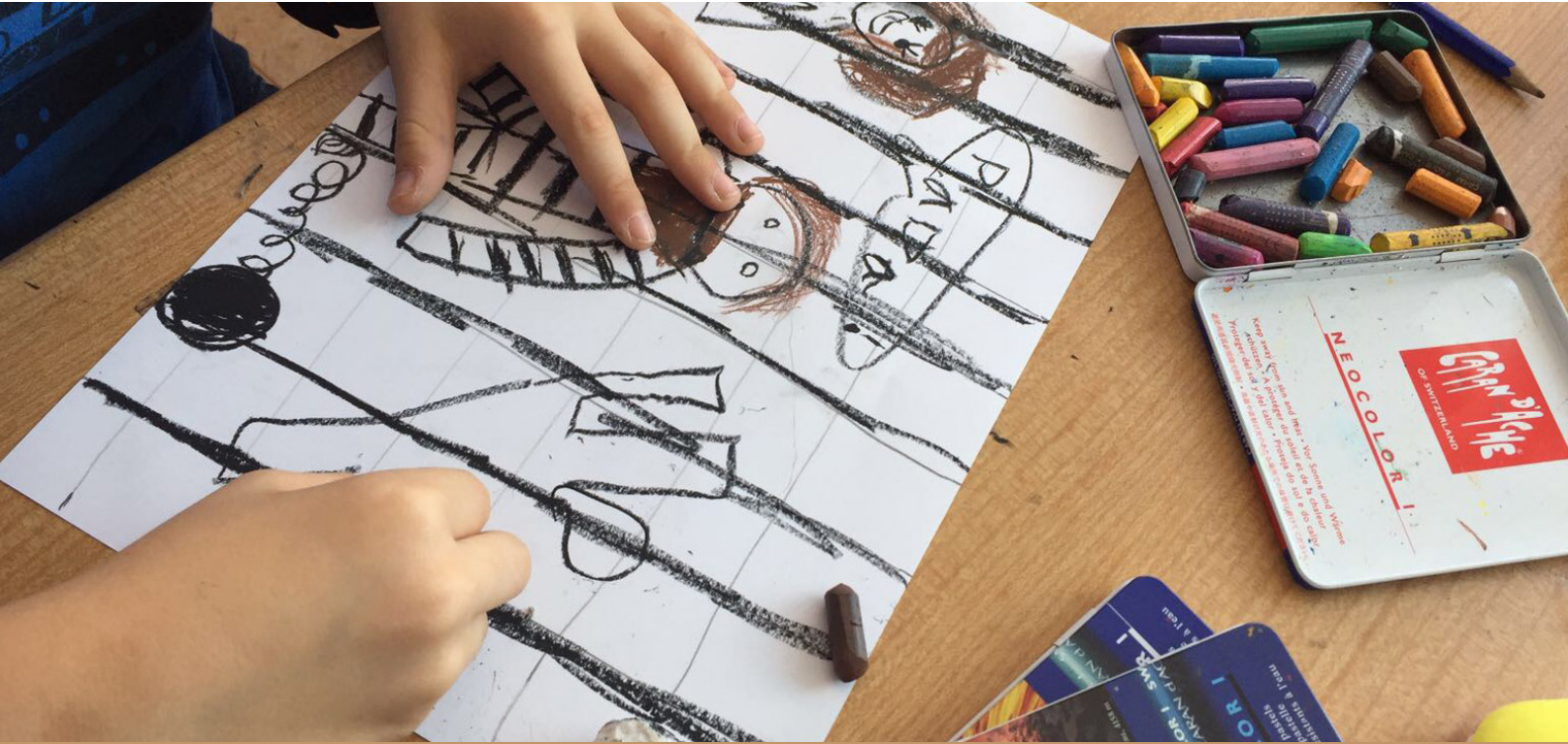




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Children of Incarcerated Parents: International Standards and Guidelines

