



# PRISON CONDITIONS IN **CAMBODIA** 2007: THE STORY OF A MOTHER AND CHILD

A LICADHO Report  
March 2008



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CAMBODIAN LEAGUE FOR THE  
PROMOTION AND DEFENSE OF HUMAN RIGHTS

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**LICADHO**

CAMBODIAN LEAGUE FOR THE PROMOTION  
AND DEFENSE OF HUMAN RIGHTS

## **Cambodian League for the Promotion and Defense of Human Rights (LICADHO)**

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil and political and economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

LICADHO pursues its activities through its six program offices:

- The Monitoring Office investigates human rights violations and assists victims in the legal process. Specially trained staff also monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.
- The Medical Office provides medical assistance to prisoners and prison officials in 18 prisons and provides medical care and referrals to hospitals for victims of human rights violations.
- The Project Against Torture provides comprehensive rehabilitation services to victims of torture and conducts advocacy against torture.
- The Children's Rights Office educates the public on children's rights, creates child protection networks at the grassroots level, and investigates children's rights violations.
- The Women's Rights Office educates the public about women's rights, investigates women's rights violations and advocates for social and legal change.
- The Advocacy, Documentation and Resource Office compiles case files into a central electronic database so that accurate information can be easily accessed and analyzed.

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## Acknowledgements

With many thanks to Lina (the mother) and Maly (the child) in this report for sharing their story with such honesty, strength and conviction and for allowing publication of their story in the hopes that other women and children living in prison may gain a chance at a better life.

Thank you to the many past and present partner organizations for the Adopt-A-Prison project and to the private donors who have given so generously in supporting the children, their parents and pregnant women living in Cambodian prisons.



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# 1. Introduction

As of February 2008, there are 562 women living in 18 out of Cambodia's 26 prisons<sup>1</sup>. Of these women, 4 were pregnant and 43 women brought their children to live with them in prison or had given birth to children while in prison, for a total of 50 children living with their mothers in prison.

Women are imprisoned for a variety of reasons, however, some of the most common reasons women are arrested and then imprisoned in Cambodia are: trafficking of drugs (specifically acting as drug mules within Cambodia and between Cambodia and its border countries), trafficking of humans, and killings (often during domestic violence in self-defense<sup>2</sup>). Many women also serve extra time during pre-trial detention, and gain longer prison sentences as they are often too poor, or unable to pay the high bribes needed to gain early release, or shorter sentences. The majority of female prisoners do not have adequate access to legal representation and are uninformed and unaided during their imprisonment. Many are also ignorant of their legal right to appeal. The above factors demonstrate in part why the numbers of women prisoners in Cambodia have increased from 356 in February 2005 to 562 in February 2008.

Life in Cambodian prisons is a harsh reality for any individual. Limited access to food and clean water, overcrowding of prison cells, routine denial of quality medical services and violence towards prisoners from prison officials and other inmates is a part of everyday life. Life in prison becomes even more difficult when you are pregnant, or if you bring your children to live with you in prison.

Currently, the Cambodian government only budgets 1500 riel (USD\$0.38) per prisoner per day. This amount is for food, water, electricity, clothing, medical and other costs. When a woman is pregnant or brings her children to live with her in prison, this amount is shared between her and the child(ren). No additional funding is provided to support pregnant women or children living in prison for extra food, water or medical assistance. No additional shelter is given to families - children are routinely locked in overcrowded prison cells and expected to share their mother's portion of food. Little or no education is offered to children of school age. Pregnant women are denied essential pre and post-natal care and are in some cases forced to deliver their child within the prison. Violence is witnessed and experienced by children in prison on a regular basis and there are no special protection measures in place to ensure the safety of these children. These children literally serve prison sentences alongside their parent.

In June 2002, LICADHO published the report "Innocent Prisoners: a LICADHO Report on the Rights of Children Growing up in Prisons". This report found that children living in prison, their mothers, and pregnant women "are routinely denied access to suitable health care, adequate nutrition, education and basic human rights". Following the report the Adopt-A-

<sup>1</sup> LICADHO monitors only 18 out of Cambodia's 26 prisons (see footnote 5). At the end of 2007 there were 648 female prisoners in Cambodia's 26 prisons (*Annual Report of General Department of Prison 2007 and Direction for 2008*, Ministry of Interior, General Department of Prison, Feb 2008)

<sup>2</sup> Self-defense is not explicitly considered a valid defense under any law in Cambodia, and in practice judges may or may not take this into account in ruling on a case. Many if not most women imprisoned for killing in Cambodia are there because they killed their husbands/partners who committed domestic violence against them; they may be sentenced to lengthy prison terms (15- 20 years or more) even if they acted in self-defense in the face of a direct attack on them by their husbands.

