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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Friends World Committee for Consultation (Quakers), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 May 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Children of Prisoners

Friends World Committee for Consultation (Quakers) welcomes the increasing attention by the UN to the impact of parental imprisonment on children. The Human Rights Council's first resolution on the Rights of the Child included a new section on: 'Children of persons alleged to have or recognized as having infringed penal law'¹ which

'Calls upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular:

(a) To give priority to non-custodial measures, when sentencing or deciding on pretrial measures for a child's sole or primary carer, subject to the need to protect the public and the child, and bearing in mind the gravity of the offence;

(b) To identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment.'

This wording was also incorporated into the UN General Assembly resolution on the Rights of the Child later the same year.

Human Rights Council resolution 10/2 on Human Rights in the Administration of Justice, in particular juvenile justice also identifies the need to give more attention to the situation of children of prisoners. Specifically, it

'Invites Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem;

Emphasizes that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary carer, priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interest of the child'.²

The recently-concluded 12th UN Congress on Crime Prevention and Criminal Justice included a reference to children of prisoners in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World – the first time this group has been acknowledged in this context – stating:

'We are convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners. We stress that such responses should take into account the human rights and best interests of children and youth, as called for in the Convention on the Rights of the Child and the Optional Protocols thereto, where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate.'³

¹ A/HRC/7/RES/29 Rights of the Child, para. 33, adopted on 28 March 2008

² A/HRC/10/RES/2 Human Rights in the administration of justice, in particular juvenile justice, paras. 12 and 13, adopted 25 March 2009

³ Salvador Declaration, para. 26, adopted Salvador, Brazil, 19 April 2010

In addition, the Declaration states:

'We welcome the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders. Taking note of the outcome and the recommendations of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, we recommend that the Commission on Crime Prevention and Criminal Justice consider them as a matter of priority for appropriate action.'⁴

These draft rules contain a number of useful provisions relating to the specific situation of women prisoners and offenders who have babies and/or children.

Since 2003 the Quaker UN Office, Geneva, has undertaken research and advocacy and produced a range of publications about children of prisoners as well as women in prison. Of particular relevance are the publications on Babies and Small Children Residing in Prisons, on The Impact of Parental Imprisonment on Children, on Children Imprisoned by Circumstance, on Children Need Dads Too, and on Orphans of Justice, which are all available in English, French and Spanish in hard copy, or from our website: www.quno.org, as well as our other publications on women in prison, most recently Women in Prison: A Commentary on the UN Standard Minimum Rules for the Treatment of Prisoners. In the light of this research and findings to date, the Quaker UN Office, Geneva, has now prepared a preliminary draft 'Framework for Decision-Making in relation to Children of Prisoners and (alleged) offenders' (also available from our website) to encourage further consideration and discussion of the issues by both practitioners and policy-makers, and would welcome comments and reactions on this.

The general lack of attention to and research about the situation of children of prisoners has been recognised by the European Union which has funded a three-year research project on 'Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health (COPING)' with the Quaker UN Office, Geneva, as one of ten partners in the consortium. Specific research will be undertaken on the situation in Germany, Romania, Sweden and the UK.

FWCC (Quakers) calls on the UN Human Rights Council to:

- highlight the issue of children of prisoners in its work;
- dedicate the Rights of the Child discussion in the Council in 2012 to addressing the rights and needs of children of prisoners;
- urge States to review their policies and practices in relation to such children; and
- request the OHCHR and the Special Procedures to give greater consideration to the situation of children of prisoners.

⁴ Salvador Declaration, para. 50