

UN expert urges Cambodia to refrain from more forced evictions

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GENEVA - The following statement was issued today by the UN Special Rapporteur on adequate housing, Raquel Rolnik:

I am extremely concerned about the threatened eviction of nearly one hundred families in Phnom Penh, the so-called “Group 78”. I have once again addressed the Cambodian authorities to remind them that the pattern of evictions, affecting many of the poor, in the country - and the apparent lack of due process in that regard - suggests they may be tolerating, or even perpetrating, the forced evictions prohibited by international human rights standards.

Group 78 refers to between 66 to 86 families residing in village 14 of Tonle Basak commune, in Phnom Penh’s Chamkar Mon district. Since 2004, these families have been engaged in a legal battle to obtain the recognition of their ownership of their land, according to the 2001 Land Law. Without considering their claim to be the legitimate owners of the land they occupy, the authorities have instead sent them six eviction notices, each of them indicating a different reason for the eviction. The last one was issued on 20 April 2009 by the Phnom Penh Municipality (MPP) and advised that ‘for the last time’, the Municipality was calling on the people to negotiate with [it] and accept ‘the offers’ within 15 days. The notice indicated that in case of refusal, MPP would implement ‘administrative measures’. The families could potentially be evicted at any time now.

Since I became the UN Special Rapporteur on adequate housing in May 2008, I have observed an increase in forced evictions throughout Cambodia accompanied by a systematic lack of due process. In most cases, the authorities refuse to recognize the ownership claims of the communities affected and fail to offer fair compensation or adequate alternatives to those they seek to relocate. Unfortunately, the Government of Cambodia has not replied to my enquiries, or only after long delays.

Forced evictions constitute a grave breach of human rights. Large-scale evictions can only be carried out in exceptional circumstances and with full respect for the due process requirements set by international human rights standards. I am thus alarmed about the possible imminent eviction of the Group 78 residents who seem to have a strong case in claiming authorities should recognize their possession rights to the land being disputed and demanding just and fair compensation for the possible loss of their land.

I urge the competent authorities not to implement the “administrative measures” (which in the past have lead to forced evictions) threatened in the last notice transmitted to Group 78 residents. Group 78 families are entitled to have full legal review of their ownership claims in accordance with Cambodian legislation. It is only on the basis of this review that negotiations

must take place with the affected community, to ensure fair compensation and adequate alternatives if their relocation is necessary.

I reiterate my call for a moratorium on all group evictions in Cambodia, especially when residents have pursued claims before administrative or judicial bodies that they have legal possession rights under national law, until the policies and actions of the authorities can be brought fully into line with international human rights obligations. I stand ready to provide any advice the Government may wish to assist it in doing so."

The former Special Rapporteur on adequate housing conducted a mission to Cambodia in 2005 and presented a mission report on his findings and recommendations (E/CN.4/2006/41/Add.3). Concerns on forced evictions in Cambodia have been shared through a large number of communications sent by the Special Rapporteur to the authorities. A previous statement was released on 30 January 2009 For more information on the work and reports of the Special Rapporteur on adequate housing, go to:
<http://www2.ohchr.org/english/issues/housing/index.htm>