factories in Phnom Penh and Kandal province, the research is not statistically representative of Cambodian factory workers’ rental

housing experiences. However, the research helps to provide context to factory workers’ experiences as renters in Cambodia, and provides examples of the struggles they face in realising their right to housing.

Low-income rental housing in urban areas

Low-income rental housing has been developed by private landlords, rather than by the Government. The result is a housing industry that is often failing its low-income renters, such as factory workers, because of an unequal power relationship between landlords and renters with little oversight from the Government. Cambodia’s local laws are not well understood or enforced, and therefore do not assist renters in realizing their housing rights. It is likely that landlords have a better understanding of their rights and are able to act with impunity in cases where no rental contract exists. The end result is that factory workers are made to rely on private individuals to provide cheap housing which is often not safe for human habitation.

Housing as a private industry

Over the past 20 years the Royal Government of Cambodia has not invested in the development of housing for low-income groups. Private investment is almost the only available housing in the capital. For low-income groups, like factory workers, renting is often the only option and landlords are typically private individuals, rather than companies. All of the participants in this research were renting from private landlords and none were renting from a company. This means that the low-income private rental housing industry is largely based on private individuals building housing, aimed at making a profit by renting it out to factory workers and other low-income economic migrants. The Government has not done enough to provide regulatory frameworks and legislation that properly protect low-income renters’ rights to housing.

The right to housing under Cambodian law

Cambodia has laws that protect renters' rights to adequate housing, but they are not sufficiently disseminated or enforced. The Civil Code provides several rights for renters under Book V¹. Renters are protected from harassment under Article 600(3)². However, few renters know this, which is likely a result of poor education on renters' rights, and because many rental contracts are not written.

Under Article 599, a rental contract does not have to be written to be legally valid. Verbal contracts, which dominate the current low-income rental arena, are still contracts that carry legal weight³. They also provide a protection against the harsh effects of immediate eviction by requiring that 3 months' notice be provided to renters in the case of an eviction⁴. This is a vital protection for renters that provides them with time to organise and begin the search for other housing. However, factory workers were often not aware that this right existed.

Certain renters are also protected by The Law on the Special Lease⁵. Workers who rent a room are protected under this legislation⁶, which grants protection against rent increases from landlords⁷. However, the research revealed that this law is little known or understood amongst factory workers. Greater dissemination of the law could provide factory workers with greater protection against rental increases.

The international obligations of Cambodia to provide housing to factory workers

Cambodia is party to seven international conventions that support the right to adequate housing. According to these regulations, the Cambodian Government has a responsibility to ensure factory workers are able to enjoy the right to adequate housing.

Table1: The international obligations of Cambodia to provide housing to factory workers

Convention, Treaty or Declaration	Date Cambodia signed	Rights to housing included
<i>International Covenant of Economic, Social and Cultural Rights (1966)</i>	Signed 17 October 1980 and ratified 26 May 1992	The right to adequate housing under Article 11
<i>Convention relating to the Status of Refugees (1951)</i>	Acceded to 15 October 1992	The right to adequate housing for refugees under Article 25
<i>Convention on the Elimination of All Forms of Racial Discrimination (1969)</i>	Signed 12 April 1966 and ratified 28 November 1983	The right to adequate housing under Article 5 [e] [iii]
<i>Convention on the Elimination of All Forms of Discrimination Against Women (1979)</i>	Signed 17 October 1980 and ratified 15 October 1992	The right to adequate housing for women under Article 14 [2]
<i>Convention on the Rights of the Child (1989)</i>	Acceded to 15 October 1992	The right to adequate housing for children under Article 27 (3)
<i>International Convention On the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)</i>	Signed 27 September 2004, but not ratified.	The right to adequate housing for migrant workers and their families under Article 43 (1)
<i>Convention on the rights of persons with disabilities (2008)</i>	Signed 1 October 2007 and ratified 20 Dec 2012	The right to adequate housing for persons with a disability under Article 28 (1).

¹ Book V: Particular Type of Contracts/Torts, Chapter 5 - Lease' of the Civil Code (2007).

² Ibid.

³ Ibid.

⁴ Article 615(1).

⁵ The Law on the Special Lease, 2015.

⁶ Ibid, Article 1.

⁷ Ibid, Article 8.

Governments are not required to build houses because of these treaties or conventions. However, they are expected to respect, protect and help to fulfill the right to housing. This means that the Cambodian Government should do what it can to en-

sure that factory workers can live in houses safely. A stronger focus enforcing the existing laws, funding public housing, and ensuring renters know their rights are some of the ways the Cambodian Government could achieve this.