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March 2020

This paper is part of QUNO's ongoing work on children of incarcerated parents. This includes a particular focus on children of parents sentenced to death or executed. For more detailed analysis of the legal standards relating to this group of children, see:

Stephanie Fariior (2019), Protection of the Rights of Children of Parents Sentenced to Death or Executed: A Legal Analysis (Quaker United Nations Office, Geneva)

For all of our past papers and activities, please visit: <https://quno.org/resources/Children-of-Prisoners>

Alongside NNAPes, QUNO co-convenes the Child Rights Connect Working Group on Children of Incarcerated Parents. More details about the Working Group are available online:

https://www.childrightsconnect.org/working_groups/children-of-incarcerated-parents

Human Rights & Refugees

QUNO's belief in the inherent worth of every individual leads us to work for the promotion and protection of human rights for all. Our Human Rights & Refugees programme raises up the concerns of marginalized groups, so they are better understood by international policy makers, which leads to stronger international standards. Frontline organizations can use these strengthened international standards as a tool to limit suffering, improve lives and challenge the root causes of injustice. Our work focuses on children of prisoners, children of parents sentenced to death or executed, conscientious objectors to military service, Indigenous peoples, migrants and refugees. For more information or to share comments and feedback, please contact:

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Foreword

The risks and rights violations faced by children of incarcerated parents can be compounded by criminal justice and penal systems that do not take notice of their existence or do not see their rights as relevant considerations. Motivated by concern about these preventable human rights violations, QUNO has worked for over 15 years to raise awareness of the impact of parental incarceration on children, with a focus on the international standards protecting their rights.

We collaborate with NGOs and academics around the world through the Child Rights Connect Working group on Children of Incarcerated Parents and the International Coalition of Children with Incarcerated Parents (INCCIP). These networks help ground our work in the experiences of children and those working directly with them to uphold their rights.

Our work has included:

- supporting the Committee on the Rights of the Child's 2011 Day of General Discussion
- advocating for and cataloguing Concluding Observations from the Committee on the Rights of the Child on the rights of these children
- partnering on the COPING project, a pan-European research project on the resilience and vulnerability to mental health problems amongst children of incarcerated parents
- participation in the development of the UN Global Study on Children Deprived of their Liberty

We welcome the greater attention this issue has received at the international level in recent years and take the 14th UN Congress on Crime Prevention and Criminal Justice as the impetus to update and reissue our previous briefing paper on international standards.

This paper outlines the current position in regard to international standards pertaining to children of incarcerated parents, bringing together legal instruments, treaty body recommendations and other guidance issued by international bodies. The purpose of this paper is to promote the recognition of the rights of children of incarcerated parents, to guide States in their domestic consideration of how to ensure the rights of such children, and to contribute to improving standards.

Section I: Overarching Principles

Children of prisoners have particular vulnerabilities and must be considered in criminal justice processes

There is now an understanding in both the human rights and the crime prevention and criminal justice bodies that all aspects of criminal justice policy and delivery must take the rights of the child into account.

For children of incarcerated parents, the key rights, as protected in the Convention on the Rights of the Child, include:

- the child's right not to be discriminated against based on the status or activities of their parents (CRC Article 2(2))
- the child's right to maintain contact with both of their parents (Article 9(3))
- the child's right to be heard in any judicial or administrative proceeding which affects them (CRC Article 12(2))
- the right to have their best interests taken into consideration in all actions affecting them (CRC Article 3(1)).

These rights and their implications have been increasingly recognised across international and regional systems. At the United Nations level, the Committee on the Rights of the Child has taken a lead in providing guidance on the treatment and rights of these children. The Committee recognised such children as being at particular risk in their 2005 General Comment on Implementing Rights in Early Childhood:

Children's rights to development are at serious risk where they are orphaned, abandoned or deprived of family care or where they suffer long term disruptions to relationships or separations (e.g. due to ... parental imprisonment...). These

adversities will impact on children differently according to their personal resilience, their age and their circumstances, as well as the availability of wider sources of support and alternative care.¹

The Committee has provided an expanding body of work through its Concluding Observations to States: these will be referred to throughout this Paper and are searchable online at <http://www.crccip.com/index.php>.

