



The Illegal Arrest, Arbitrary Detention and Torture of Children in Drug Detention Centers in Cambodia

**Submission from Human Rights Watch
to the Committee on the Rights of the Child
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In January 2010, Human Rights Watch published a report “Skin on the Cable”: The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia”. “Skin on the Cable” documents abuses—including illegal detention, torture and other cruel, inhuman and degrading treatment, forced labor and the denial of medically appropriate drug dependency treatment – throughout Cambodia’s system of drug detention centers. There are 11 such centers throughout Cambodia. “Skin on the Cable” found that people who are not drug dependent—including street children, occasional drug users, homeless people, beggars, sex workers and persons with mental disabilities—are frequently detained in Cambodia’s centers. Of 2,300 individuals detained in the centers in 2008 (the most recent year for which statistics are available) approximately one-quarter were children. Our research included interviews with 13 children, and with 2 adults regarding their experiences as children. This submission draws from the “Skin on the Cable” report in summarizing key instances when human rights abuses take place during arrest and detention of children.

The report found that Cambodians who use drugs and other “undesirable” people are arrested and detained in such centers illegally. Police rarely tell people the reasons for arrest, or misrepresent why they are arresting someone. There is no access to legal counsel in police detention or in subsequent detention in the centers. There is no judicial authorization of detention, nor any opportunity to review detention. None of the 11 centers provide anything approximating effective and humane drug dependency treatment.

Compounding the therapeutic ineffectiveness of detention is the extreme cruelty experienced at the hands—and boots, truncheons and electric batons—of staff in these centers. Former detainees told Human Rights Watch they were shocked with electric batons, whipped with twisted electrical wire, beaten, forced to perform painful physical exercises

such as rolling along the ground, and were chained while standing in the sun. They reported rapes by center staff, while others told Human Rights Watch they were coerced into donating their blood. Former detainees reported suffering symptoms of diseases consistent with nutritional deficiencies.

Human Rights Watch received numerous reports of torture and physical abuse of children by staff and other detainees. As noted above, approximately one-quarter of detainees across the 11 centers are children. Indeed, some of the designated drug detention centers are nominally “Youth Rehabilitation Centers.”

Children are arbitrarily arrested and detained in these centers, where they are detained alongside adults. There is an absence of appropriate treatment, education and recreation services for children at the centers. Former detainees reported that children engaged in the same forced labor and military exercises as adult detainees and were subject to the same punishments. Child detainees told us of being beaten and shocked with electric batons. Children also said they were coerced into donating their blood.

We urge the UN Committee on the Rights of the Child to:

- Clearly communicate to the Royal Government of Cambodia that the system of detention and compulsory drug treatment does not comply with international human rights law and is not supported by scientific evidence, or international standards on what constitutes effective drug dependence treatment.
- Call for an immediate end to the practice whereby children are being detained in violation of international law, and subject to abuses whilst in detention.
- Raise with interlocutors from the Royal Cambodian Government the allegations of violations, including arbitrary detention, torture and cruel, inhuman or degrading treatment or punishment of children, and the need to investigate them and hold those responsible to account.
- Request further information from the Royal Government of Cambodia in its periodic reports on the detention and treatment of children detained in drug detention centers in Cambodia.
- Include in Concluding Observations, follow-up work and/or visits, recommendations on specific measures directed towards ending abuses against children by law enforcement officers and staff at drug detention centers and Social Affairs centers, and holding perpetrators accountable.

- Urge the Royal Government of Cambodia to devise and implement a plan to permanently close the drug detention centers and Social Affairs centers where abuses have been taking place.
- Work with the Royal Government of Cambodia to establish an independent body to directly receive and investigate complaints of torture and other abuses in order to combat impunity.
- Support the expansion of access to voluntary, community-based drug dependency treatment options for children (under the Ministry of Health and nongovernmental organizations) and ensure that such services are age-specific, medically appropriate and include components of education.

Background

Human Rights Watch believes there are currently 11 centers specifically designated for people who use drugs in Cambodia. The centers are operated by a haphazard collection of government authorities: the military police, civilian police, the Ministry of Social Affairs, Veterans and Youth Rehabilitation (Social Affairs) and Phnom Penh municipal authorities.

The government's own published lists of such centers are inconsistent.¹ By cross-checking various lists, and visiting the physical location of a number of centers, an accurate list of the current government drug detention centers for drug dependence in Cambodia is reproduced below. All the centers on this list, including the Choam Chao "Youth Rehabilitation Center", are deemed to be for the purposes of drug treatment and rehabilitation.² Human Rights Watch received numerous reports of children being detained at centers other than "Youth

¹ For example, the NACD's 2007 "Report on illicit drug data and routine surveillance systems in Cambodia 2007" lists 13 government detention centers for drug dependence (although this list contains at least one center that claims to be an NGO.) Meanwhile the NACD's 2008 annual report lists 10 centers. The 2007 list does not include a Social Affairs "Youth Rehabilitation Center" in Kandal province that appears on the NACD's 2008 list (despite the fact that this center was operational during the period covered by the 2007 report.) However the 2007 list does include a military police center in Sihanoukville that is absent from the NACD's 2008 list, despite no indications that the center has ceased to be operational. See National Authority for Combating Drugs, "Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2008," November 2008, p. 12-13; National Authority for Combating Drugs, "Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2007," June 2008, pp. 74-75.

² See Drug Information Center, National Authority for Combating Drugs, "List of Drug Treatment Centers," July 2009, unpublished (copy on file at Human Rights Watch); National Authority for Combating Drugs, "Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2008," November 2008, p. 12-13; National Authority for Combating Drugs, "Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2007," June 2008, pp. 74-75.