More than a law, it's a human right - All humans need houses to survive. The right to a house is something that is so important to being a human that it does not simply exist in our laws, it also exists in the laws of nature as well. Without somewhere safe to rest, like a house, humans quickly die from the cold, heat, rain, or wild animal attacks. It is important to remember that governments should ensure the right to housing not just because they ratified a convention, but because **all humans need houses to live.**

3. MAIN FINDINGS

Several issues emerged from the research that indicate factory workers are not enjoying the right to adequate housing, such as:

1. **91% of factory workers do not have a written contract.** Factory workers lack confidence in their legal protections because they often do not have written contracts. They also experience five times more harassment when they do not have a written contract than when they do.
2. **Nearly a third of all renters were behind on rental payments.** The reasons for this were varied but some attributed it to Covid-19.
3. **13% of factory workers do not have a private bathroom** and instead use a shared bathroom. Around a quarter of these bathrooms do not have a working lock or a working light.
4. **Of the 37% of workers who received a rent increase, more than 60% reported that it coincided with an increase in their salaries.**
5. One in four renters reported being **victims of a crime** near to their house, with 10% reporting they had suffered from crime inside of their house. **Renters were the victims of trespass, robbery and assault.**

Factory workers

Factory workers are low-income earners, with low levels of formal education, migrating to areas with factories in order to find work. As a result, they are particularly vulnerable to housing issues due to their migrant status, their lack of financial means, their low levels of formal education, and high levels of indebtedness.

Rental housing is essential for groups that cannot afford to buy a house. Factory workers represent a group of people more likely to be renters because of their occupation and migration status. They are also more likely to be in insecure housing as a result.

Migrants

Of the 150 workers interviewed, 144 were migrants who had moved to Phnom Penh to find work at a factory. Workers often migrate to work in factories in Phnom Penh or Kandal, and seek out cheap accommodation nearby. The need to migrate for work means that factory workers are often vulnerable to housing issues, such as inadequate housing. It also means that factory workers are more likely to be renters, as they reported not having relatives or friends living nearby who they could live with.

When migrating to work in a factory, factories did not usually provide, nor assist in the search for accommodation. In only a few cases did the factory assist workers to find housing. All of the factory workers interviewed reported that the houses they rented were owned by private owners. No government or factory-owned housing was researched as a result.

Income (salaries)

The average salary range for factory workers from this research is **\$190 USD per month.**

Gender

More than two-thirds of the factory workers interviewed for this research were women. 78% of workers were married. **94% of workers had children.** In many cases workers had migrated to the area with their families so proximity to schools was of great importance to them.

Education

The low levels of formal education for factory workers likely contributed to them seeking out work in factories. Factory jobs typically require little formal education. **Less than 10% of factory workers had completed high school and one in ten had no formal education.**



The workspace of female factory workers inside the factory.

Table 2: Levels of formal and other education for factory workers.

Level of education	Number	Percentage
No formal education	15	10
Primary school	74	49
Secondary school	50	34
Highschool	11	7
University	0	0
Other	0	0
Total	150	100

Debt

Indebtedness was also prevalent among the factory workers interviewed. **Levels of indebtedness tended to be very high with roughly 88% of factory workers owing money.** Loan sizes ranged from a few hundred to nearly 20,000 US dollars. Smaller loans were typically associated with essential costs, such as healthcare and food. Larger loans were more likely to be used for business expenses. Of the 12 loans associated with paying for healthcare, all 12 were said to have “made life more difficult”. 69% of all loans were reported to have made life “worse” for factory workers. **More than half of all indebted factory workers reported that they did not anticipate being able to repay their loans.**

Table 3: Indebtedness of factory workers to group

Receive loan from	Number	Percentage
Bank/Microfinance	58	38
Microfinance	47	31
Middle-man	12	8
Neighbor	0	0
Relative	11	7
Landlord	1	1
MFI and Middle man	1	1
MFI and Relative	1	1
MFI and Friend	1	1
No loan	18	12
Total	150	100

Adequate Housing

Factory workers have the same need for housing as any other humans. The demographics above suggest that factory workers are more likely to be renters because of their low-incomes and the fact that almost all were economic migrant workers. In order for them to realise their right to housing, rental houses must meet the basic criteria to be considered 'adequate housing.' These criteria (legal security of tenure, availability of services, affordability, habitability, accessibility, and location) are examined below in greater detail⁸.

