



Quaker United Nations Office

13 Avenue du Mervelet
CH-1209 Geneva, Switzerland
Tel +41 (22) 748-4804
Fax +41 (22) 748-4819
Email rbrett@quno.ch

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Oral statement by Friends World Committee for Consultation (Quakers), an International NGO in General Consultative Status with ECOSOC

Human Rights of Women Prisoners and Children of Prisoners

Delivered by Rachel Brett, Quaker UN Office, Geneva, on Tuesday 8 June 2010

Friends World Committee for Consultation (Quakers) welcomes the reports of the OHCHR (A/HRC/14/35) and Secretary-General (A/HRC/14/34) on Human Rights in the Administration of Justice, which identify new developments by many parts of the UN including in relation to women in prison, health and women prisoners, and children of prisoners.

We welcome the progress made in developing new draft UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders which have now been forwarded by the UN Commission on Crime Prevention and Criminal Justice to ECOSOC for transmission to the General Assembly for adoption. We call on all States not only to support the adoption but also to implement these new Rules, which bring a specific gender understanding to the situation of women who come into contact with the criminal justice system, including the particularities faced by the growing number of foreign national women in prisons, and the situation of babies and young children in prison with their mother.

However, the draft Rules only address a limited aspect of the impact of parental imprisonment on children. Only a small number spend time in prison with their parent; more are affected through separation from their parent by imprisonment and related aspects of involvement with the criminal justice and prison systems. We welcome the fact that the Salvador Declaration resulting from the recent 12th UN Crime Congress in Brazil, for the first time in such a document, identified the needs of children of prisoners as one of the issues to be addressed.¹

In order to assist with identifying and addressing these needs, the Quaker UN Office, Geneva, has prepared a draft Framework for Decision-Making in Relation to Children of Prisoners and (Alleged) Offenders, and would welcome comments on it.²

1 Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted Salvador, Brazil, 19 April 2010, para. 26

2 Available from www.quno.org

In the course of our work on children of prisoners, we have been struck by how little research has been undertaken about the impact on the children, and are pleased that the European Union has now funded a three-year research project on 'Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health (COPING)' which will include first hand research in Germany, Romania, Sweden and the UK. Although limited in geographic scope, the results should add significantly to understanding the situation and addressing at least some of the needs of these children.

We call on the UN Human Rights Council to give greater attention to:

1. the gender dimension of the criminal justice and prison systems, including intersectionality with race, nationality, ethnicity, indigeneity and religion;
2. the impact of parental imprisonment on children, including dedicating a future Rights of the Child discussion in the Council to the rights and needs of children of prisoners; and
3. encouraging States to review their policies and practices in relation to such children.