Rehabilitation Centers”. We also received reports of adults reported having been detained in nominal youth centers.

Nº	Name of center	Province	Run by	Capacity
1	Orgkas Khnom [“My Chance”]	Phnom Penh	Phnom Penh municipality	Approx. 200
2	Choam Chao “Youth Rehabilitation Center”	Phnom Penh	Social Affairs	Approx 100
3	Military Police Rehabilitation Center	Battambang	Military Police	Approx 100
4	Borvel Police Rehabilitation Center	Battambang	Civilian Police	Approx 200
5	Chivit Thmey Phnom Bak	Banteay Meanchey	Social Affairs	Approx 120
6	Military Police Rehabilitation Center	Banteay Meanchey	Military Police	Approx 200
7	Police Rehabilitation Center	Siem Reap	Civilian Police	Approx 200
8	Military Police Rehabilitation Center	Koh Kong	Military Police	Approx 30
9	Military Police Rehabilitation Center	Sihanoukville	Military Police	Approx 40
10	Military Police Rehabilitation Center	Kampong Cham	Military Police	Approx 20
11	Chivit Thmey Kampong Kontout “Youth Rehabilitation Center”	Kandal	Social Affairs	Unknown

In 2008, the National Authority for Combating Drugs [NACD] reported that there were 2,382 people detained in government drug detention centers.³ This figure is a 40 percent increase

³ “Report from the National Residential Treatment Center Minimum Dataset: 2008,” Drug Information Center, National Authority for Combating Drugs, presented at DHA Technical Working Group Meeting, NAGA World Hotel, June 4, 2009 (copy on file at Human Rights Watch). “Treatment,” as used in this report, is defined as “the process that begins when psychoactive substance users come into contact with a health provider or other community service, and may continue through a succession of specific interventions until the highest attainable level of health and well-being is reached. Treatment and rehabilitation are defined as a comprehensive approach to identification, assistance, health care, and social integration with regards to persons presenting problems caused by the use of any psychoactive substance. These definitions include the notion that substance users are entitled to be treated with humanity and respect.” (WHO Expert Committee on Drug Dependence, Thirtieth Report: WHO Technical Report Series 873, 1998, http://whqlibdoc.who.int/trs/WHO_TRS_873.pdf.) In Cambodia, because detainees do not come into contact with a health provider and there is little or no “identification, assistance, health care, and social integration” inside such centers, it would be misleading to refer to Cambodia’s centers as either treatment or rehabilitation centers. This report refers to Cambodia’s centers as “drug detention centers”.

from the number of people detained in 2007 (1,719).⁴ The government data also reveals that in 2008, 563 detainees (or 24 percent) were aged 18 or below. 104 detainees (or 4 percent) were children less than 15 years of age. 116 detainees (or 5 percent) were classified as “street children”.⁵

A very small number—perhaps 1 or 2 percent of the total—enter these centers voluntarily. Roughly half enter drug detention centers after being arrested by police or unlawfully rounded up by other authorities for drug use or vagrancy. The other half is arrested at the request of their parents or relatives. In such cases the families invariably have to pay for detention despite the fact that Cambodian law requires drug dependency treatment in government facilities to be free.

Cambodia witnessed a marked increase in “ya ma” (methamphetamine) use in the last decade. Currently, the main illicit substances used in Cambodia appear to be “ya ma” and “ice” (methamphetamine in crystal form). People who inject drugs are most likely to inject heroin. Solvents such as glue are commonly inhaled, especially by street children. The majority of people who use drugs are between 18 and 25 years old, and few are female. The use of two or more drugs is very common.²

Methodology

The Human Rights Watch report *“Skin on the Cable”: The Illegal Arrest, Arbitrary Detention and Torture of People Who Use Drugs in Cambodia* is based on information collected during 11 weeks of field research conducted in Cambodia between February and July 2009. Human Rights Watch interviewed 74 key informants. These key informants included 53 people who currently or formerly used drugs and who had been detained in at least one drug detention center; seven people who currently or formerly used drugs but who had not been detained in

⁴ Given that the NACD has published inconsistent lists of the number of government drug detention centers, these figures may be unreliable and the actual number of detainees might be higher. Drug Information Center, Secretariat General, National Authority for Combating Drugs, “Summary Report of Drug Data, 2008,” Phnom Penh, April 2009, unpublished (copy on file at Human Rights Watch); Data collected from July-December 2007 describe a similar situation to the 2008 figures. The majority of people admitted (50.7percent) were aged from 19-25 years old. Over 9 percent were less than 16 years old, and almost 22 percent were aged 16-18. The most preferred drugs were methamphetamine (47 percent) and crystal meth (34 percent). Just 2.3 percent of admissions were voluntary, while 51.4 percent were “family” admissions and 46.4 percent were “judicial admissions.” 1.1 percent of admissions were female. The number of people admitted from July to December 2007 was 740. See National Authority for Combating Drugs, “Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2007,” June 2008, pp 74-75.

⁵ Drug Information Center, Secretariat General, National Authority for Combating Drugs, “Summary Report of Drug Data, 2008,” Phnom Penh, April 2009, unpublished (copy on file at Human Rights Watch).

drug detention centers; and three people who did not identify themselves as drug users, but who had nevertheless been detained in centers because they were homeless people, beggars, or street children.⁶ All former detainees had been detained within three years of the date of their interview. Thirteen of the key informants were under the age of 18 at the time of the interview, and 2 others were under the age of 18 during their time in detention. Human Rights Watch also interviewed 11 current or former staff members of NGOs and UN agencies who have knowledge and experience regarding the situation of people who use drugs in Cambodia.