Prison project was initiated by LICADHO in 2003 to mobilize and facilitate individuals and organizations in providing assistance to babies, children and pregnant women in prisons. By law, children are allowed to stay with their mothers in prison until the age of six years if alternative care is not possible. The Adopt-A-Prison project supports a mother's decision to raise her child in prison and provides assistance to do this. However, during the initial term of this project (Phase 1), LICADHO discovered that there are many more forms of regular assistance needed, such as access to regular health care, education for both children and their mothers, and regular interaction with Cambodian society. The Adopt-A-Prison project aims to progress to Phase 2 which will address these additional needs. The Adopt-A-Prison project is discussed in more detail later in this report.

This report profiles the story of one particular mother and child<sup>3</sup> who spent several years living together within the Cambodian prison system. Their story is typical of many women and children living in prison; a situation where a young child entered the prison to live with her mother during pre-trial detention, and where the child eventually aged out of the system and had to leave her mother in prison to serve out an extremely long sentence. However, it is important to understand that this story only reflects the experiences of one woman and her child, and does not represent the experiences of all women and children living in prison. Conditions for incarcerated women and their children vary depending on which prison they serve their sentence in, and some prisons have better or worse facilities and conditions than others.



This report does not discuss minor prisoners in Cambodia, that is, children under 18 years of age who are prisoners. Nor does this report discuss the living conditions of the general prison population. For more information related to living conditions of the general prison population please refer to the LICADHO report "Prison Conditions in Cambodia 2005 & 2006: One Day in the Life..."<sup>4</sup>

The information contained in this report was compiled by the LICADHO Prison Project. LICADHO prison researchers make four visits each month to 18 out of the 26 prisons throughout Cambodia<sup>5</sup>. Interviews conducted by LICADHO to compile specific information relating to the story of the mother and child in this report were unmonitored by prison officials.

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<sup>3</sup> All names and identifying features have been changed to protect the privacy of our clients.

<sup>4</sup> Available at <http://www.licadho.org/reports.php?perm=104>

<sup>5</sup> LICADHO researchers only monitor prisons in close proximity to its Phnom Penh office and 12 provincial offices: Police Judicial (PJ), Correctional Center 1 (formerly T3), Correctional Center 2 (for women and minors), Correctional Centre 3 (formerly Tra. Plong, T5), Toul Sleng Military Prison, Takhmao, Kompong Som, Kompong Speu, Kampot, Kompong Chhnang, Kompong Cham, Kompong Thom, Pursat, Battambang, Banteay Meanchey, Siem Riep, Svay Rieng, and Koh Kong. LICADHO researchers no longer monitor prisons in Prey Veng and Takeo, as they once did. In the provinces of Mondulkiri, Rattanakiri, Stung Treng, Kratie, Takeo, and Prey Vihear, LICADHO does not have offices so the prisons there are not monitored by LICADHO researchers.

## 2. Living in Prison: A Mother's Story

### ARREST AND IMPRISONMENT

*My name is Lina and I am a prisoner in Cambodia. I have lived inside the prison for many years now. Before I came into the prison I had a business, a life and a child who I love very much.*

*Before I came into prison, I opened up a restaurant and had three men and three women working for me as waiters and cleaners. The week before I was arrested, three policemen had come into my restaurant and asked me for money for protection. I told them no, I had just opened my business, I only had a small restaurant, I could not give them any money.*

*The next week I was arrested - on charges of human trafficking.*

*The police told me that I was trafficking the waiters and cleaners working at my restaurant, I told them I was not involved in human trafficking, I was trying to run a small restaurant, however they told me that a customer of mine had informed them that I sold girls through my restaurant.*

*I cannot remember my trial clearly – everything just happened so suddenly. At my trial, I did not know who my lawyer was and even today I do not know who my lawyer is.*

*At the end of my trial the judge told me that my sentence would be six years, however, he then said that I needed to give him some money for this sentence, and if I did not pay him this money, he would increase my sentence.*

*I did not have any money to give to the judge, so when he asked me to give him \$2000, I could not pay it. He then gave me 16 years imprisonment.*

*I still have many years left to serve on my prison sentence.*

Lina's experience is not an uncommon occurrence for Cambodia's judicial system.

LICADHO has received reports of women who are imprisoned for crimes that they did not commit and/or given harsher sentences for being unable to pay high unofficial fees.

