



# Geneva Reporter

*Quaker United Nations Office - Geneva*

## Babies in Prison

The Quaker UN Office's work on women in prison has led us to an awareness that babies and small children often live in prisons with their mother. Although the subject has received little public attention, this is a common practice in countries in all parts of the world (including the UK, the Netherlands, Germany, Switzerland, Australia and some parts of the US). Practice varies considerably, from allowing babies to stay in prison only whilst being breastfed, to up to six years of age. Whilst there are strong arguments for not separating a very young child from its mother, particular care must be given to ensure that the facilities available in prison are adequate for a child's physical, mental and emotional development. QUNO has been asking the questions: what are the rights of the child in such a situation, and how can they best be protected?

The Convention on the Rights of the Child sets out the rights of all children under the age of 18, including their rights to development, not to be separated from their parents against their will (unless in their best interests) and to special assistance when deprived of their family environment. However, there are very few specific international standards to ensure these rights for children living in prisons with their mother.

### The UN Committee on the Rights of the Child

The Committee on the Rights of the Child is the United Nations body of independent experts that monitors implementation of the Convention on the Rights of the Child. It regularly examines States on their practices in relation to children, issues recommendations and publishes interpretation of the content of human rights provisions.

In 2004, QUNO participated in the Committee's Discussion Day on Early Childhood Development, making a submission on the children of imprisoned mothers. The Committee's final recommendations highlighted the vulnerability of "children living with mothers in prisons".

Before the Committee's January session, QUNO provided members with more detailed information about the particular needs of children of imprisoned mothers. The Committee's recommendations to the Governments of Bolivia and Iran at the end of that session included that they:

*"... develop and implement clear guidelines on the placement of children with their parents in prison, in instances where this is considered to be in the best interest of the child, (e.g. the age*

*of the children, length of stay, contact with the outside world and movement in and outside the prison) and to ensure that the prison living conditions are adequate for the child's development in accordance with article 27 of the Convention."*

For QUNO, this represents progress in moving the children of imprisoned mothers onto the international human rights agenda. We plan to continue working with the Committee on the Rights of the Child through 2005, as they examine the rights of "children deprived of parental care".

### Draft guidelines for babies and small children in prison

QUNO has recently published a study by Marlene Alejos on the international and regional legal frameworks and policies and practices around the world, concerning young children in prison with their mothers. This work presents draft guidelines for developing laws and policies regarding babies and small children residing in prisons - which we have published in English, Spanish and French.

**We urge all Geneva Reporter readers to look at the draft guidelines (available at [www.quno.org](http://www.quno.org)), share them with others, and to send us your comments and suggestions to develop them.**



## DDR and Small Arms Control

The important policy question for the international community is not *whether* to address the demand for small arms, or *if* supply aspects should be addressed first. Rather, the question must be how control programmes can adequately address the interdependent aspects of supply and demand. Given the varied social and economic purposes served by small arms, programmes for their control rely on integrated, flexible and multi-disciplinary interventions. There are many inter-related factors to deal with in a post-conflict situation and the effective Disarmament, Demobilisation and Reintegration (DDR) of ex-combatants must be a leading priority. However, DDR programmes will never be effective if a number of other factors have not been taken into

account. To name a few examples: weapons can be removed from ex-combatants but if they are not destroyed there is a risk that they will leak back into society, leading to further violence. Similarly, if issues of security sector reform are not addressed, a sense of security is not instilled in communities and resorting to armed violence to ensure personal safety becomes a likely possibility. Inter-related DDR and arms reduction activities *together* with security sector reform are increasingly viewed as fundamental to the positive transformation of the security sector in post-conflict states.

The early and responsible involvement of civil society in the planning and implementation of peace operations will ensure that such programmes contribute to a

stable post-war environment. National Commissions for DDR provide a clear opening for the involvement of civilians. In addition, NGOs with a capacity to contribute concretely to DDR programming are already exercising their expertise. For example, UNIFEM has developed specific policies for the involvement of women in peace processes.

The formal disarmament of ex-combatants should be complemented by efforts to lessen both the supply of and demand for small arms in civilian society. Particularly if formal disarmament has had limited success, then the real arms control effort continues after the DDR programmes have ended.