The 2019 Global Study on Children Deprived of their Liberty provided a landmark contribution to this area, including a chapter on Children Living in Prisons with their Primary Caregiver. This chapter contains 23 recommendations to States, reinforcing many of the comments and recommendations made by the Committee on the Rights of the Child as well as by the regional human rights systems. These recommendations will be referred to throughout this Paper.

In the UN Crime Prevention and Criminal Justice system, the Salvador Declaration of the 12th UN Crime Congress stressed the need to address the needs of children of prisoners, taking into account their human rights.² The provisions pertaining to children of prisoners in the Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) are indicative of the developments in understanding of this issue.³ In particular the Bangkok Rules, although focussed on the treatment of women prisoners, contain rules requiring consideration of the best interests of the child.⁴ These developments are reflected in the Revised Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) which contain a rule mirroring the provision in the Bangkok Rules that decisions about children living in prison with their parents shall be based on the best interests of the child.⁵ This is also recognised in the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice which include children of incarcerated

parents in the definition of “children in contact with the justice system” and extend the protections outlined in the model strategies to such children.⁶

Regional human rights systems have also provided clear and continuing guidance in this area. The African Charter on the Rights and Welfare of the Child is the only human rights treaty with explicit provision for the children of imprisoned parents in a stand-alone article responding to the specific risks they face.⁷ In 2013 the African Committee of Experts on the Rights and Welfare of the Child (ACERWC) published General Comment One on children of incarcerated and imprisoned parents and primary caregivers.⁸ The ACERWC has provided further guidance on the rights of these children in almost every set of Concluding Observations to States made so far: these are referenced in this Paper.

The European Parliament has recognized that there are multiple impacts on children’s enjoyment of their rights for both children separated from a detained parent and children detained with a parent,⁹ and in 2018 the Council of Europe published a specific, detailed recommendation providing detailed guidelines to states for the treatment of children with imprisoned parents.¹⁰

The best interests of the child

The overarching principle is that the best interests of the child should be taken into account as a primary consideration in all decisions relating to the detention of someone with child caring responsibilities.¹¹ The requirement to take the best interests of the child into account as a primary consideration in all decisions affecting them is enshrined in the Convention on the Rights of the Child,¹² and elaborated upon in the Committee on the Rights of the Child’s General Comment no.14 of 2013, which makes specific reference to the best interests of children of incarcerated parents.¹³

The principle of best interests is a substantive right, and interpretive approach, and a rule of procedure,

all three of which are relevant when considering the best interests of children with incarcerated parents. Accordingly, in the context of children of prisoners or children of those facing possible incarceration, best interests assessments should be incorporated into:

- Actions and decisions at point of arrest
- Prosecutorial decisions about what sanctions to request
- Decisions regarding whether or not to detain someone before trial
- Decisions about sentencing once convicted, including alternatives to custody and the application of the death penalty
- Decisions about whether a child should go into prison with their caregiver or remain in prison with their caregiver
- Decisions about the removal of any State financial or other support from the child or the caregiver.

The best interests of the child should be carefully and independently considered by competent child health and welfare professionals,¹⁴ decisions should be reviewed throughout the relevant period¹⁵ and should be open to judicial review.¹⁶ Wherever appropriate, children should be provided with the opportunity for their views to be heard in relation to decisions which will affect them, as part of a best interests assessment.¹⁷

The Committee on the Rights of the Child has emphasised that:

the basic best-interests assessment is a general assessment of all relevant elements of the child’s best interests, the weight of each element depending on the others. Not all the elements will be relevant to every case, and different elements can be used in different ways in different cases. The content of each element will necessarily vary from child to child and from case to case,

depending on the type of decision and the concrete circumstances, as will the importance of each element in the overall assessment.¹⁸