Similarly LICADHO has received reports that prisoners in general (including men, women and minors) are not allowed adequate access to a competent lawyer who can explain the legal process and their rights to a fair trial and appeal.

## BRINGING MY CHILD INTO PRISON

*When I entered the prison, I had no choice but to bring my child with me. My child, Maly, was only a baby at the time. My husband had died and we didn't have any family living near us that could take care of Maly. Maly was too young to understand what was happening or to understand what living in prison meant, however I was very sad at the thought that my child would have to live in a prison cell and become a prisoner as well.*

In many Cambodian prisons, male and female prisoners are forced to live within the same prison. Whilst there are separate cells for men and women, there is only one prison specifically for women in Cambodia - CC2<sup>6</sup>.

Since 2002, when LICADHO first started researching the situation of children living in prisons with their mothers, more than 110 children have entered the prison system with their mothers.

The majority of children living in prison in Cambodia live in CC2. However, there are a number of children living in provincial prisons who are forced to live in prison cells next to male prisoners, some of whom have been convicted of sex crimes and/or violent crimes against children. This is in contravention of the UN Standard Minimum Rules for the Treatment of Prisoners, section 8(a) which states that "men and women shall, so far as possible, be detained in separate institutions. In the case of an institution that receives both men and women, the whole of the premises allocated to women shall be entirely separate."

In several cases, male prisoners have also brought their children to live with them in prison. In these cases, the children have shared the cells with their father and other male prisoners. Currently there are no male prisoners that are living with their children in prison and this situation is not very common.

In many Cambodian prisons, there is no separation of the sexes within external common areas and so women and children may be exposed to male prisoners who have committed violent crimes.

## DAILY LIVING CONDITIONS INSIDE THE PRISON

*When I first entered the prison with Maly I was so shocked at the bad living conditions of the prison cell. Twenty-five women live in my cell and there are currently two children living in my cell, however this number changes every week.*

*We are each allowed three hands squared to live in, which makes sleeping difficult, as you can imagine. I sleep all squashed up leaning on my hands and arms which makes them hurt.*

*I cannot sleep properly inside here, there is not enough space, there are too many people, it smells, it is hot and I think too much. I usually wake up at 4am, sometimes 5 or 6am. The*

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<sup>6</sup> Correctional Center 2 (CC2) just outside of Phnom Penh - this facility also houses minor prisoners.

*prison guards are supposed to open our cell doors at 8am and we are supposed to be allowed outside for 2 hours. I know that we are supposed to be allowed outside the cell from 8-10am and again from 3-4pm. What really happens is that if you do not have enough money to pay the guard, you will not be allowed outside. It costs 2000 riel (US 50 cents) a day to go outside the cell. I am very poor and I cannot afford to pay the guards, so I am locked up and denied my time outside the cell on a regular basis. There are many days, even weeks when I have never even left my cell...*

*There is not a lot to do inside the cell. Some people sleep or talk. I try and study English from a book I have. Every day feels the same and it is always so long. I try and go to sleep every night around 9pm, however as I said, I find it very difficult to sleep.*

Overcrowding of prison cells is a common problem in Cambodian prisons. Frequently, there is not enough space or adequate ventilation for each prisoner. Women with children report that there is no space allocated for children within the cells, and children are forced to share their mother's already cramped living area.



LICADHO has received reports from prisoners that prison officials sometimes refuse to allow prisoners to leave their cells during recreation time if they cannot pay a bribe to the prison staff. In Lina's case, at one stage, she reported being locked in her cell for more than two weeks because she could not afford to pay the daily fee to the prison staff. (Prisoners sometimes receive money from family or friends who visit them.) When prison staff were questioned about this practice, they replied

that they had decided not to allow all prisoners to leave the cells at the same time. They said that once one group of prisoners had finished their recreation time, the next group of prisoners would be allowed to leave the cells for their guaranteed two hours of recreation time. LICADHO could not confirm whether this practice was being adhered to, however, reports from several prisoners contradicted the information from prison officials. It also seems highly unlikely that prison officials would create extra supervision work for themselves by allowing different groups of prisoners recreation time at different intervals, for more than the allocated two hours.

Some prisoners report that they are forced to complete manual labor including gardening, sewing, washing and cooking for prison officials and performing other errands as part of their sentence. LICADHO researchers have observed prisoners working for several hours non-stop in the hot sun without access to water, shade or food. This forced manual labor can be compared to slave labor as prisoners are not compensated for the work performed and forced to work under harsh conditions.