## Crunch Time for the NPT

The 2005 Review Conference of the nuclear Non-Proliferation Treaty (2-27 May, New York) is one of the most important events in this year's UN calendar.

The Treaty is the bed-rock of international commitment to keeping the world safe from nuclear weapons use. Yet the nuclear non-proliferation regime is facing a number of threats. Possible use of nuclear materials by terrorists and the implications of the Democratic Peoples Republic of Korea's withdrawal from the Treaty are only the most visible worries. But the regime is also threatened by growing impatience on the part of many non-nuclear states with the lack of progress on disarmament itself, despite the 13-step commitments made by *all* NPT states parties at the last Review Conference in 2000. This impatience is enhanced by indications of

modernisation of nuclear weapons systems planning by some of the nuclear weapon states.

The Review Conference has the awesome task of finding credible formulas for strengthening the regime. Further outcomes which promise progress but remain largely rhetorical will no longer be acceptable. The prospects are not good. At this writing, there is not even agreement on the agenda for the meeting. The Secretary General has recently written in his report "In Larger Freedom: Towards Development, Security, and Human Rights for All" (A/59/2005):

*"We must revitalize our multilateral frameworks for handling threats from nuclear, biological and chemical weapons... The existence of multilateral instruments to*

*promote disarmament and prevent proliferation among States has been central to the maintenance of international peace and security ever since those instruments were agreed. But they are now in danger of erosion. They must be revitalized to ensure continued progress on disarmament and to address the growing risk of a cascade of proliferation, especially in the nuclear field."*

This is what is at stake in New York in May. All delegates need this quote on their desks during the coming weeks as a reminder of the responsibility that they have in ensuring that the nuclear non-proliferation regime is not further eroded but is strengthened - so that real steps towards nuclear disarmament are made in the years ahead, for the security of all.



## Undermining the Millennium Development Goals

In September 2000 the Millennium Development Goals (MDGs) were launched. The driving force behind this initiative was a desire to “uphold the principles of human dignity, equality and equity at the global level”. All Member States of the United Nations have committed themselves to achieving these targets by 2015.

It is unlikely that the MDGs will be a ‘win-win’ scenario for the rich world, because greater equity and sharing of the world’s resources will affect them adversely. One way of measuring commitment, therefore, is to look at a sector of critical economic interest to the OECD.<sup>1</sup>

- Goal 1.** Eradicate Extreme Poverty & Hunger
- Goal 2.** Achieve Universal Primary Education
- Goal 3.** Promote Gender Equality & Empower Women
- Goal 4.** Reduce Child Mortality
- Goal 5.** Improve Maternal Health
- Goal 6.** Combat HIV/AIDS, Malaria & Other Diseases
- Goal 7.** Ensure Environmental Sustainability
- Goal 8.** Build a Global Partnership for Development

OECD countries run knowledge-driven economies. They lead the world in innovation, covering all sectors from medical science to computer games. The ideas and knowledge that underpin these industries are protected by various laws such as patents and copyrights that are collectively known as intellectual property

rights, or IPRs. These IPRs are economic tools that give OECD countries a strategic advantage in world markets.

How do international rules on IPRs shape up against the eight MDGs?

On health, the MDGs aim to reduce child mortality, improve maternal health and combat HIV/AIDS and other diseases (Goals 4, 5, 6). In all three instances, pharmaceuticals are presented as key in achieving these goals. Children need to be immunised, mothers need medicines and HIV/AIDS patients need anti-retrovirals. These pharmaceuticals are, however, largely ‘owned’ by corporations based predominantly in the USA and EU.

The MDGs aim to achieve universal primary education. Whether we talk about school books, scientific research or digital information systems, the corporations holding the copyrights are based in the OECD.

MDG proposals to end hunger and improve health are dependant on food security issues. At the same time, OECD corporations are seeking increased patent protection on micro-organisms, genetic resources, seeds and plant varieties. This increases their control of nutrition and does little to secure food security for developing countries.