Legal security of tenure

Security of tenure is important for guaranteeing protection against forced evictions and harassment. A house is only useful to its occupant if they can enforce their rights to live in it. However, factory workers are often vulnerable in their legal rights to rental housing, frequently not possessing written contracts or a strong understanding of their rights. Workers reported harassment and were vulnerable to eviction under certain circumstances.

Factory workers overwhelmingly did not have a written rental contract. Only 9% of factory workers possessed a written contract. Many factory workers still have a contract, even though it is not in writing. The Cambodian Civil Code allows for rental leases that are not in writing and provides that when terminating a lease, a notice period of three months must be provided to the renter⁹. However, the lack of a written contract meant that factory workers did not understand the terms of their rental agreement.

Despite legal protections, many factory workers suggested that they did not have a written contract and thus were not entitled to rights as well. Because factory workers did not have a clear understanding of their rights, they were more likely to accept when they were treated badly by their landlords. In some cases, factory workers were evicted without being given a three-month notice period. In other cases, factory workers were taken advantage of by landlords demanding extra rent or threatening eviction and demanding additional payments. The lack of a written contract was seen as significant for factory workers to understand their obligations and their rights as renters.

More factory workers were harassed by their landlords when they did not have written contracts. Workers reported being yelled at, threatened, physically assaulted or having their power shut off by their landlords. Only 2% of factory workers with written rental contracts reported some form of harassment. In contrast, more than one in ten (11.33%) factory workers without rental contracts reported being harassed. **This suggests that having a written contract actually provided some form of protection against harassment.**

Disseminating local laws: More education about the rights of renters under the Cambodian Civil Code and The Law on the Special Lease is required in order for renters, such as factory workers, to realise their human right to housing. The Department of Housing should endeavour to educate the public, and especially migrant factory workers, on their rights as renters.

Written Rights: Written contracts should become mandatory and should be the responsibility of landlords to create based on Government-approved proformas. Currently, too few factory workers understand their rights as renters unless they have a written contract. There is no reason not to require written contracts and the emphasis should be placed upon landlords to do so to ensure that they are being transparent and respecting the law.

Availability of services, materials and infrastructure

Rental housing needs to ensure humans are provided with basic services and infrastructure necessary for survival. Factory workers had good access to basic services like water and electricity, but many did not have a private area to cook food or a private and safe bathroom.

Factory workers had access to basic services such as water and electricity. 100% of the workers interviewed reported access to reliable water and electricity. This is a positive finding and suggests that landlords interested in renting to factory workers are investing in houses that provide these basic necessities.

⁸ Cultural Adequacy is also a component of adequate housing. This was not researched in this report due to time constraints.

⁹ Articles 599, 615(1).