## FOOD AND WATER

*We get food, if you can even call it that, two times a day, lunch and dinner. Sometimes breakfast is served at 10am or even as late as 11 am and we get dinner at 4pm. We don't get any food for lunch. For these other two meals, we usually get dirty rice - rice that is black that sometimes has insects inside it. If we are lucky, sometimes there is also a small fish. I am always hungry.*

*We only have access to dirty drinking water that is always black and makes me sick. When my child Maly lived here, she used to get very sick from drinking this water. If you don't have any money to buy coal to boil your water, or money to buy bottled water, then you have to drink this dirty water.*

Complaints about the quality and quantity of food and access to drinking water are amongst the highest number of complaints reported to LICADHO researchers.

Many prisoners do not have regular access to drinking water and some prisons do not even contain water or toilet facilities within the prison cells. If prisoners cannot afford to buy drinking water or coal to boil water, they are forced to drink contaminated water or to go without.



Prisoners often suffer malnutrition and severe health problems due to lack of food and the children living in prisons are the most at risk. Prisoners who are pregnant or have children with them in prison do not get extra or additional rations, thus making them more vulnerable to health problems. Prisoners report that meat and milk are never given to them, fish rarely given, fruits rarely given and vegetables such as leafy greens are sometimes given during meal times. No more than two meals per day per prisoner are provided by prison officials.

## CLOTHING

*Since I first arrived here, more than four years ago, I have only ever been given one set of prison uniforms. Yesterday I wore my prison clothes and today I am washing them so now I am wearing these pajamas. I do a lot of cooking for other prisoners for no money, I only ask for a little white rice, so when prisoners are released, sometimes they leave me their clothes, like these pajamas.*

Prisoners receive no clothing or hygiene supplies such as soap, washing powder or sanitary napkins (for females) from prison officials.

Children living in prisons with their mothers also do not receive clothing or hygiene supplies which makes it difficult for the mother and child when the child starts to grow. Children rely on donations from other children of prisoners being released, family living outside the prison and organizations to assist in these areas.

## LIVING IN PRISON WITH MY CHILD

*It was very difficult having my child, Maly, live with me inside the prison. If I was locked up, so was she. She was rarely allowed to leave the cell even though technically, she wasn't a prisoner. Sometimes she was allowed to go to school with the other children living inside the prison and also with the guard's children, however I would have to stay locked up.*

*There was never enough food for my child although it helped that we received extra food from an outside donor twice a month, because she was living with me. Every time my child would see the prison food, especially the black, dirty rice, she would cry. It was so sad. I could not bear to see her so sad and I wanted her to get more food to eat, so I would cook meals for the other prisoners and get a small amount of white rice for her to eat.*

*My child understood what it meant to live in prison because she came in here when she was younger and grew up in here. She always used to say to me "I wish that you and I can leave the prison and never come back, that we can live together outside of here."*

*I did not want Maly to live with me in prison for my entire sentence. I was so scared when my child was living with me in prison, in case something bad happened to her. I was also afraid she would not have a good future, that she would not be able to study, that she would not be able to leave the prison. I am so happy that now she is living in a good place where she can get food, go to school every day and that she can come and visit me every month.*

Children living in prisons with their mothers are also treated as prisoners. They are not free to enter the prisons at will nor are they allowed out of the cells unless accompanied by their mothers during recreation time.

Cambodian law<sup>7</sup> states that children can only live with their parent up to the age of six. Therefore many children age out of the prison system where they enter the prison as an infant or young child and are forced to leave the prison when they reach six years of age.

In practice, LICADHO has observed that children until the age of 13 years of age have been allowed to remain in prison with their mothers, though these are exceptional cases, dependent solely upon the discretion of the prison director. In general, once a child reaches six years of age, prison officials will often start pressuring the mother to find a new home for her child, a difficult prospect for a woman with already limited opportunities. In the majority of cases, children are living in prisons with their mothers because there is no alternative. In such cases, LICADHO and partner organizations try to assist the mother and child in relocating the child to a safe environment and ensuring that contact between the mother and child is maintained on a regular basis.