Human Rights Watch interviewed former detainees from seven of the 11 current government drug detention centers, including centers run variously by Veterans and Youth Rehabilitation (Social Affairs), the Municipality of Phnom Penh, the Ministry of Social Affairs, the military police, and civilian police. Interviewees include former detainees from six out of the largest seven centers. Interviews were conducted in the provinces of Banteay Meanchey, Battambang, Kampong Cham, Siem Reap, and the capital, Phnom Penh.⁷

The identity of these interviewees has been disguised with randomly-selected pseudonyms and in some cases certain other identifying information has been withheld to protect their privacy and safety.

In September 2009, Human Rights Watch wrote to the head of the National Authority for Combating Drugs to request information on Cambodia's drug detention centers and solicit its response to violations we had documented. As of late September 2010, Human Rights Watch had received no response to this correspondence.

Findings related to children

As noted above, in 2008 approximately one quarter of detainees in government drug detention centers were aged 18 or below. Children are arbitrarily arrested and detained in

⁶ An additional eight interviews with former detainees were not included in this report, either because the interviewees had been detained in drug detention centers prior to the three year limitation period of this research or because the interviewees were unable to recollect with sufficient clarity when they had been detained. "Child" as used in this report, refers to anyone under the age of 18. Convention on the Rights of the Child (CRC), art. 1, adopted November 20, 1989, 1577 U.N.T.S. 3 (entered into force September 2, 1990). Cambodia ratified the CRC on October 15, 1992.

⁷ Included in the key informants were a small number of former detainees from one Social Affairs center (at Prey Speu near Phnom Penh) not officially listed as a drug treatment center. It appears that people who use drugs (as well as others) have been regularly detained there. The Center in Prey Speu also works closely with the Department of Social Affairs, Vocational Training and Rehabilitation of the Phnom Penh Municipality.

the same sleeping quarters as adults. There is an absence of appropriate treatment, education and recreation services at the centers. Children are subjected by police and center staff to torture and cruel, inhuman and degrading treatment, punishment and poor living conditions. In addition, the staff routinely appoint certain detainees, colloquially known as “cats”, to carry out day-to-day control of other detainees and enforce the rules of the center. As a consequence, extreme physical cruelty by detainees, sometimes on the direct orders of staff, is commonplace inside the centers. Human Rights Watch was told that children detainees were given electrical shocks, beaten and forced by “cats” to dance naked. Former detainees also reported being coerced into donating their blood.

Abuses during arrest

Reports collected by Human Rights Watch suggest that, from first contact with police to detention in the police station, severe beatings and other forms of violence are common. According to former detainees, police use forms of physical torture, such as the administration of electric shocks or beatings with gun butts, to force people to confess or reveal information.⁸ Police regularly extort money from people after arrest. People are frequently arrested without a warrant or reasonable cause, without being informed of the reasons for their arrest, or are lied to about the reasons for their arrest. They have no access to a lawyer during their period in police custody or during the subsequent period of detention in the centers. Police in Cambodia often arrest people who use drugs on the request of parents or other relatives. No protections ensure that family members do not act out of embarrassment and/or a desire to have the family member out of their lives for some time.

Cambodians who use drugs are arrested because of drug use and vagrancy, but are also frequently arrested in periodic police sweeps of persons considered “undesirable”. Such round-ups have been occurring regularly in Phnom Penh for many years, often in advance of important national holidays or international meetings. The Staff of the Department of Social Affairs of Phnom Penh, often in cooperation with district and municipal police and civilian authorities, conduct these raids.

⁸ The widespread use of torture by police has been documented by other human rights organizations in Cambodia. See, for example, LICADHO, “Torture in Police Custody,” (2003), p. 9, www.licadho-cambodia.org/reports/files/372003percent20torture%20briefing%20paper.pdf ; LICADHO, “Prison conditions in Cambodia 2008: Women in prison,” 2008, www.licadho-cambodia.org/reports/files/129LICADHOPrisonWomen2008ENG.pdf.

Like adults belonging to “undesirable” groups, many street children are arrested by police or other authorities in street sweeps and taken directly to detention centers without any legal authority whatsoever. Chambok, 17 years old, explained the process of his arrest and detention:

[Those who arrested me] are staff from Social Affairs... They snatched me and threw me in the truck. In the truck there was a cage. There was a logo of Social Affairs [on the truck]... My friends were in the truck, more than five of us... They arrested us at 4 or 5 p.m. and then took us straight to Choam Chao [detention center]. They didn't tell me why they arrested me: I wonder this too... I never saw a lawyer... They simply put me into the truck and I arrived at Choam Chao [center] at 6 p.m.⁹

Treated with contempt, children who use drugs are routinely denied basic rights when arrested. Teap, who is 14, reported being beaten and electrocuted in police custody in order to extract a confession.

I was sleeping inside the pagoda compound in the open air... The police asked me, ‘Did you steal someone’s car mirror?’ I said, ‘No, I didn’t.’ Then they arrested me and beat me. Because they beat me I lied and said I stole the mirror. They shocked me with electrical shocks and beat me with ‘the ox’s penis’ [a police baton]... It was the police who shocked me: a tall colonel with a walkie talkie. At first I told him I didn’t know anything and he said ‘This boy’s so stubborn!’ and grabbed an electric shock baton. Then I told him I had stolen it: actually I hadn’t stolen it, I was just scared... They shocked me once. It left a mark on my arm. I lost consciousness so they poured water on me. I saw him holding a stick with sparkling electricity. It hurt. My body was shaking when I got the shock.¹⁰

Abuses against girls

Currently, there are no detention facilities specifically for girls who use drugs in Cambodia. Cambodian government officials have told the media that they plan to build facilities specifically for female detainees.¹¹ At present, however, girls who use drugs are frequently

⁹ Human Rights Watch interview with Chambok, Phnom Penh, June 2009.

