



### FWCC Oral Statement to be delivered at the 31<sup>st</sup> session of the Human Rights Council

#### Item 5 General Debate

Friends World Committee for Consultation (Quakers) welcomes the recommendations of the eighth session of the Forum on Minority Issues,<sup>1</sup> brought before the Council.

The eighth session of the Forum, along with the report of the Special Rapporteur on minority issues to the seventieth session of the General Assembly,<sup>2</sup> focused on issues of discrimination faced by minorities in criminal justice systems.

The report of the Special Rapporteur acknowledges, *inter alia*, findings of the overcriminalization<sup>3</sup> and overincarceration<sup>4</sup> of minority groups in criminal justice systems.

We would like to draw attention to the impact of this discriminatory treatment on the rights of minority children, who, as a result, are disproportionately affected by parental incarceration.

The Forum's recommendations acknowledge the impact of parental incarceration for those residing in prison with a parent, stating that: "prison services must provide for the full range of needs of children in prison with their mothers, whether medical, physical or psychological."<sup>5</sup>

We welcome this recognition of the relationship between parental incarceration and the rights of the child, and would also highlight the impacts for those children not residing in prison.

We call upon States to protect and uphold the rights of affected children, by taking into account the best interests of the child in all decision-making processes related to their parents.<sup>6</sup>

The recommendations further urge States that have not yet done so to bring their national legislation and practice into line with the revised UN Standard Minimum Rules for the Treatment of Prisoners (the

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1 UN Human Rights Council, Thirty-first session, 'Recommendations of the Forum on Minority Issues at its eighth session: Minorities and the criminal justice system', A/HRC/31/72 of 4 February 2016.

2 UN General Assembly, Seventieth session, 'Report of the Special Rapporteur on Minority Issues, Ritz Izsak, on minorities and the criminal justice system', A/70/212 of 30 July 2015.

3 UN General Assembly, Seventieth session, 'Report of the Special Rapporteur on Minority Issues, Ritz Izsak, on minorities and the criminal justice system', A/70/212 of 30 July 2015, para. 29.

4 UN General Assembly, Seventieth session, 'Report of the Special Rapporteur on Minority Issues, Ritz Izsak, on minorities and the criminal justice system', A/70/212 of 30 July 2015, para. 53.

5 UN Human Rights Council, Thirty-first session, 'Recommendations of the Forum on Minority Issues at its eighth session: Minorities and the criminal justice system', A/HRC/31/72 of 4 February 2016, para. 63.

6 For further information on parental incarceration and minorities in the criminal justice system, see: Cullen, D. (2015) *Children of incarcerated parents: Minorities in the criminal justice system*, available online at: <http://www.quno.org/resource/2015/11/children-incarcerated-parents-and-minorities-criminal-justice-systems>.

Nelson Mandela Rules) and to ensure compliance with the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).<sup>7</sup>

We call upon States to ensure implementation of the Nelson Mandela Rules and the Bangkok Rules, in order for the treatment of minority detainees to meet the minimum requirements set out by these international standards.

Finally, we call upon States to fully implement both the recommendations of the Forum,<sup>8</sup> and of the report of the Special Rapporteur,<sup>9</sup> in order to protect and uphold the rights of members of minority groups, including children, at every stage of the criminal justice system.

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<sup>7</sup> UN Human Rights Council, Thirty-first session, 'Recommendations of the Forum on Minority Issues at its eighth session: Minorities and the criminal justice system', A/HRC/31/72 of 4 February 2016, para. 55.

<sup>8</sup> UN Human Rights Council, Thirty-first session, 'Recommendations of the Forum on Minority Issues at its eighth session: Minorities and the criminal justice system', A/HRC/31/72 of 4 February 2016.

<sup>9</sup> UN General Assembly, Seventieth session, 'Report of the Special Rapporteur on Minority Issues, Ritz Izsak, on minorities and the criminal justice system', A/70/212 of 30 July 2015, paras 93-113.