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<sup>7</sup> Children under the age of six are allowed to live with their incarcerated parent in prison when it is considered in the best interest of the child. Prison Procedure No. 34 "pregnant Women and Children in Prison", Article 3.2

## VIOLENCE FROM PRISON OFFICIALS

*I have never experienced violence from the prison staff, I don't do anything wrong, I make sure that I keep doing what I need to do to stay out of trouble. However, my child often experienced violence from the staff. The prison guards used to hit my child. She would play and run around with the other children living inside prison and sometimes the guards would hit her, because they said my child disturbed them! She was hit so many times, each time I would be so scared for her in case something worse happened and I would cry. I was so angry at the guards for hitting Maly.*

*There is a lot of violence from the prison guards inside here. A few weeks ago there was a fight between two women. One of the other women tried to stop the fight but when the guards came, they started beating this woman with a stick and they broke her arm. The prison doctor gave her paracetamol and nothing else...*

*My child also often witnessed violence from staff. She often saw the guards beating male prisoners with belts and sticks outside in the grounds.*

*A lot of times, the guards get drunk and beat the male prisoners for fun, my child also saw this. Also, when the guards are drunk, they often ask the prisoners to massage them, when the prisoners get tired of massaging them and stop, the guards have beaten them to keep working harder.*

*My child and I have also seen the guards beating the women prisoners. If we have a lot of work to do, such as cooking or cleaning, the guards will beat women if they think they are not working fast enough, to scare us all into working faster.*

*I don't know of any woman who has been raped or sexually assaulted by a prison guard, I have not heard of this happening in this prison.*



Violence towards women prisoners, from prison officials, has never been regularly reported to LICADHO researchers, though it is suspected that prisoners may suffer violence (including sexual violence) as well as torture. In 2007 LICADHO prison researchers reported 29 (26 men and three women) allegations of torture or other mistreatment inside prisons based on interviews with prisoners.

Mistreatment of prisoners is likely to be under-reported because they are afraid to talk of such abuse. Interviews with

prisoners by LICADHO prison researchers often take place under the watchful eye of prison officials so it is difficult for prisoners to provide open accounts of violence for fear of retribution.

The last confirmed report of rape of a female prisoner occurred in 1996. In this particularly grave case the incident occurred at Koh Kong prison and was perpetrated over a period of time by other prisoners, a prison guard and the prison director. The director was a well-

connected man and while he was removed from his position he was never prosecuted<sup>8</sup>. Since then there have been no confirmed cases of rape or sexual assault within a prison, however there have been allegations of rapes by prison guards.

Several women have become pregnant whilst in prison. Perhaps in some of these cases, intercourse may have been consensual, however LICADHO suspects that there are a number of women who have been raped or coerced or lured into having sex in return for special privileges from the guards.

Violence towards children is unacceptable and a complete violation of a child's basic human rights. Under no circumstances should prison officials be committing violence towards any child, particularly those living in prison, under the supposed "care" of the prison.

Witnessing and experiencing violence on a regular basis is severely damaging to a child's development

### VIOLENCE FROM OTHER PRISONERS

*Sometimes the other women in my cell would get angry at my child when she talked a lot and made noise and they wanted to be left alone, but no one ever hurt her. No other prisoner has ever hurt me either. I keep out of trouble.*

Violence between prisoners is fairly common in Cambodia due to overcrowding of cells, power struggles, jealousy over food and other material possessions and other issues.

There have also been reports of prisoners committing violence towards children living in the same prison cells.

### PRISON OFFICIALS' TREATMENT OF CHILD AND VISITORS

*The director and prison guards did not like my child living with me in prison. They would tell me constantly that Maly should not be living with me and that I should find an NGO to take care of her.*

*Now that my child has left prison and is living in a new home, she comes back to visit me. A few times when she has come, the guards have not allowed her to visit me, because she does not have any money to pay them. How can she give them money, she is so small, she is a child!*

*Right now we can see those prisoners coming back from visiting their families. I am sure their families had to pay a high price to see them. You can see that they have been given a lot of food from their families and now look! See, the prison guard is taking all of their food, see, he is looking through their bags and he is keeping most of it. He only gives a small amount of food back to the prisoner. I am sure the prisoner's mother does not know that this is happening, but the guard is joking and laughing like this is an ordinary event. In here, this happens all the time...*

<sup>8</sup> LICADHO Report, Cambodian Prisons ,1997 p 12.

*The prison guards never took any of the donated food from myself or my child but I think this is because they know the organizations were watching them carefully!*

In order for families to visit a family member in prison, they are usually required to pay a bribe to the prison guards. This bribe can range from anywhere from 2000 riel (USD\$0.50) to hundreds of US dollars, depending on the particular prison guard and the perception of wealth of the family.



Families and visitors are regularly denied access to their loved ones if they are unable to pay these bribes.

Often, even if the bribe has been paid, the visit will be heavily monitored by prison guards so that prisoners may be fearful of telling their families about the true conditions within the prison.