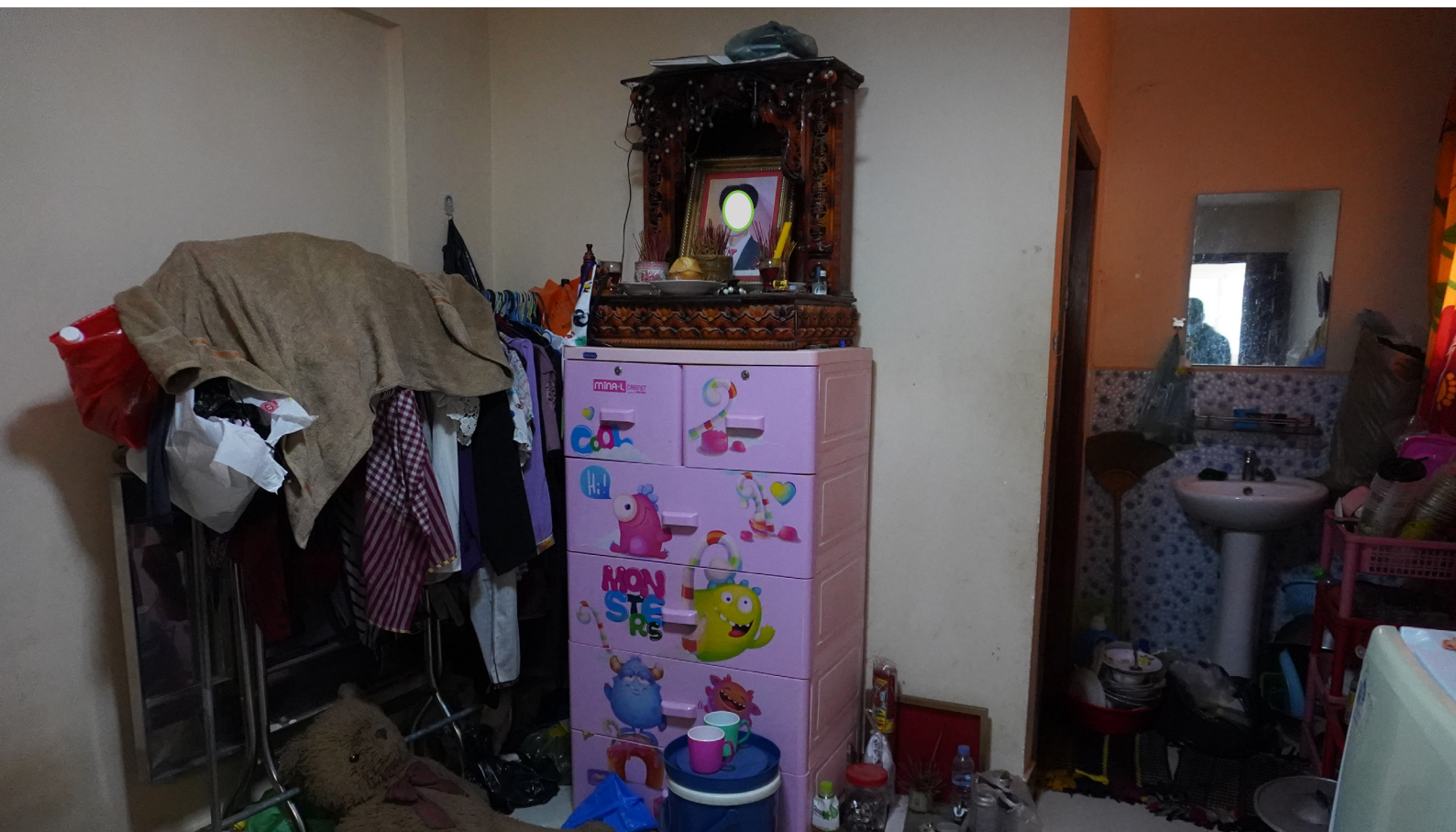
However, factory workers often did not have adequate access to an area to cook food. 8% of workers reported not having a dedicated area where they could cook food. More than half had created their own kitchen, and another 3% used shared kitchens. This was not necessarily problematic for some workers who used a common cooking area or created their own cooking area. However, in many small rental rooms, workers noted that their area allocated for cooking did not have adequate ventilation. Minimum standards should be developed to ensure low-income renters are not placed in positions that require making kitchens that create fire hazards or negatively impact their health due to improper ventilation.

More worryingly, some factory workers did not have a private bathroom. More than one in ten factory workers had access to a shared bathroom only. A third of the shared bathrooms did not have working locks or working lights. This meant that many factory workers were not safe, or did not feel safe, when in the bathroom.

Minimum standards - Houses must be made to a certain standard in order to be lived in. No one should live in a house that does not protect against the rain. The creation of a minimum standards for rental properties package by the Government would mean that landlords are required to build houses that are adequate and safe enough to be lived in by humans. Without this, too many factory workers and low-income renters will be forced to pay for houses that are not good enough for humans to live in.

Affordable housing

Housing needs to be affordable, meaning it cannot force people into greater poverty, threaten their ability to buy food, or subject them to unfair rent increases. For factory workers, this means that rental payments should not be more than a third of their salary. Factory workers typically spent around 10% of their salary on rent, meaning it was affordable. However, the drawback was that workers regularly shared rooms to make rent cheaper. Almost all factory workers lived in a single room with 2-6 other people.



A review of the living space within rental housing of a factory worker, which is 3 by 3 meters in size.

Table 4: Factory workers' salaries and rental payments per person.

Factory worker salary	Number	Percentage
\$ 190 (USD)	150	100
Rental cost per person per month	Number	Percentage
Under \$15	19*	13
\$15 - \$30	91	60
\$31 - \$45	23	15
\$46 - \$60	11	7
\$61 - \$75	4	3

* Rental housing in Kandal province and outer Khan in Phnom Penh.

More worryingly, there is a trend for landlords to increase the rent after factory workers received a pay rise. Of the 37% of workers that received a rent increase, more than 60% reported that it coincided with an increase in their salaries. This erodes the gains that workers have made through minimum wage increases and labour movements. In addition, it violates the legal rights of many factory workers

under The Law on the Special Lease. This ultimately means more money in the hands of landlords who have not worked for it and less in the hands of factory workers who have.