¹⁰ Human Rights Watch interview with Teap, Cambodia, June 2009.

¹¹ For example, Kep Chuktema, Phnom Penh governor, was quoted in August 2009 as saying “We will establish a new drug-rehabilitation center for women in Phnom Penh”: “Over 100,000 pills of drug substances destroyed in Cambodia,” Xinhua

arrested but rarely sent to drug detention centers. As noted, of the 2382 people admitted to government run centers in 2008, just 15 individuals (or 0.6 percent) were female.¹²

Although rarely detained in drug detention centers, women and girls who use drugs are frequently arrested and face detention in centers (such as Social Affairs centers, but not these exclusively) because they are homeless, beggars, sex workers or members of other “undesirable” groups.

Women who use drugs may be forced to secure their release from police custody following arrest via bribery or in exchange for sex.

Chamnauth, age 15, was one of the few females interviewed by Human Rights Watch who had been detained in a center other than a Social Affairs center. Like many of her male fellow detainees, she reported she was beaten:

I had to do exercise too [as well as the boys and men]. I did cooking [as labor]. If I made a little mistake, I was beaten. I made a mistake in putting the wrong ingredients in the soup. The chef, a staff, beat me. They whipped my hand with a stick.¹³

Abuses in detention

Arbitrary detention

Cambodia’s drug detention centers detain children who use drugs, children with a history of drug use (but not currently using drugs) and children who have never used drugs. Detention is not for drug treatment; children who do not meet the NACD’s own criteria for drug dependence are nevertheless detained in drug detention centers.

news agency, August 20, 2009. The Municipality of Phnom Penh currently runs the Orgkas Khnom center on the outskirts of Phnom Penh.

¹² “Report from the National Residential Treatment Center Minimum Dataset: 2008,” Drug Information Center, National Authority for Combating Drugs, presented at DHA Technical Working Group Meeting, NAGA World Hotel, June 4, 2009 (copy on file at Human Rights Watch). Of the admissions from July-December 2007, 1.1 percent of admissions were female. The number of people admitted from July to December 2007 was 740: National Authority for Combating Drugs, “Report on Illicit Drug Data and Routine Surveillance Systems in Cambodia 2007,” June 2008, p. 75.

¹³ Human Rights Watch interview with Chamnauth, Phnom Penh, July 2009.

Actual drug dependence is not a prerequisite for entry into government drug detention centers. Some centers force detainees to undergo an assessment of drug use upon admission to the center; most centers do not.

Officially, the Social Affairs “Youth Rehabilitation Center” at Choam Chao, for instance, is supposed to be an “open” center.¹⁴ M’noh, age 16, was detained there in 2008. He explained the reality of this supposedly “open” center:

If anyone tried to escape, he would be punished... Some people managed to escape, some didn’t. Most who were punished for escaping would be beaten unconscious. Beatings like this happened every day.¹⁵

The detention of children, including street children, is not limited to Social Affairs centers. Makara reported that in the Orgkas Khnom center, the main drug detention center in Phnom Penh, “There’s also those who are street kids, injecting drug users, those with mental health problems.”¹⁶ Momeh, a disabled 15-year-old child living on the street but who had never used drugs, was detained at the civilian police center in Siem Reap.¹⁷ Trach, a former detainee of the same center in Siem Reap, explained:

There were ‘ya ma’-, ‘ice’-, ‘k’ [ketamine], glue- [using] people, marijuana people, methamphetamine users... There are people with mental health problems, crazy people, recyclers, homeless people, alcoholics who beat their children when they drink, homeless kids.”¹⁸

In some provincial towns in Cambodia, the centers hold primarily or exclusively those detainees whose parents pay the centers to detain them. Detention costs between US\$50 and \$200 per month, an amount usually paid by family members directly to the center.¹⁹ This practice is contrary to the Cambodian drugs law, which provides that cost of treatment for

¹⁴ Ministry of Social Affairs, Veterans and Youth Rehabilitation/ National Committee for Resolving Vagabond’s Problems, “Instruction on policies for resolving vagabond’s problems,” Phnom Penh, August 8, 2008, para 6(2); Ministry of Social Affairs, Veteran’s Affairs and Youth Rehabilitation, “Instruction on the conditions and procedures for admission, administration and rehabilitation of children and children of the age of criminal responsibility at the Choam Chao Youth Rehabilitation Center,” Phnom Penh, August 25, 2006, item 2, (copies on file at Human Rights Watch).

¹⁵ Human Rights Watch interview with M’noh, Phnom Penh, June 2009.

¹⁶ Human Rights Watch interview with Makara, Phnom Penh, May 2009.

¹⁷ Human Rights Watch interview with Momeh, Siem Reap, June 2009.

¹⁸ Human Rights Watch interview with Trach, Siem Reap, May 2009.

¹⁹ World Health Organization Western Pacific Region, “Assessment of compulsory treatment of people who use drugs in Cambodia, China, Malaysia and Vietnam: An application of selected human rights principles,” 2009, p.10.

drug dependency “shall be entirely the burden of the State.”²⁰ As noted above, no protections ensure that family members do not act out of embarrassment and/or a desire to have the family member out of their lives for some time.