Prison officials regularly take most, if not all, gifts of food, hygiene and material supplies given by families for their own use. Families are often unaware of this practice and continue to give gifts.

## LIVING IN PRISON WITH MALY: *THE GOOD AND THE BAD*

*Most of the prisoners liked my child as she was very smart and knew how to talk and be nice to the other prisoners. She is very gentle.*

*The best thing about having Maly live with me in prison was that I got to live with her for a few more years, I was able to be her mother and take care of her as best as I could. I am also happy that she was able to learn a little bit of Khmer writing from the other prisoners.*

*The worse thing about having Maly live in prison was that she was treated just like a prisoner. She was always locked up and did not have any freedom. She was never allowed to play like a regular child and I felt that by being here, she did not have a chance at a good future.*

LICADHO has previously conducted research<sup>9</sup> showing that with support mothers and children can continue to share an enriched relationship whilst living in prison and that this continued relationship is both beneficial and important for the wellbeing of both the mother and child. Often the relationship between mother and child becomes stronger as the mother does not have any work, other children, or outside obligations to distract her from the care of

<sup>9</sup> *Children in prison with their mothers*, (Jen Makin, LICADHO Internal Report, September 2005) and *Adapt-A-Prison: Project Evaluation* (Megan Richardson, LICADHO Internal Evaluation, May 2005).

her child. Living in prison can help to strengthen the bonds between mother and child and develop a stronger relationship.

While there are definite benefits to allowing children to live with their parents in prison, the fact remains that young children living in Cambodian prisons still face dangers and stresses that can affect their health and development. If prison conditions are improved and extra support were given, the consequences of this could be minimized.

### FINAL WORDS FROM LINA

*Sometimes, like in my case, it is necessary for mothers to bring their children to live with them in prison. I think that the government and donors needs to give more money to prisoners for food, clothing, medical care and education. However, I think that where children are concerned, the government and donors need to build a safe place for children to live inside the prison, to build a school so that children can learn, and to give our children more food, so that some one else's child will not cry with hunger every night.*

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## 3. Living in Prison: A Child's Story

### MALY'S STORY

#### ***Going to prison***

*My name is Maly and I used to live in prison with my mother. I lived in prison for several years because when I first went into the prison I was a small child.*

*I don't know why my mother had to go to prison but she told me that she had to take me with her because she is my mother and she had to look after me.*

#### ***Living in a prison cell***

*I lived in a room with my mother and lots of other women and I was the only child who lived in my room. There were other children who lived in the prison too, in other areas and some of them were my friends. I didn't really like living in prison. I found it really difficult to sleep in the prison, the floor was very dirty and we did not have much space so my mother did not allow me to sleep on the floor. Every night, before I would go to sleep my mother would get some empty containers, like those big empty containers for water. She would put them together and make me sleep on top of them but it was not so easy to sleep. I don't know if the other children in prison slept like this because I was the only child who lived in this room.*

#### ***Food and water***

*Every day I would be really hungry, the prison people would only give us two bowls of rice a day, sometimes with lots of water inside it and a few vegetables that I had to share with my mother. But sometimes I got extra food, I don't know who gave it to me but my mother and I would get the extra food and sometimes other things. Sometimes I would see the prison people taking things from other people but I always got to keep all my food and I would hold it very tightly and give it to my mother. My mother did not have any money so she could not buy me any water to drink so I always had to drink the dirty water and it would always make me cough and then I would be sick.*

#### ***Living in prison with my mother***

*Living in prison was very difficult for me especially when I got older. I was very sad because I couldn't walk around outside whenever I wanted and I was always locked up with my mother and the other women.*

*I didn't like that I never got enough food to eat and that I didn't get any soap to clean myself. I only had two sets of clothes and it was hard to keep them clean. Sometimes the other women helped me to wash my clothes or my mother would wash my clothes for me but they didn't have any soap either.*

***Violence from prison officials***

*Sometimes I would get a bit scared especially when I saw the prison people hurting some of the other prisoners. A few times, I saw the prison people use a knife to cut some of the prisoners to punish them because I think they were fighting with each other and I also saw the prison people take off their belt and hit the prisoners with it. I saw lots of blood come out of the prisoners! I know lots of the other children who also saw this happening. When this happened, my mother and the other people would throw themselves to the ground, screaming and crying and they would all be angry with the prison people.*

*I never saw the prison people hurt my mother or the other women who lived with me like that and they never hurt any of the other children who also lived in the prison like that.*