Rent control: Cambodia has some protections against rental increases through The Law on the Special Lease. However, this research indicates that many renters do not know about this law or how to use it. If the Government wants to be serious about protecting renters from rent increases, then it must educate renters and landlords and make sure the law is enforced.

Finally, nearly a third of all factory workers were behind on rental payments. This is a worrying trend and could lead to growing debts between factory workers and their landlords. Evictions and further indebtedness could follow. Many factory workers reported being late on a rental payment because of the effects of Covid-19.

Habitable housing

Rental housing must be able to provide the basic elements of shelter; protection from the weather and danger is essential for human safety. The basic elements of shelter include housing that protects against rain, wind, heat and danger from outside, such as criminal activity. These elements allow people to rest without fear. Despite this, many renters reported not having adequate locks or protection against the rain, and regularly reported damaged infrastructure and poor protection against the heat.

Table 5: Habitable housing

Habitability features	Respondents	Percentage
A lock for any doors to the house	141	94%
A roof that protects against the rain	120	80%
Insulation that protects against the heat	29	19%
All walls, doors, floors, roof, windows, electricity boxes and cooking equipment are properly maintained and are NOT damaged	96	64%
Windows that open and close to provide air flow	120	80%

Houses must provide basic requirements for humans to live in comfort. Despite most houses providing shelter from rain, much less provided shelter from the heat. There was a wide variety of housing situations, with some respondents paying less for houses that were more damaged, and others paying more for houses that did not adequately protect against the rain. A key recommendation of this report is that minimum standards are published for rental housing that require houses be habitable before being rentable.

Nearly 1 in 4 renters reported being a victim of a crime near to their house. Of these, crimes included burglary, assault and trespassing. In some cases, factory workers reported losing clothes to thieves. In more serious cases, factory workers reported being assaulted and having to remove trespassers from their homes.

Around 10% of renters had experienced crime inside of their homes. This likely reflects poor security in the area, as well as poorly lit house entrances and lack of secure locks for doors.

Accessible housing

Housing must also be accessible to those who use it. **Nearly two thirds of renters reported their houses as being difficult for persons with a physical disability to access.** The reasons included poor access routes to housing, such as stairs or dirt paths. Houses that are accessible for those with a disability must be considered in developing minimum standards.



A review of the second floor staircase, showing that a disabled individual cannot access or use the stairs.

The location of housing directly affects the other criterion of adequate housing. Houses should not be too far from health centres, schools or too close to places that cause immediate danger to health. Renters often live near areas where street lighting is poor or non-existent. Renters who were victims of crime in and around their houses, attributed the reason for the crimes to poor street lighting. Renters were also located far away from health care services and schools for their children. One in three renters reported that the area they lived in was dangerous due to pollution, traffic accidents, flooding or crime.

One third of renters did not have street lighting on the street to their house. Many renters felt unsafe because the lack of lighting made it easier for crime to occur and made driving after dark more hazardous. When asked what the main reason was for feeling scared, lighting was the most frequent response.

Many factory workers did not have lighting outside of their homes, this often meant that they did not feel safe at night-time. This, combined with a lack of sufficient locks, meant that workers did not feel safe when they needed to rest. Many workers voiced fears of traffic accidents, harassment from drug addicts or criminal activity, and thieves, which were related to their location as well as the lack of street lighting and lighting around their houses.

Factory workers also felt far away from health care services and schools for their children. In some cases, this was a result of being located in the outer areas of Phnom Penh. This should help to inform city planners about where health centres and schools are most needed. Factory workers noted that they did not have sufficient access to schools because they needed to live in areas where cheaper housing was available. If cheaper housing was available in areas closer to schools and health centres, this would help worker families to send their children to school and provide better access to healthcare.

More than a third of renters described the area they lived in as hazardous for many reasons including pollution, traffic accidents, and flooding. Pollution was sometimes linked with a lack of waste collection services. In other cases, factory workers reported that the smoke of factories was negatively affecting their health.

Locations of factories often corresponded to poor quality roads and heavy traffic. Many workers reported having been in an accident on the way to or from work. **30% of workers reported traffic accidents as the main hazard for them outside of their houses.** Some factories provided transit options, but these were not said to be more or less safe than individual transport, such as a motorbike. In many cases, workers did not feel safe because they travelled after dark and street lighting was poor.