No separation of adults and children

Despite it being prohibited by international law, children and adults are commonly detained together. Detainees reported children engaged in the same activities as adults and were subject to the same punishments. According to Sao, age 24, and a former detainee of Orgkas Khnom center:

In my room, there were about four children, 13-15 years old. They were there for sniffing glue. They were arrested. They work like us. They do military drills like us. They sleep in rooms with adults.²¹

Makara, age 25, another former detainee of the Orgkas Khnom center, gave a similar account:

[Children] were treated the same [as other detainees]: 100 percent [of detainees] get soldier training, military parades, saluting staff, clearing the grass, hoeing the ground, cleaning the toilet, raising cows and ducks...²²

Kanha, age 35, also a former detainee of the Orgkas Khnom center, explained that children did not escape the same punishments adults received:

There were people who were 10, 12, 13 years old, maybe about 10 of them [in the center]... Some slept in a different room. But there were 3 boys—one 10 [years old], one 12 [years old] and one 13 [years old]—in my room. They did the same work [as other detainees]: hoeing the ground, go to [Good Morning] class, have military training. Sometimes they were beaten, if they were guilty [of breaking internal rules]. I saw this. Regardless of being a boy or a man, if they made a mistake they were beaten.²³

²⁰ Article 89, para 1.

²¹ Human Rights Watch interview with Sao, Phnom Penh, April 2009.

²² Human Rights Watch interview with Makara, Phnom Penh, May 2009

²³ Human Rights Watch interview with Kanha, Phnom Penh, May 2009.

Similarly, Trach, 27 years old, reported that there was no separation of children and adults in the Siem Reap civilian police center:

The youngest [in the center] was 12 or 13... they were glue sniffers. There were about seven or eight kids under 18. They slept with us. Normal kids slept with the crazy people.²⁴

In the course of researching this submission, Human Rights Watch interviewed six adults (i.e. over 18 years old) who had been detained in the Social Affairs “Youth Rehabilitation Center” in Choam Chao. Other centers also detain children and adults together. Kakada, age 28, described the center at Choam Chao as “a center to bully children.” He reported that the children at the center were given the same military training as the adults:

There are small boys and they bully them like soldiers. They beat them and slap them. The “cats” and the guards [do this]. They are trained like soldiers but I feel such pity because they look like my younger brother. Sometimes I burst into tears with pity. They train them like soldiers to harden their bodies. The guard gave military orders, like turn left, turn right. The training is to make them strong, to make them stay away from drugs... If they fell out of line while rolling [on the ground], the guards kicked them in the head. One boy rolled but did not roll in a straight line... The guard said ‘You, boy, you did not do it.’ He asked the boy to stand up and kicked the boy. He fell back two meters. The guard said, ‘If you cry, I will do it again.’ The boy cried.²⁵

Torture and other forms of ill treatment

Sadistic violence, experienced as spontaneous and capricious, is integral to the way in which drug detention centers operate. The overwhelming majority of those interviewed by Human Rights Watch had either experienced the ill treatment described below or seen it firsthand. Cruel and inhuman treatment was reported in all centers covered by this submission. Sometimes abuses occurred as apparent punishment for breaking internal regulations of the centers, such as prohibitions on smoking, quarrelling with other detainees and escaping. However, cruel and inhuman treatment is often meted out without explanation or ostensible justification.

²⁴ Human Rights Watch interview with Trach, Siem Reap, April 2009.

²⁵ Human Rights Watch interview with Kakada, Phnom Penh, May 2009.

Much of the torture and physical abuse by staff described above were reported to Human Rights Watch by children. Kronhong, age 18 (although a child when detained), related being given an electric shock in the center run by the civilian police in Siem Reap. He was punished by being electrocuted for having run away from the center on a previous occasion.

They [re-]arrested me and shocked me... They dare not shock me here [in town, when I was re-arrested] because they are afraid the tourists can see... It was a policeman [who shocked me]. He shocked me in front of my room. First they beat me, then they shocked me and I lost consciousness and they poured water on me and they pushed me into my room. They punched me on the head until I had bumps. When they shock [you], you lose energy and you can't walk. You feel dizzy and you lose energy. 'This is because you ran away,' the policeman said.²⁶

Detainees are also raped in the centers. Kronhong, who was a child when detained, reported being forced to perform oral sex on the commander of the military police center in which he was detained:

Because I was a newcomer I had to do massage for all the others. The first week I arrived I never got a good sleep because I had to give massages. Sometimes I had to give massages to the military police and sometimes the commander... He asked me to press his hands, his feet, to step on him, to pound him a long time, to pull his hair, until he fell asleep. This was... the big director [of the center]. After him, I had to do massage for his subordinates too... You know, the massages were both normal and sexual... Some massages I had to give were sexual... If I did not do this, he would beat me. The commander asked me to 'eat ice cream' [perform oral sex]. I refused and he slapped me... Performing oral sex happened many times... how could I refuse?²⁷

A former detainee, Russey, 17 years old, describes being beaten by the military police in the center in Battambang to mark his release from the center:

The military police beat me. They used the black 'ox's penis' [a police baton] on my bum... The trainer said 'This kid is released today so let me give you a

²⁶ Human Rights Watch interview with Kronhong, Cambodia, June 2009.

²⁷ Human Rights Watch interview with Kronhong, Cambodia, June 2009.

beating.’ [Then he asked] ‘Will you rehabilitate yourself? Will you stop [using drugs]? Do you have work?’ Then he gave [me] another beating.’²⁸

Human Rights Watch interviewed children formerly detained in the Social Affairs “Youth Rehabilitation Center” in Choam Chao who reported horrific treatment at the hands of the staff and detainees. Despite being a nominal rehabilitation center for youth, the guards have access to electrical batons. Kakada, 28 years old and a former detainee of the “Youth Rehabilitation Center” in Choam Chao, witnessed a fellow detainee in that center being shocked as punishment for attempting to escape:

The guards outside the center have electrical batons. When someone tries to escape the ‘cats’ scream out to those guards with electrical batons.... One man ran and a guard shocked him until he fell on the ground. He lost consciousness.... In that place they think only of beating.’²⁹

Another former detainee M’noh, 16 years old, described witnessing whippings with electrical wire in the Social Affairs center in Choam Chao:

[The staff member] would use the cable to beat people. He had three kinds of cable, made from peeling off the plastic from an electrical wire. One cable was the size of a little finger, one is the size of a thumb and one is the size of a toe. He would ask which you prefer. On each whip the skin would come off and stick on the cable.’³⁰

Teap, 14 years old, recalled he punishment after trying to escape the center:

I tried to escape but my feet got stuck on the barbed wire. I was rearrested. They beat me with a rattan stick until I lost consciousness and they poured water on me. They beat me twice. They hit my back, my legs. They said, each time, “Don’t run again!”