***Leaving prison***

*I don't know how long I lived in the prison for but it felt like a long time! After a while I got too big and the prison people were always telling my mother that I had to leave prison but my mother kept saying that there was no one else to look after me. I did not want to leave my mother at all.*

*One day I was told that I had to leave my mother and to say good-bye. No one told me where I was going, though everyone promised me I could come back and visit my mother sometimes.*

***Final words from Maly***

*Now I am living in a new home and I am very happy that I am not living in prison anymore. But I really miss my mother and when I went to visit her the last time, she cried and hugged me, she said she missed me so much, so then I was sad too.*

*Now I get to go to school and I have some new friends and I get to eat lots of food.*

*I miss my mother and my friends in prison but I am so happy that I am not living in prison anymore.*

**Violence in prison**

It is unacceptable that children living in prison are exposed to violence, and, in some cases, the torture of other prisoners.

The safety and well-being of children living in prison must be paramount and a secure environment should be provided for children to live in.

**Aging out of the prisons**

Many children have aged out of the prison system whilst waiting for their mothers to complete pre-trial detention and/or their prison sentences.

In some cases, children are able to find new homes with relatives, family friends, or neighbors in their old community.

In other cases, permanent care of the children is given to non-governmental organizations (NGOs), particularly in cases where the mother will be imprisoned until the child becomes an adult at 18 years of age.

Whilst LICADHO tries to conduct follow up visits with released children, sometimes assisting with financial, food and educational support, as well as promoting the maintenance of regular contact between the mother and child, it is sometimes difficult to track the children as they grow older, change living arrangements and move.

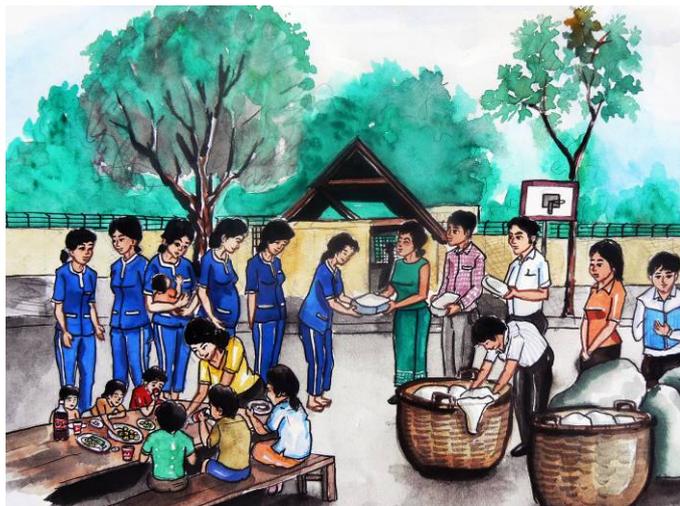
Where LICADHO is involved with the release of children, agreements are made between the prison, the mother, the new care-giver and LICADHO to ensure the safety of the child and the maintenance of regular contact between the mother and the child.

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## 4. Adopt-A-Prison

The LICADHO Adopt-A-Prison project was started in 2003 to mobilize and facilitate material and financial support for children, their mothers and pregnant women living in prison. Since 2003, LICADHO has been able to help more than 110 children, their parents to receive regular support of food, medical treatment and other material goods. With the help of partner organizations and private donors within Cambodia and overseas, these children and women have benefited immensely. At the date of publication, in March 2008, every single child living



with a parent, and every pregnant woman, in the prisons monitored by LICADHO is supported with regular food and materials under the Adopt-A-Prison project. Some prisoners receive donations once every two weeks whilst others receive donations on a monthly basis.

Through Phase 1 of the Adopt-A-Prison project, LICADHO has seen children flourish, fight malnutrition and other illnesses and survive through some of the harshest living conditions.

### *Adopt-A-Prison: Phase 2*

While the generous donations of many organizations and private donors make these benefits possible, greater assistance is needed in order to ensure that these children have a better chance at a good future. Since the commencement of the project, LICADHO has been in planning to progress the project into Phase 2. This phase of the project will aim to provide:

- Educational opportunities (such as literacy classes and pre and post-natal care classes) for both children and women;
- Regular access to health care including the provision of childhood immunizations (currently provided by the Cambodian government but not routinely given to children born or living in prison);
- A safe living environment within prison quarters;
- Access to clean drinking water and sanitary bathing/toileting facilities; and
- Three healthy meals a day.

