

The Rights of Prisoners: Those behind the bars have rights too!

The anti-drug campaign, started since 2017, has worsened the overarching problems of overcrowding in the prisons of Cambodia. The detainees and prisoners oftentimes face with inhumane treatment and are deprived of their basic human rights.

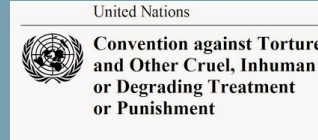
Among 40 university students, 42.5% of them are either unaware or unsure about the crowded conditions in Cambodia prisons and the concept of prisoners' rights. Yet, 77.5% of them believe that the awareness of prisoners' rights is important, considering that prisoners are also human.

Therefore, this brochure aims to raise awareness concerning prisoners' rights and how they are practiced in Cambodia.



Illustrations by Julia Kuo

What rights and protections do the prisoners have under international conventions and national laws of Cambodia?



International Conventions

International Covenant on Political and Civil Rights (ICCPR)

Article 10: all persons deprived of liberty be treated with humanity and with respect for the inherent dignity of the human person

International Covenant on Economic, Social and Cultural Rights (ICESCR)

Article 11: right of everyone to an adequate standard of living including adequate food, clothing and housing, and to the continuous improvement of living conditions

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Article 2 & 16: prohibits the act of torture, other cruel, inhuman or degrading treatment or punishment carried out by person acting in an official capacity

International Regulations

United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)

Rule 12-17: accommodation of prisoners must meets all of the requirements of health (air, floor space, lighting, ventilation, etc)

Rule 18-23: provision of adequate clothing, bedding, food and equipment for personal hygiene

Rule 24-35: provision of qualified healthcare system free of charge

National Legislation: Law on Prisons (2011)

Prison Infrastructure and Healthcare

Article 10-11: prisons must be constructed in compliance with minimum standards specify by Ministry of Interior and shall have enough natural light, ventilation and toilet.

Article 12&38: healthcare must be provided to prisoners through the establishment of healthcare facilities and provision of medical treatment

Freedom from Torture

Article 25: any form of torture and inhumane act as punishment against prisoners are prohibited
Article 28: prisoners can file complaint concerning abuses committed by fellow prisoners or prison staff

Other Fundamental Rights

Article 29: prisoners are allowed to practice their own religion

Article 31 & 37: prisoners are entitled to receive information from various sources including media, television, newspapers, and are allowed to communicate with their family, meanwhile foreign prisoners are allowed to communicate with their embassy, consulate or legal representation.

Rights of Vulnerable Groups

Article 26&39: female prisoners are separated from male prisoners and female prison staff must be available at all time in female detention building

Article 40: female prisoners are provided with maternal healthcare

Article 2: to protect juvenile prisoners, the law is developed in accordance with the international principles and the United Nations Rules for the Protection of Juveniles Deprived of Liberty



Illustrations by Anastasya Eliseeva



Illustrations by Stefani Billings

How are these rights and protections being promoted or affected in Cambodia?

Problems and Challenges in Cambodia

Overcrowding

“Some facilities were previously estimated to be up to 463% over capacity.”
- Amnesty International, 2020

Access to healthcare

“Providing prisoners with timely access to health-care services is a challenge in Cambodia.”
- ICRC, 2016

Vulnerable Groups: Women and Children

“In Cambodia, women in prison are likely to be first time offenders, on pre-trial detention for longer, and are more likely to receive harsher sentences for less serious offences.

Conditions for children within the prison are poor, with a lack of appropriate nutrition, health care and stimulation.

- Billy Gorter, founder of executive director of This Life.”

Cambodia (TLC), 2019

Improvements Being Implemented

Tackling Overcrowding

- Consider the release of detainees with minor drug offences through a faster judicial process by granting them a pardon, release on bail, release, or get the suspended sentence in addressing the problem of overcrowding.

Providing Greater Medical Access

- Improve medical facilities and ensure that detainees and inmates can receive proper medical checkups, and treatments.
- E.g. 20 tonnes of health care, hygiene and sanitation supplies was donated by ICRC to Correctional Center 1.

Ensuring Humane Treatment

- Training for prisons staff in providing better treatment to the inmates.
- Raising awareness of the prisoners' rights through dissemination of information and booklets.

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Prison sentence should be about *reforming and rehabilitating* rather than *punishing*.

Because even convicted, *prisoners continue to be humans*, and as humans, they need to be *treated with respect and dignity*. ”

- university students' responses when asked why it is important to acknowledge, promote, and protect prisoners' rights



Illustrations by Brian Wang

Recommendations

- To avoid overcrowded conditions, timely judicial process must be ensured at all time, especially regarding cases of minor offence
- To improve the prisons' infrastructures and prisoners' standard of living, close cooperation between governmental and non-governmental actors must be maintained
- To create a favorable environment for the realization of prisoners right, the public must be educated about the issues

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Other documents

Convention against Torture (CAT), ICCPR, ICESCR, Law on Prison, Nelson Mandela Rules, UNGA Resolutions

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