Children are not only beaten or whipped after trying to escape, but also to force them to work. Chambok, 17, told of being forced to work by being beaten when he was sick:

²⁸ Human Rights Watch interview with Russey, Battambang, June 2009.

²⁹ Human Rights Watch interview with Kakada, Phnom Penh, May 2009.

³⁰ Human Rights Watch interview with M’noh, Phnom Penh, June 2009.

[In Choam Chao] I cleared the grass. You know if someone does not work you have to go to meet the guard and get the 'ox's penis' [a police baton] three times. They beat me two times because I was sick. They said 'No, you work!' I was shivering [at this time], I had malaria.³¹

Beatings, whippings and other forms of torture and abuse of children are also often meted out without explanation or ostensible justification. Chambok recalled his arrival in the center:

As soon as I arrived, the Social Affairs staff kicked and beat me. I don't know why. He said "You stay here. Do not run! There are high walls here. If you get arrested, I won't be responsible if your leg is broken." He kicked me from behind through the door of the 'C' room. I have an injury on my chin where it hit the floor. It had a cut and was bleeding.

Abuses by detainees

Many abuses that occur in the centers are committed by detainees against other detainees. This is the result of the system whereby center staff delegate authority to trusted detainees who carry out the day-to-day control of other detainees and enforce the rules of the center. As Duongchem, age 20, explained, "We [detainees] are considered like a mouse and the guards of the room are like a cat. If the mice run, the cats chase... The "cats" and the staff are friends."³² "Cats" are tasked with keeping order, for reporting possible escape attempts and for punishing those who break certain rules. M'noh, 16 years old, was a "cat" during his most recent period of detention. He explained his role as a "cat" in the following terms:

I was a 'cat'. The 'cats' are responsible or in charge of the inmates. I had the right to beat someone who made a mistake... There were four 'cats' including me. I slept outside, in front of the door. Each of us had one key... We had a separate [food] ration from the rest of the inmates: we had special rice and sour soup with oil and the insides of a banana tree... I was responsible for one room, 20 or 21 inmates, to make sure no one went missing. If someone escaped, we shouted until someone was arrested... I slapped people. For example, if they didn't form a line properly, or [were] doing exercise wrong, I would slap them on the cheek. If it was a little mistake, [they received] two or

³¹ Human Rights Watch interview with Chambok, Phnom Penh, June 2009.

³² Human Rights Watch interview with Duongchem, Cambodia, June 2009.

three slaps. If it was a serious mistake, it would involve being beaten by [all] people [in the room] two or three times...³³

Khal, age 16, describes daily beatings by “cats” at Choam Chao:

[The ‘cats’] beat me to ‘welcome’ me, but after the welcome they still beat me every day. They used their hands. They said I was a rude boy, that my face was a rude face. I did not do anything wrong. [A ‘cat’] punched me in the chest, many times. [The ‘cat’] ordered his subordinates to beat me. Nobody dared to tell the guards or else [the ‘cat’] would beat us. I didn’t try and tell the guards because I was afraid of being beaten by [the ‘cat’].³⁴

Tonle, 16, another former detainee at the Social Affairs “Youth Rehabilitation Center” in Choam Chao, described being forced to dance naked by the “cats”:

You know, when [the ‘cats’] got drunk they asked all the kids to take off all their clothes and dance. It happened once. Everybody had to do this. It was inside the room. They played karaoke song[s] on the mobile phone. It was about 8 or 9 at night.... More than 20 had to take off their clothes and dance, for about half an hour. If you didn’t take off your clothes you would be beaten.³⁵

Coerced blood donation

A number of former child detainees reported donating blood while in detention. This practice is shrouded in secrecy, with detainees being instructed not to talk about blood donations to other detainees. According to Sarika, age 15:

I used to see the staff selecting the fat and healthy kids [to go] outside the center, about 10 of them, but I don’t know why. If we asked they would beat us, saying ‘Why do you want to know?’ They took them outside the center for half a day. I never asked where they went. They said that this is a secret, both the staff and those kids said this... The staff came and pointed their finger at

³³ Human Rights Watch interview with M’noh, Phnom Penh, June 2009.

³⁴ Human Rights Watch interview with Khal, Phnom Penh, July 2009.

³⁵ Human Rights Watch interview with Tonle, Phnom Penh, June 2009.

these people [to summon them], because they can do anything in that place... [The other detainees] never told me what happened. They were told by others not to tell other inmates when they got back... When they came back they had bandages on the crook of their arm. They walked with their arm held like this [with one forearm folded up close to the chest]. They looked very pale.³⁶

Malis, 16 years old, reported he was forced to donate his blood:

The [staff] said ‘Please help the people who have accidents.’ The [staff] walked me to where I got my blood pumped. They said ‘Now, little kid, I want to tell you that a hospital needs our rehab center to donate blood because the hospital needs type A and B. Your blood is similar and they lack that type of blood.’ I said ‘I can’t! Pumping blood is scary!’ He said, ‘[It’s] no problem,’ and walked me to the pumping van. I felt very scared. They forced me.