In addition, Phase 2 of the project will ensure that children are given opportunities to interact with each other through play in safe areas within the prison. Children will also be exposed to life outside the prison, when, for example a trusted adult could regularly take the older children out of prison to spend time with their families and to visit the local area – markets, temples, farms etc.<sup>10</sup>

Increasing family contact will be a key objective, both for children living in prison to visit family members outside and for children outside the prison to visit their mother or father

<sup>10</sup> Op Cit 5, Jen Makin.

who is imprisoned. Regular visits of children to the prison will be organised, and visits for children in prison to spend time with their family outside.<sup>11</sup>

Children living in prisons with their parents are not prisoners and should not be punished as such. LICADHO aims to ensure that every child living in prison will have adequate food and drinking water, safe housing, medical assistance, educational and play opportunities and exposure to the wider Cambodian community.

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<sup>11</sup> Ibid.

## 5. Recommendations and Conclusion

LICADHO urges the international community and civil society in Cambodia to lobby the Cambodian government to provide improved and adequate prison conditions for mothers and their children living in prisons.

Specifically, LICADHO recommends that:

### *For prisoners*

- Female prisoners are housed separately from male prisoners with adequate space for each prisoner.
- All prisoners are given three nutritious meals a day, regular access to clean drinking water, clothing and hygiene supplies.
- All prisoners are given regular access to medical treatment.
- Partner organisations with expertise in adult education should be contracted to provide life skills classes to all male and female prisoners. These would need to be appropriate to the prison context. They could be run as a series of stand-alone workshops, or better, as an integrated programme. Topics could include:
  - Literacy;
  - Non-violent conflict resolution in the prison context;
  - Child rights;
  - Child and infant health care;
  - Early childhood development; and
  - Vocational skills.
- Violence between prisoners is monitored by prison officials and disciplined through non-violent measures, such as the removal of recreational privileges.
- Prison officials who commit violence against any prisoners must be prosecuted and dismissed from their positions.
- All prisoners should be allowed to leave their prison cells on a daily basis, for a minimum of four hours per day and that prisoners are not forced to pay prison officials for this right.
- Prisoners should not be forced to work under intolerable conditions for prison officials and that any prisoner conducting regular work should be compensated in a fair manner.
- Prisoners should be allowed to see their families and friends and that these visitors will not be charged for this right.

### *For children and pregnant women living in prisons*

- Children and pregnant women should be given extra portions of food, water, clothing, hygiene supplies, space and access to regular medical treatment.
- Pregnant women should be given additional portions of food pre and post pregnancy to ensure a healthy baby and the adequate production of breast milk.
- Pregnant women should be taken to hospital to deliver their baby.
- Children should be allowed regular visits with family members living outside the prison.
- Children should be protected from witnessing or experiencing violence from prison officials and other prisoners.

- Prison officials and prisoners who commit violence towards children to be investigated and appropriately disciplined.
- Phase 2 of Adopt-A-Prison should be given funding and immediately implemented in all prisons where children and pregnant women are living.

Phase 2 of the project should encompass:

- A safe living area for children, their mothers and pregnant women.
- Children to be allowed some freedom within the prisons and to not be locked up for 24 hours a day.
- A pilot playgroup (i.e. additional recreation time for children) in prisons with more than 5 children<sup>12</sup>. A partner organization with expertise in early childhood development would be needed to assist in implementing this measure. A playgroup would help children to play and learn together, and add to the mothers' knowledge and skills in child development. Facilitators could bring in photos and household objects to help children learn about the outside world.<sup>13</sup>
- For prisons where there are very few children, partner organisations being asked to arrange for older children (age 3-6) to go to a local pre-school.

## CONCLUSION

There are many mothers and children who face the same struggles that Lina and Maly endured whilst living in Cambodian prisons. For women who are sentenced to long periods of imprisonment, they may only be able to live with their child for a few years. It is vital that all women prisoners (and indeed, all prisoners) are provided with better living conditions, however, for those women who also bring their children to live in the prisons, it is of the utmost importance that these families are supported and that the relationship between mother and child is preserved and respected. More importantly, it is essential to protect the rights of the child who lives and grows up in prison.

Maly as a young child was forced to share her mother's prison sentence. In order to better serve the children who grow up in prisons, drastic measures need to be taken to ensure that children like Maly are given the chance for a future. Life in prison could have been very different for Maly if she had been given regular meals, medical treatment, education, exposure to the outside world and so on. Living in prison is already enough punishment for mothers who have been sentenced. It is pointless to punish the children of these women for having no other alternative - to life in prison.

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<sup>12</sup> For example, CC2 which currently houses 6 children and Takhmao Prison which currently houses 8 children.

<sup>13</sup> Op Cit 5, Jen Makin.



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