Finally, **flooding was reported by more than 10% of factory workers as being a significant hazard.** Poor infrastructure and infilling of lakes, in part, explains flooding as a hazard for factory workers. Addressing these issues will potentially reduce this hazard for factory workers. Minimum standards should be developed that require rental housing only be provided where it is able to avoid the effects of floods. No individuals should have to live in a house that is vulnerable to flooding.



Transportation used by factory workers in the outer Khan of Phnom Penh.

4. CONCLUSION

This report demonstrates the problems low-income groups like factory workers have in realizing their right to adequate housing. Factory workers need to rent houses because of their low-income status and due to being economic migrants. The Government has not supplied housing and has not adequately regulated the available housing supply in a way that ensures adequate housing is provided by the private sector. The result is that factory workers have frequently found themselves renting houses that are not fit for human habitation. Without sufficient understanding of their rights and a justice system that is able to help remedy the situation, many factory workers will be unable to secure adequate housing in Phnom Penh.

5. ROOM FOR IMPROVEMENT

There is significant room for improvement in rental housing for factory workers. The right to adequate housing has not been realised for the majority of workers interviewed in this study. The following recommendations are steps that the Government can take to ensure low-income renters can access adequate housing.

Department of Housing, Ministry of Land Management, Urban Planning and Construction

Recommendation: Draft a minimum rental standards code for all rental buildings

A minimum rental standards code should be drafted to ensure the right to housing is respected and fulfilled by housing providers. Currently, rental housing that is provided to factory workers and other low-income groups often lacks the basic features that make it safe and habitable. This report demonstrates that many factory workers rented homes which lacked proper lighting and locks, putting them in danger of criminal activity. Factory workers also lacked safe kitchens, which exposed them to greater fire risks and reduced air quality. A minimum rental standards code would remedy this by requiring all rental buildings to meet basic standards, such as:

- Safety of the housing including standards around electricity, locks, lighting, and fire escape routes;
- Provision of household utilities such as water, electricity, a cooking area that is accessible and easy to use at all times, and a private bathroom;
- Environmental considerations such as air quality inside the house, flooding, and access to sunlight.
- Standards for housing construction that require houses be habitable during times of extreme weather such as heat or rain.

Royal Government of Cambodia

Recommendation: Invest in social housing and social rental housing

The Royal Government of Cambodia should invest in

social housing in order to ensure that more low-income workers enjoy the right to adequate housing. There are two relevant approaches the Government should take to make this happen. The first is to fund and build housing that is Government-owned and to provide this to low-income workers. The second is to ensure that new housing projects reserve a proportion of properties for low-income groups to rent.

The Government should invest in social housing to ensure that low-income Cambodians are able to be housed. Ultimately, this will lead to more prosperity as workers are able to gain meaningful employment and spend less time searching for houses or work.

Secondly, the Government should ensure that new housing projects should reserve or allocate a minimum of 10% of houses for low-income citizens. In some cases, such as where housing projects are being built on land granted by the state, the proportion of housing reserved for low-income citizens should be even higher. Tax incentives should be used to encourage the provision of low-income housing, but ultimately, the law should require a minimum of 10% to be allocated for low-income groups.

Without a legal requirement that private developers allocated 10% of housing to low-income occupants it is likely that the private housing market will not provide any housing to low-income groups. The evidence for this is demonstrated by the current housing landscape across Phnom Penh in which the only housing developments aimed at low-income groups are those with Government and international support. With the exception of two projects, the private sector has failed to provide housing to the poor. If the private sector is to be encouraged to continue to build and house Phnom Penh's citizens, then they must be legally required to provide some of that housing to Phnom Penh's poorest.

Recommendation: Strengthen and disseminate rental laws

The Civil Code and The Law on the Special Lease provide the only rental protections that low-income workers can currently access. These are not enough, and more importantly, they are not well understood nor enforceable.

One of the most prominent issues for factory workers as renters is that they did not have a clear understanding of their rights. This can be addressed by requiring that all rental contracts are produced in writing and shared between the renter and the landlord. The Government should provide a standard rental contract form which clearly sets out the rights of both parties and can be easily understood.

The current law, as well as the aforementioned minimum rental standards, should be disseminated in a properly funded public campaign to educate factory workers and low-income groups. Many workers from this research did not understand their rights, and even where they did, they did not know how to use them. An educational campaign around the right to housing can help to remedy this and will provide factory workers with more security of tenure as a result. The Government has a responsibility to ensure its citizens understand the laws and are able to act according to them.

However, education and legal protections are only useful if the law is enforced. The Government must commit to enforcing the law and providing avenues for legal redress for renters. Currently, the evidence suggests landlords pay little attention to prohibitions against rent increases in The Law on the Special Lease.