Furthermore, in these circumstances elements of the best interests assessment will often be in conflict. For example, it is rarely in a child's best interests to be separated from their primary carer and it is rarely in a child's best interest to live in a prison. Therefore, 'in such situations, the elements will have to be weighted against each other in order to find the solution that is in the best interests of the child or children.'¹⁹ For this reason, a key recommendation in the Global Study on Children Deprived of their Liberty is that '(a) presumption against a custodial measure or sentence for primary caregivers should apply' given 'both the *detrimental impact of family separation due to parental incarceration* and the *detrimental impact of deprivation of liberty with a parent*'.²⁰

Specifically in regard to children of incarcerated parents the Committee on the Rights of the Child has recommended that "procedures and criteria [are developed] to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration."²¹ This process of balancing should be made on an individual basis²² and involve consideration of "the overall conditions of the prison context and the particular need for parent-child contact during early childhood"²³ and the potential impacts of any non-custodial alternatives.²⁴ Because of the need for case-by-case assessment, states should not impose strict age limits on children residing in prisons.²⁵ The UN's 2019 Global Study on Children Deprived of their Liberty recommends that essential components of best interests assessments include,

...the emotional and physical wellbeing, the possibility of developing strong and early attachment to the mother and breastfeeding. The factors to be considered by decision-makers... include the potential caregiving capacity, the nature of the offence, sentence length and carer's

behaviour in prison insofar as **they affect the child's welfare and best interests**.²⁶

Given the complexity of best interests decisions in these circumstances there is a need for detailed technical guidance on best interests assessments.²⁷ Guidance should draw on the Committee on the Rights of the Child's General Comment No.14 and on the ACERWC's General Comment No.1 on children of incarcerated carers, in particular its five point test for assessing a child's best interests when sentencing their caregiver;²⁸

Implementation of Article 30 requires that States parties review their sentencing procedure and reform it accordingly so that:

- (a) A sentencing court should find out whether a convicted person is a primary caregiver whenever there are indications that this might be so.
- (b) The court should also ascertain the effect on the children concerned of a custodial sentence if such a sentence is being considered.
- (c) If the appropriate sentence is clearly custodial and the convicted person is a primary caregiver, the court must apply its mind to whether it is necessary to take steps to ensure that the children will be adequately cared for while the caregiver is incarcerated.
- (d) If the appropriate sentence is clearly non-custodial, the court must determine the appropriate sentence, bearing in mind the best interests of the child.
- (e) Finally, if there is a range of appropriate sentences, then the court must use the principle of the best interests of the child as an important guide in deciding which sentence to impose.

Children of incarcerated parents or caregivers: not only children of incarcerated mothers

Because the aim is to uphold the rights of the child and to pursue their best interests, the standards and protections should apply to children of incarcerated parents and alternative caregivers, regardless of the parent or caregiver's gender. In recognition of this, the recommendations issued by the Committee on the Rights of the Child following their Day of General Discussion on Children of Incarcerated Parents refer to caregivers as well as parents.²⁹ The Human Rights Council resolution on the rights of the child, adopted after this Day of General Discussion, also refers to sole or primary caregivers.³⁰

Similarly, the ACERWC, in General Comment No. 1, extends the protections in Article 30 of the African Charter on the Rights and Welfare of the Child to the children of any caregiver facing incarceration “under whose custody a child is placed either under recognized formal arrangements or informal mechanisms available in a given society.”³¹ The ACERWC have been consistent and systematic in their use of this language in Concluding Observations, for the most part only employing the narrower term ‘mother’ for very specific circumstances related to national policies, and have highlighted the importance of State practice reflecting this in several Concluding Observations made to State parties, including its 2018 recommendations to Malawi:

Extend the protection given to incarcerated mothers, to primary or sole care givers under whose custody a child is placed.³²

The Council of Europe's Recommendation on children with imprisoned parents refers to ‘parents’ rather than ‘mothers’ throughout, and also includes reference to ‘caregivers’.³³

The wider application is recognized in the Bangkok Rules which state that “as the focus includes the children of imprisoned mothers, there is a need to recognize the central role of both parents in the lives of children. Accordingly, some of these rules would apply equally to male prisoners and offenders who are fathers.”³⁴

Section II: Ensuring the Rights of Children of Incarcerated Parents: Guidance for States

This section contains the developing body of guidance on how States should implement international standards in order to prevent the violation of the rights of children of incarcerated parents and limit the harms they face.