He explains:

Three of us had our blood pumped. It was in the van: it was big and equipped with machines. They make you lie down then you stretch out your hand and they use a kind of bandage to tie your arm and they start pumping.³⁷

Teap, 14 years old, explains that he donated blood in order to receive money and to secure his release from a center. A van came to the center to collect blood from the detainees.

There were five people who donated. Me, I was the youngest, the rest were adults. I was 13... They said it was not forced, but voluntary. They said each would get \$20 and get free. Because I wanted to leave the center, I donated my blood. They said if you donated your blood, you can get money and walk away. I got money: I got \$20. I took a motorcycle taxi to [a nearby city].³⁸

Beng, 19 years (although a child when detained) also reported that he donated blood at two different hospitals in order to receive money and in order to be released from a center. In total, he reported donating blood about ten times and released from the center three times.

³⁶ Human Rights Watch interview with Sarika, Cambodia, June 2009.

³⁷ Human Rights Watch interview with Malis, Cambodia, June 2009.

³⁸ Human Rights Watch interview with Teap, Cambodia, June 2009.

[The boss of the center] said ‘Pump the blood and I’ll give you money.’ I got \$10- from [the first hospital] doctor... The boss of the center] said ‘I’ll give you money and I’ll let you go.’ ... [In the second hospital] I got money: the same amount... [While] I got \$10, [the boss of the center] got \$50. I stood outside and I saw the medic pass the money to him. It was a woman medic. It was \$50, I saw this... In [the first hospital]: I stood behind [the boss of the center] and saw him. The doctor gave money to [the boss of the center], \$50.³⁹

Abuses during drug treatment and poor living conditions

Rigorous physical exercise and military drills

Across the centers covered in this submission, former child detainees reported having to perform rigorous physical exercises on a regular basis. Often these sessions begin early in the morning--at 6 or 7 o’clock--and might be followed by an equally grueling session in the afternoon. Exercises might involve running, calisthenics and training exercises such as push-ups. The declared goal of such exercises is to make detainees “sweat out” the drugs from their bodies in order to “cure” them of their addiction. The director of the military police center in Sisophon explained the approach in an article in a Cambodian newspaper: “Here we train them the same as military police, make them fit, make them sweat out the badness.”⁴⁰

Like adults in the centers, children are forced to participate in the physical exercises and military drills. According to Russey, 17 years old and a former detainee of the military police center in Battambang:

[Daily exercises included] abdominals, push-ups, hand and feet movements, [a movement called] ‘crow jumping’. It was for our health: to be wise and strong. ‘When you exercise you sweat, and when you sweat the drug substance will be removed’ – the commander of the military police said this, before the exercise started. After this speech, we started exercise.⁴¹

³⁹ Human Rights Watch interview with Beng, Phnom Penh, June 2009.

⁴⁰ Yun Samean and Fergal Quinn, “Tough love for wealthy young troublemakers,” *The Cambodia Daily*, July 15, 2008.

⁴¹ Human Rights Watch interview with Russey, Battambang, June 2009.

Former child detainees report the exercises were extremely grueling. According to Kuhear, “I felt miserable [when exercising]. I never had such training before.”⁴² Despite the physical demands of these exercises, former detainees report being beaten if they were unable to complete them or made a slight mistake in performing them. According to Veary, “I was beaten when I did something wrong like [a mistake] in doing the exercises or falling in line... Sometimes they used the slat from the bed or a branch from a tree.”⁴³

M’noh, age 16, explained the exercises in the Social Affairs “Youth Rehabilitation Center” in Choam Chao:

There were 12 kinds of exercises, including ‘push ups’. [In a session] we had to do 50-100 ‘push ups’. If you dared to rest on the ground, you had to do an additional 20. If you couldn’t do this you were beaten. We also had to cross our legs, do arm exercises, sit-ups, raising your hand and touching the ground, stand on one foot with two hands straight in front... [The exercises] would last for 1 hour once a day, sometimes less. It was 5 days a week. They said it was detoxifying to the addictive substances. The big boss [of the center] said... ‘Doing exercise will make you sweat and the addictive substances will come out through the sweat.’⁴⁴

In addition to a strict regime of physical exercises and laboring, former child detainees also report that they are drilled to march in military formations. M’noh, age 16, described the military drills at the Social Affairs “Youth Rehabilitation Center” in Choam Chao:

We would march and hold our hands like we carry a gun. Each movement would be consistent. At the time, we would sing the national anthem. [The exercise] was like carrying [a] gun, like a military parade. We had to salute the commanders. You had to say ‘Yes! I accept the order!’ It’s like a physical exercise: when you do it, you sweat... They would call ‘One, two, one, two...’ When they call one, the left foot lifts, then two the right foot. Every step must be consistent with those in the front and back. They didn’t tell us why [we had to do this].⁴⁵

⁴² Human Rights Watch interview with Kuhear, Cambodia, July 2009.

⁴³ Human Rights Watch interview with Veary, Phnom Penh, July 2009.

⁴⁴ Human Rights Watch interview with M’noh, Phnom Penh, June 2009.

⁴⁵ Human Rights Watch interview with M’noh, Phnom Penh, June 2009.

