**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**Background and Objective of the report**

The thematic reports of the Special Rapporteur on the right to adequate housing,
Mr. Balakrishnan Rajagopal, to the General Assembly in 2021 and to the Human Rights Council in 2021 will focus on the issue of discrimination in relation to the right to adequate housing, including the impact of spatial segregation in urban or rural-urban environments on the enjoyment of human rights.

Spatial segregation can be understood as the imposed or preferred separation of groups of people in a particular territory by lines of race, caste, ethnicity, language, religion or income status. Spatial, including residential segregation can have different forms depending on the territorial, cultural or historical context and is often characterized by forms of economic and social exclusion, inequity and spatial disparity in access to infrastructure, services and livelihood opportunities.

Discrimination is understood as any formal or substantive distinction, exclusion, restriction, preference or other differential treatment that is directly or indirectly based on the prohibited grounds of discrimination as to race, colour, sex, language, religion, national or social origin, political or other opinion, property, birth or other status - including disability, age, nationality, marital and family status, sexual orientation and gender identity, health status, place of residence, economic and social status - which has the intention or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights.[[1]](#footnote-1)

The main objectives of the two interrelated reports will be to identify contemporary and historical forms of discrimination and segregation that affect the right to adequate housing, to highlight good practices in the prevention of discrimination and segregation and to provide guidance to States on how they can ensure their human rights obligations in relation to non-discrimination and the right to adequate housing.

To inform his reports Mr. Rajagopal welcomes contributions from States, local and regional governments, national human rights institutions, civil society organizations, academics, UN agencies and other stakeholders.

The questionnaire is detailed to allow for comprehensive collection of information covering all aspects of the right to adequate housing. However, responding to only those questions on which the responding organization, institution or entity has information, or expertise is much appreciated.

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: **Ministry of Land Management, Urban Planning and Construction**

Type of Entity\*

[x]  National Government or federal governmental ministry/agency

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[ ]  Community-based NGO

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[ ]  Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

[x] Public administration

[ ] Advocacy

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[ ] Policy

[ ] Research

[ ] Technical Assistance

[ ] Training

[ ] N/A

[ ] Other:

3. City/Town: **Phnom Penh**Click here to enter text.

4. State/Province: Click here to enter text.

5. Country (please indicate your region or “international” if focus the work of your organization covers multiple countries); **Cambodia**

6. Contact e-mail (will remain confidential) in case we have questions:

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or de jure discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low-income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

**The Royal Government of Cambodia (RGC) provides equal access to land and housing in Cambodia to all its population regardless of status, income, ethnicity, age, physical status or social groups. By doing so, the RGC has formulated and adopted the National Housing Policy in 2014 and the Policy on Incentive and Establishment of National Program for Development of Affordable Housing in 2017. However, the Land Law stipulates that only Khmer citizens and legal entities with Khmer citizenship have the rights to own land in Cambodia, but foreigner has the rights to own co-owned buildings from the first floor and above.**

8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* public transportation services and transportation costs;
* provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

**In addition to the National Housing Policy and the Policy on Incentive and Establishment of National Program for Development of Affordable Housing mentioned above, the RGC has implemented comprehensive land policy, including Land for Social Concession (LSC) and Land Allocation for Social and Economic Development (LASED) as well as Systematic Land Registration and Indigenous Communal Land Registration in order to promote people’s accessibility to land and housing in a sustainable and socially responsible manner. Moreover, in order to reduce land disputes (including the issues of accessibility and affordability) in the country, the RGC has set up a formal mechanism at the national and sub-national levels to actively settle land disputes as well as to strengthen security of tenure in the country.**

9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

**NO. The country's land law and other related legal frameworks have been comprehensively implemented to strengthen people’s right to adequate, safe and affordable land and housing for all.**

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

**The National Housing Policy stipulates that all stakeholders, including public and private sectors, communities, NGOs, religious entities are welcome in housing developments for all people in Cambodia. Moreover, Incentive and Establishment of National Program for Development of Affordable Housing policy aim to provide opportunities for middle and low income, and vulnerable groups to have affordable housing with good quality.**

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

**The special treatment of affordable housing for middle and low income, and vulnerable groups in Cambodia aims to provide equal access to housing.**

**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

**All Cambodian citizens have equal rights to reside anywhere Cambodia, according to their preferences.**

13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

**Such impact does not exist in Cambodia.**

14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

**No.**

15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

**No.**

16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

**Yes. Historically, customarily and legally, indigenous people who organize themselves into a community, reside as a community and voluntarily accept communal land rights.**

17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of other minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

**Public services and infrastructure are equally provided by any settlement in Cambodia regardless of ethnicity, income, and social status, etc.**

18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so, why? (For example, to protect the rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

**Forms of residence in Cambodia are compatible with human rights because such voluntarily clustering residence is to respect the rights to reside and aims to preserve the identity of indigenous peoples as well as to enhance historical and traditional value.**

19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

**No.**

20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

**No.**

**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

**No.**

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

**No.**

23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

**No.**

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

**All stakeholders, including the media, community-based organizations, NGOs, religious entities, needless to say, the government institutions are welcome and to monitor all practices and openly make their comments.**

25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

**Cambodia human Rights Committee and Human Rights Commissions of the National Assembly and the Senate.**

26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

**No barrier.**

27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

**No.**

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

**If any land or housing issue has reportedly arisen, data can be accessed at the national and local authorities, as well as at CBOs and NGOs in the country.**

29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

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30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

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1. See article 2.1 of International Covenant on Economic, Social and Cultural Rights and the related General Comment No. 20 of the Committee on Economic, Social and Cultural Rights. [↑](#footnote-ref-1)