



# Briefing Paper

*Quaker United Nations Office - Geneva*

## Children of Prisoners

QUNO began work on human rights of prisoners in 2003, starting with women prisoners. In the course of this work, QUNO quickly became aware that one of the particular issues which arises is about the children since most women prisoners are the sole or main carer for minor children. In the first instance, QUNO focussed on the babies and young children who often end up in prison with their mothers, but then expanded the scope as it became clear how problematic and neglected the issues about all aspects relating to children with an imprisoned parent – mother or father - are.

***“If you were naughty and sent to prison, does that mean I was naughty too?”*** These are the words of a young German boy living in prison with his mother, when she explained to him why they are in prison.

The full article, 'Behind bars in the mother-and-child cells of a German prison' can be accessed at DW-World.de, at [www.dw-world.de/dw/article/0,,5660740,00.html](http://www.dw-world.de/dw/article/0,,5660740,00.html)

In order to better understand the situation, in particular from the children's perspective, and to inform and raise awareness amongst others, starting in 2005 QUNO has published a series of papers which draw on published and unpublished materials, supplemented by specifically commissioned research. One topic led to another, and in 2009, the QUNO publications were:

- ◆ *Children Need Dads Too* which explores the similarities and differences when it is the child's father rather than mother who is imprisoned;
- ◆ *Orphans of Justice – A Legal Analysis* which explores how courts have considered the best interests of the child when a parent comes into conflict with the law; and in 2010
- ◆ *Children of Prisoners and (Alleged) Offenders: Draft Framework for Decision-Making*.

## QUNO's activities have led to increasing attention to the issue at the UN

Provisions about babies and young children of imprisoned mothers are included in the new draft UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders. These draft Rules were welcomed by the 12th UN Crime Congress (Salvador, Brazil, April) and approved by the UN Commission on Crime Prevention and Criminal Justice (Vienna, May) which forwarded them to the UN Economic and Social Council for transmission to the UN General Assembly for adoption.

Both the situation of babies and young children, and the broader issues pertaining to any child with a parent in prison have now been included in several UN resolutions, reports to the UN Human Rights Council, the work of the Committee on the Rights of the Child, and in the new Guidelines on Alternative Care for Children endorsed by the UN General Assembly in 2009. In the Guidelines and the resolutions, the focus has been on trying to avoid separating children from parents with caring responsibilities by prioritising the use of non-custodial measures rather than imprisonment or detention. Most recently, the UN Crime Congress' Salvador Declaration identified the needs of children of prisoners as one of the issues to be addressed.

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## What Next?

The two most compelling findings from QUNO's research are how complex and divergent the situations of children of prisoners are, and also how neglected. QUNO is, therefore, working on a draft Framework for Decision-Making in relation to children of prisoners and (alleged) offenders. This seeks to identify the points in the process from arrest, through pre-trial measures, imprisonment to release and reintegration, when issues arise. The purpose is to assist in the recognition that children may be an issue needing consideration, what (some of) those issues might be, and to identify some ways in which these can be taken into account drawing from policies and practices in different countries. QUNO presented a preliminary draft of this Framework at an Ancillary Meeting during the UN Crime Congress and a side event at the UN Human Rights Council in Geneva in May 2010 and has been encouraged by the positive response to the concept, as well as the specific comments and suggestions received. The draft Framework is available (in English only) from the QUNO website, and further comments and suggestions are welcome.

January 2010 saw the launch of COPING (Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health), a three-year EU-funded research project of 10 partners, including QUNO. This exciting new venture will include first hand academically rigorous research into the characteristics of children with imprisoned parents, their resilience and vulnerability to mental health problems. Although the specific research is limited geographically (Germany, Romania, Sweden and the UK are the primary research areas) it is expected that the findings will be valuable and help to shape greater understanding, attention and, therefore, changes to policy and practice more broadly, including, of course, helping to inform QUNO's proposed Framework for Decision-Making.

## How You Can Help

Those who work with or design policies in relation to children:

- ◆ Think about the fact that some of those children will have one or both parents in prison;
- ◆ Consider how current policies and practices affect such children, and the possible need for review; and
- ◆ Read and comment on QUNO's publications, including the draft Framework for Decision-Making.

Those who work with or design policies for prisoners:

- ◆ Give attention to the gender dimension of the criminal justice and prison systems, including intersectionality with race, nationality, ethnicity, indigeneity and religion; and
- ◆ Address the rights and needs of children of prisoners, both those accompanying a parent into prison and those who do not.

All interested:

- ◆ Draw to the attention of relevant individuals, groups and Government/administration officials and policy-makers, the UN provisions, including the draft UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (and their accompanying Commentary) and urge their full implementation;
- ◆ Call on States to set aside a day to discuss the situation, rights and needs of children of prisoners in the UN Human Rights Council; and
- ◆ Urge the Committee on the Rights of the Child to give in depth consideration to how the Convention on the Rights of the Child addresses the rights and needs of children of prisoners, of offenders and of those who are alleged to have infringed the penal law.

## QUNO's publications

All of QUNO's publications on children of prisoners are available on our website: [www.quno.org](http://www.quno.org), and in hard copy on request from QUNO. Most are available in English, French and Spanish.

The full list of QUNO's publications on children of prisoners is as follows:

*Children of Prisoners and (Alleged) Offenders: Draft Framework for Decision-Making*, Holly Mason-White (2010)

*Orphans of Justice: in search of the best interests of a child when a parent is imprisoned*, Jean Tomkin (2009)

*Children Need Dads Too: Children with Fathers in Prison*, Jennifer Rosenberg (2009)

*Children Imprisoned by Circumstance*, Oliver Robertson (2008)

*The Impact of Parental Imprisonment on Children*, Oliver Robertson (2007)

*Pre-trial Detention of Women and its impact on their children*, Laurel Townhead (2007)

*Women in Prison and Children of Imprisoned Mothers: Recent Developments in the United Nations Human Rights Systems*, Laurel Townhead (2006)

*Babies and Small Children Residing in Prisons*, Marlene Alejos (2005)

*Women in Prison and Children of Imprisoned Mothers: Preliminary Research Paper*, Rachel Taylor (2004)