Food

Former detainees complained to Human Rights Watch about the quality and quantity of the food provided to them. Detainees reported symptoms of diseases consistent with nutritional deficiencies. Detainees generally were given food three times per day, but several detainees reported they were provided insufficient amounts of food and that they were often hungry. The food provided was sometimes rotten or insect-ridden. It also appears to have been grossly deficient both in nutritional and caloric content. Detainees reported symptoms such as numbness and swelling, which are consistent with diseases caused by nutritional deficiencies. Sarika, age 15, described the food as “awful. We had porridge in the morning, mixed with fly’s eggs, even some worms....”²⁷

Srokaneak, a former detainee in the Social Affairs “Youth Rehabilitation Center” in Choam Chao, described the food in the center:

Once or twice a week they would make porridge [for breakfast]. Then there was rice and soup... We had this for lunch and dinner. It was tasteless, more liquid than vegetables. I could never get full. You were full for a short period of time then you start starving again.²⁸

Applicable standards

Detention of children as a last resort

The UN Convention on the Rights of the Child (CRC) states that any arrest, detention, or imprisonment of a child must be in conformity with the law and can be done only as a “measure of last resort.”⁴⁶ Moreover, children deprived of their liberty have the right to challenge the legality of their detention before a court or other competent, independent and impartial authority, and are entitled to a prompt decision on any such action.⁴⁷ This means that in general a child should not be detained unless it is adjudicated that he or she has committed a violent act against someone or is persistent in committing other serious offenses and there is no other appropriate response.⁴⁸

⁴⁶ CRC, art. 37(b).

⁴⁷ CRC, art. 37(d).

⁴⁸ The U.N. Standard Minimum Rules for the Administration of Juvenile Justice (“Beijing Rules”), adopted by General Assembly resolution 40/33 of 29 November 1985, <http://www.un.org/documents/ga/res/40/a40or33.htm>.

The UN Committee on the Rights of the Child has highlighted the need for a range of alternatives to avoid restriction of liberty for children who use drugs.⁴⁹ The Committee has expressed concern at non-criminal responses to children who use drugs which are stigmatizing or involve depriving children of their liberty or other civil rights, such as placing children in closed rehabilitative centers. Indeed, the Committee has advocated for the development of non-institutional forms of treatment of children who abuse drugs and for making the placement of children in an institution a measure of last resort. In addition, children living in such institutions should be provided with basic services such as health, education and other social services and maintain contact with their family during their stay. Finally, the Committee has called for the setting of clear standards for institutions and a provision of periodic reviews of the placement of children.⁵⁰

Lack of age-specific programs or services/No separation of adults and children

The detention of persons under age 18 in the same facilities as adults is prohibited under international human rights law.⁵¹ The Committee on the Rights of the Child has noted that children placed in institutions for the purpose of drug treatment are guaranteed at least the same minimum standards as any child deprived of his or liberty.⁵² Cambodia's prison regulations require the separation of adult and child prisoners.⁵³

Detention facilities should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the integration of children into society and should adopt specialized drug prevention and rehabilitation programs administered by qualified personnel. These programs should be adapted to the age, sex and other requirements of the juveniles concerned, and detoxification facilities and services staffed by trained personnel should be available to drug- or alcohol-dependent juveniles.⁵⁴

49 For example, it recommended that Latvia "Develop and implement alternatives to deprivation of liberty, including probation, mediation, community service or suspended sentences, and measures to effectively prevent and address drug- and/or alcohol-related delinquency." Latvia CRC/C/LVA/CO/2, para. 62(d) at <http://daccessdds.un.org/doc/UNDOC/GEN/Go6/428/94/PDF/Go642894.pdf?OpenElement>.

50 Brunei Darussalam CRC/C/15/Add.219, paras. 53 and 54, [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/39be9d499b7a0157c1256df00031b980/\\$FILE/Go344676.pdf](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/39be9d499b7a0157c1256df00031b980/$FILE/Go344676.pdf).

51 ICCPR, art 10(2) and 10(3); and CRC art. 37(c).

52 U.N. Committee on the Rights of the Child 'General Comment No. 10 – Children's rights in juvenile justice' (9 February 2007) U.N. Doc No CRC/C/GC/10 fn 1.

53 "Prison Procedure No. 3 – Prisoner Separation," General Direction of Administration Prisons Department, Ministry of the Interior, art. 3.2.

54 U.N. Rules for the Protection of Juveniles Deprived of their Liberty, Rule 53 and rule 54. Adopted by General Assembly resolution 45/113 of 14 December 1990, <http://www.un.org/documents/ga/res/45/a45r113.htm>.

Torture and cruel and inhuman treatment

Just as with adults, all children detained must be treated with dignity and there is an absolute prohibition on subjecting a child to torture or to cruel, inhuman or degrading treatment or punishment.⁵⁵ The Special Rapporteur on torture has noted:

Unlike most adults, children can be deprived of their liberty in a variety of legal settings other than those related to the criminal justice system and are thus reported to be particularly vulnerable to some forms of torture or ill-treatment in an institutional environment.... Unlike detention within the justice system, which in most cases will take place for a predetermined period of time, children are sometimes held in such institutions and subjected to cruel and inhuman or degrading treatment without time limits or periodic review or judicial oversight of the placement decision. Such indeterminate confinement, particularly in institutions that severely restrict their freedom of movement, can in itself constitute cruel or inhuman treatment.⁵⁶

Degrading treatment includes treatment that involves the humiliation of the victim or that is disproportionate to the circumstances of the case. For example, in the cases above, forcing boys to dance naked and corporal punishment for infringing center rules violate Cambodia's obligation to prevent cruel, inhuman and degrading treatment.

The draft Criminal Code provides that "torture and barbarous acts" are punishable with imprisonment for between seven and 15 years. Where committed on "a person particularly vulnerable due to his/her age" or "on a person particularly vulnerable due to his/her sickness or disability while his/her conditions are apparent or known to the perpetrator" then the punishment is between 10 and 20 years imprisonment.⁵⁷

⁵⁵ ICCPR art. 7; CRC art. 37(a).

⁵⁶ Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Report to General Assembly 2000, A/55/290, paras. 11 and 12, <http://www.un.org/documents/ga/docs/55/a55290.pdf>.

⁵⁷ Articles 210 and 211.