

A paradigm shift for incarcerated women with children

Changes in law and practice regarding women prisoners and their children achieved through advocacy and partnerships



Picture: OHCHR Cambodia

Cambodian female prisoners in prison

The factors leading to women's imprisonment in Cambodia share much in common with the rest of the world: in the main, they come from impoverished and marginalised parts of society; many have experienced physical and emotional abuse or substance addictions; and they generally committed petty, non-violent offences. Yet, alternatives to custody are rarely considered by the justice system and women with children are seldom spared prison time or pretrial detention. There is little effort to preserve the family unit – even when a woman is the primary or sole carer and her incarceration can have a devastating effect on her family, particularly on young children.

The situation of women prisoners and detainees has thus been a central concern for the Prison Reform Support Programme of the Office of the High Commissioner for Human Rights (OHCHR), launched in 2008. Of particular concern was the rapid increase in the female prison population (between 2008 and 2012, the number of women in prison increased by 98%, in contrast to the 38% increase in the male prison population). With females accounting for over 8% of the Cambodian prison population, the Kingdom ranks among the top 30 countries worldwide for its proportion of female prison population. In response, the Office assisted in the drafting of the new Prison Law in 2011 to ensure specific references to the particular needs of women and has been promoting awareness about the UN Bangkok Rules for the Treatment of Female Prisoners and Non-Custodial Measures for Women Offenders. Its advocacy efforts surrounding the treatment, conditions and release, when appropriate, of women and their children from prisons, were further upscaled in 2011 when the OHCHR partnered with two NGOs - Licadho and Il Nodo - to support their work with a grant of USD \$16,300 to provide services to pregnant women and women with children in prison and raise policy issues. Through this partnership, it was revealed that the general tracking of the prison population by the prison authorities did not include tracking of children accompanying women in prison. Consequently, together with its partners, the Office compiled and analysed statistics and information on women and women with children in prison, worked with the prison authorities and the mothers to identify children who were too old to stay in prison and facilitated support to help families outside of prison to take care of the children upon their 'release'. Statistics and case studies were used for advocacy and training of judges, prosecutors and lawyers, and to highlight the particularly high numbers of pregnant prisoners and women with children in some provinces. Support was also provided to strategic litigation cases which resulted in women being released.

Since the launch of the initiative, the growth of the female prison population eventually stabilized. Coupled with the calls for the early-release reform, the efforts of OHCHR and its partners contributed to the release of 16 women and their children in 2015 - pardons reasoned by the best interest of the children and a better understanding of gender issues in prison.

“This was a very good collaboration and whenever we had problems with accessing prisons we could always call the OHCHR. The Office also helped us publicize our statistics on women in prison and as a result we were able to carry out our advocacy more effectively. Although the grant period is over, the good cooperation continues.”

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Prison Project Consultant for Licadho

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