Municipality of Phnom Penh

Recommendation: Invest in street lighting throughout the city

The Municipality of Phnom Penh is responsible for the safety of its citizens through upkeep of the city's infrastructure. The provision of street lighting helps drivers to safely navigate roads at night and helps citizens to feel secure at night. Streetlights can also reduce criminal activity. Currently, factory workers have reported living in areas of the city where streetlighting is lacking. They reported criminal activity and fear of criminal activity which they attribute to the lack of street lighting. A solution is to provide more streetlights to areas in which it is lacking.

6. ANNEXES

Rental survey questionnaire

“Large research report/Holding On: Low-income Rental Housing in Urban Areas”

1. Introduction of NGO and individual interviewer

2. Purpose of survey

- Overall objective

To provide an overview of the tenancy situation for low-income groups.

- Specific objective:

- To assess the current rental situation in terms of costs.
- To review and assess the current legal framework related to tenancy.
- To assess the current rental situation in terms of adequate housing.
- To identify any risks to renters.
- To identify any emerging trends for rental housing.
- To provide a gender analysis of rental housing for low-income groups.

3. Important values that must be explained to all participants

Voluntary participation

- o You do not have to participate in the survey.
- o You can invite other members in settlement to participate or involve in this survey.
- o If you participate and there are any questions that you are not comfortable answering, you may decline to answer.

Informed consent

after explaining the organization and the research objectives, are you willing to participate in this survey?

1. Yes 2. No

QID001: Responded Name: _____ QID002: Date: ____/____/2020

QID003: Questionnaire code: _____ Community code: _____

Prepared by: _____ Checked by: _____ Checked date: ____/____/2020

I. Demographics section

1.1	Respondent Name	
1.2	Position	
1.3	Phone number	
1.4	Gender	1. female 2. male
1.5	Age	years
1.6	Marital status	1. Single 2. Married 3. Widow 4. Divorced
1.7	Do you have any children?	1. Yes 2. No
1.8	How many children do you have?	1. 1 child 2. 2 children 3. 3 children 4. 4 children 5. 5 children 6. More than 5
1.9	Please indicate your level of education?	1. No education 2. Primary school 3. Secondary school 4. Highschool 5. University 6. Other
1.10	Are you a migrant? (Not registered in Phnom Penh?)	1. Yes 2. No (if no please go to question number 12.1)
1.11	If yes, where do you come from?	Province
1.12	Do you receive any loan? (More than one answer)	1. Bank 2. Microfinance 3. Middle man 4. Neighbor 5. Relative 6. Other
1.13	How much money do you receive? Why?	 Dollar/ Us Reason
1.14	Does your life get better or bad after receiving the loan?Why?	1. Better 2. Bad Reason
1.15	Are you able to pay back the loan after the pandemic of covid 19?	1. Yes 2. No

II. Adequate housing section

All persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. Governments should consequently take immediate measures aimed at conferring legal security of tenure upon those households currently lacking such protection. Such steps should be taken in genuine consultation with affected persons and groups.

2.1	What type of contract do you have?	1. Written contract (1-3 mths) 2. Written contract (3 - 6mths) 3. Written contract (6-12 mths or more) 4. Unwritten contract 5. No contract/no agreement at all (more information needed)
2.2	Have you ever received any of the following?	1. letter asking you to evict 2. Landlord asking you to leave the house 3. Any verbal threat from your landlord or the police about your living situation 4. landlord increasing the rent without warning you 5. Landlord shutting the power off

2.3	Have you ever been harassed by your landlord, such as?	1. Landlord entering the house when you didn't give permission 2. Landlord yelling at you 3. Physical violence 4. Landlord demanding extra money (more than rent) 5. Other: _____
2.4	If you are late to pay the rent, what happens?	

III. Availability of services, materials and infrastructure

All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, clean drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, food storage facilities, refuse disposal, site drainage and emergency services.