There is recognition throughout the MDGs that poor people get bad health care, bad education,

bad nutrition etc. Goal 8 of the MDGs calls for an open, rule-based trading and financial system, more generous aid to countries committed to poverty reduction, and debt relief as ways of tackling all this.

An open rule-based trading system will certainly help developing countries export primary products such as raw coffee beans. However, it will do nothing to help them develop new industries and competitive products so long as IPRs prohibit learning and copying. This is the Catch 22. Industrial development amongst the OECD countries was only possible because there were no binding international rules on IPRs in the 19th century.

So, in order to realise the eight MDGs, perhaps OECD countries need to be persuaded to adopt one more MDG?

Goal 9. Break down Monopolies of Knowledge guarded by IPRs including those related to essential drugs, technology, education and food security.

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<sup>1</sup>The Organisation for Economic Cooperation & Development has 30 Members: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Spain, Sweden, Switzerland, Turkey, UK and US.



## General QUNO News

**David Atwood** and **Rachel Barker** organised two events on the issue of small arms demand: "Advocating for Demand in Small Arms Programming" (16 February) and "Disarmament, Demobilisation and Reintegration, Small Arms Demand and the UN Programme of Action" (21 February). The two meetings were well attended by a wide range of governments, non-governmental organisations and UN institutions. The 61st session of the **UN Commission on Human Rights** took place between 14 March and 22 April. **Rachel Brett** and **Megan Bastick** participated in the sessions, along with two volunteers, **Eleanor Andrews** and **Laurel Townhead**.

**Martin Watson** has been attending the Inter-Sessional **Inter-governmental Meeting on a Development Agenda for the World**

**Intellectual Property Organisation** along with **James Lankford**, a volunteer intern who has been working with Martin over the last few weeks. They have also been attending the **World Trade Organisation Symposium**.

**David Newton**, a Quaker representative working in Northern Uganda on issues of peace and reconciliation, came to Geneva for two days in March. QUNO held two meetings at Quaker House in order to provide Geneva-based actors with the opportunity to engage in the dialogue that is happening on the ground in Uganda.

QUNO's **Disarmament and Peace programme** played a role in organising a seminar with the NGO Committee for Disarmament and the World Council of Churches on the Nuclear Non-Proliferation Treaty: "**A Treaty in Trouble**", on 11 April.

### QUNO Publications: Available Online

February-April 2005

*Security Together: A Unified Supply and Demand Approach to Small Arms Control: Working Paper, February 2005*, D. Jackman and D. Atwood (also available in French and Spanish)

*Babies and Small Children Residing in Prisons, March 2005*, M. Alejos

*Draft suggested guidelines for drafting legislation, regulations, policies and programmes regarding babies and small children residing in prisons, March 2005*, M. Alejos (also available in French and Spanish)

*Violence against girls in detention - Submission to the United Nations Study on Violence Against Children, March 2005*, M. Bastick

*Violence against babies and small children living in prison with their mothers - Submission to the United Nations Study on Violence Against Children, March 2005*, M. Bastick

*Eliminating Discrimination Against Women in Prison - Submission to the 32nd session of the Committee on the Elimination of Discrimination Against Women, January 2005*, M. Bastick

*UN Reform*, Joint oral statement to the 61st Session of the Commission on Human Rights, 12 April, 2005

*Women in prison*, Oral and written statements to the 61st Session of the Commission on Human Rights

*Children of Imprisoned Mothers*, Oral and written statements to the 61st Session of the Commission on Human Rights

*Cooperation with Special Procedures*, Joint oral statement to the 61st Session of the Commission on Human Rights, 18 April, 2005

*Standing Invitations to Human Rights Mechanisms* Joint written statement to the 61st Session of the Commission on Human Rights, 27 January 2005

*Conscientious Objection to Military Service*, Oral and written statements to the 61st Session of the Commission on Human Rights

*Human Rights of Indigenous Peoples are a Global Priority* Joint written statement to the 61st Session of the Commission on Human Rights, 3 March 2005

*Freedom of Religion or Belief* Joint written statement to the 61st Session of the Commission on Human Rights, 9 February 2005

*Refugees and Asylum-Seekers*, Joint oral statement to the 61st Session of the Commission on Human Rights, 12 April 2005

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**Many thanks!**