3.1	Do you have access to clean drinking water at your house?	1. Yes 2. No
3.1.1	How much does it cost per liter?	US/ Dollar
3.2	Do you have access to facilities for cooking?	1. Yes, have access to a shared area for cooking 2. Yes, have access to a private area for cooking 3. Yes, but it is not a kitchen (cook on the floor or in same room as bedroom or bathroom) 4. No kitchen or cooking area.
3.2.1	If no, how do you make food	
3.3	Do you have lights outside of your house?	1. Yes 2. No, why?
3.4	Do you have lights outside on the street to your house?	1. Yes 2. No, why?.....
3.5	Do you have lights outside in any shared areas (like bathroom)?	1. Yes 2. No, why?.....
3.6	Do you have a bathroom area?	1.Yes, a shared one, outside of the household. 2.Yes, a private one. 3.No bathroom 4.Other: _____
3.6.1	If, Yes, a shared one, outside of the household. - does the bathroom have a lock?	1.Yes 2. No
3.6.2	If, Yes, a shared one, outside of the household. - does the bathroom have a working light?	1.Yes 2. No
3.6.3	If, Yes, a shared one, outside of the household. - does the path to the bathroom have lights?	1.Yes 2. No
3.7	Does the house have electricity?	1. Yes 2. No 3. Sometime (How often for per day)

IV. Affordable housing

Personal or household costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Housing subsidies should be available for those unable to obtain affordable housing, and tenants should be protected from unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States to ensure the availability of such materials.

4.1	What is the cost of rent per month? (per person)	 US/Dollar
4.2	What is your salary?	 US/Dollar
4.3	How many persons live in the household?	 people
4.4	Do all of these people pay rent?	1.Yes 2.No 3.Some
4.5	How many rooms are there in the household?	room
4.6	Have you ever had a rent increase?	1.Yes 2.No
4.6.1	If yes, how much?	1. The rent increased by <10\$ 2.The rent increased by 10 - 20\$ 3.The rent increased by 20 - 50\$ 4.The rent increased by more than 50\$
4.6.2	If yes, was there any reason given for the rent increase?	

V. Habitable housing

Adequate housing must be habitable. In other words, it must provide the inhabitants with adequate space and protect them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must also be guaranteed.

5.1	Does your house have:	1.A lock for any doors to the house 2.A roof that protects against the rain 3.Insulation that protects against the heat 4.All walls, doors, floors, roof, windows, electricity boxes and cooking equipment are properly maintained and are NOT damaged 5.Windows that open and close to provide air flow
5.2	Do you feel safe in your house?	1.Yes 2.No, if no, please tell us more..... 3.Sometimes/other, please tell us more
5.3	Do you feel your house is too hot?	1.Yes 2.No, if no, please tell us more..... 3.Sometimes/other, please tell us more
5.4	Does your house have any hazards?	1.Yes 2.No, if no, please tell us more..... 3.Sometimes/other, please tell us more
5.5	Does your house have a way to escape in the case of a fire?	1.Yes 2.No, if no, please tell us more..... 3.Sometimes/other, please tell us more

5.6	Does the house have adequate air flow?	1.Yes 2.No, if no, please tell us more..... 3.Sometimes/other, please tell us more
5.7	Have you ever been the victim of a crime near to your house?	1. Yes 2. No
5.8	Have you ever been the victim of a crime in your house?	1. Yes 2. No

VI. Accessible housing

Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other vulnerable groups should be ensured some degree of priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing, needs of these groups.

6.1	How did you find your house?	1.Factory helped to find house 2.Friend/family helped 3.Other.....
6.2	Who owns the house?	1. Private person 2. Private company 3. Factory 4. Government 5. Other.....
6.3	If you are disabled, or if anyone in the house is disabled, is the house easy to access?	1. Yes 2. No 3. Other.....
6.4	Do you have any debts to the landlord?	1. Yes 2. No

VII. Location

Adequate housing must be in a location which allows access to employment options, health care services, schools, child care centers and other social facilities. Housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants.

7.1	Is your house close to your work?	1.Yes 2.No, if no, how long does it take you to get to workminutes.
7.1.1	If not, how much does it cost to get to work	 US/Dollar
7.2	How do you get from your house to work?	1. Walk 2. Drive or ride motorbike 3. Ride in the back of truck 4. Other _____
7.3	What time do you go to work	1.During the day time AM 2.During the night timePM
7.4	What time do you back from work?	1.During the day time AM 2.During the night timePM
7.5	If you ride in the back of a truck	1.The truck driver drives dangerously 2.There are no seatbelts 3.There have been crashes/accidents before 4.Other
7.6	Is your house close to health care services?	1.Yes 2.No, how long?minutes
7.7	(if you have children) Is your house close to schools for your children?	1.Yes 2.No, how long?minutes
7.8	Is your home near a hazard area?	1.yes..... 2.No
7.9	Is there a waste collection service that collects waste from the house	1. Yes 2. No
7.9.1	What do you think about the waste collection service?	1. Good 2. Not good (Because.....) 3. No



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