States could avert the negative impacts of parental incarceration by seeking to address the root causes of offending, including by resourcing and supporting targeted programmes to tackle the root causes of offending and provide preventive and early intervention services to families at risk.³⁵

At all stages of a parent or caregiver's contact with the criminal justice system States should:

- provide support for children of incarcerated parents, including counselling, psychological treatment, social support³⁶ and protection from increased risk of violence³⁷
- respect the child's right to information, including providing timely information about transfers between prisons³⁸
- respect the child's right to have their views taken into account in decisions affecting them³⁹
- prevent stigmatization and discrimination against children with one or both parents in prison,⁴⁰ including through protection of the child's right to privacy⁴¹
- ensure that children are not in any way punished for their alleged or convicted crimes of their parents⁴²

When a parent or caregiver is arrested

Take into account the rights of children and prioritize the best interests of the child at all stages. This should be done by all actors involved in the process including law enforcement, prison service professionals, and the judiciary.⁴³

Develop protocols for law enforcement personnel to follow when a child will be or may be present at the time of arrest of their parent, and for informing children who are not present at time of arrest.⁴⁴

A 2019 decision by the European Court of Human Rights has emphasised the fundamental importance of considering the best interests of the child when arresting parents. In *A v. Russia*, the State Party was found to be in breach of Article 3 of the European Convention on Human Rights following the violent arrest of a man in front of his nine-year-old daughter, as the State authorities failed to take her interests into account. The Court made clear that the State authorities, given that the child's presence at the scene was foreseeable as the arrest took place outside her school, should have taken her interests into account when planning and carrying out their operation against her father.⁴⁵

Prioritizing the best interests of the child when sentencing their parents or caregivers

Ensure that the child's best interests are always a primary consideration in decisions relating to the sentencing of their parent or caregiver.⁴⁶

Ensure that all those with authority to undertake such decisions are equipped with guidance and clear procedures to ensure that the child's best interests are assessed carefully and independently and are given their due weight as a primary consideration.⁴⁷

Use alternatives to detention and community-based sentencing for parents and caregivers wherever appropriate.⁴⁸

Preventing Separation

Ensure that prosecutors consider the potential effect of the sanctions they are requesting on the well-being and best interests of any children of the accused.⁴⁹

Prevent separation through the use of non-custodial alternatives to incarceration for parents and caregivers, including at the pre-trial stage.⁵⁰

The 2019 Global Study on Children Deprived of their Liberty recommends a ‘presumption against a custodial measure or sentence for primary caregivers.’⁵¹ To facilitate this States should “review all judicial and administrative arrangements to prevent imprisonment by providing support services to families at risk and use diversion and other alternative measures”.⁵²

Enable parents and caregivers to make arrangements for childcare prior to admission to prison, including through suspension of detention.⁵³

The Council of Europe’s 2018 Recommendation on children with imprisoned parents provides specific guidance on this matter.

Prior to, or on admission, individuals with caring responsibilities for children shall be enabled to make arrangements for those children, taking into account the best interests of the child.⁵⁴

Avoid the birth of babies in prison (or by prisoners) through the use of non-custodial alternatives to incarceration for those who are pregnant.⁵⁵ The ACERWC has provided particularly consistent guidance on this, repeatedly recommending explicitly to states that non-custodial sentences be issued to those who are pregnant.⁵⁶

Children born to prisoners

Provide appropriate pre-natal and post-natal accommodation and care in the prison and ensure that, wherever possible, babies are born in a hospital outside the prison.⁵⁷ Where a birth does occur within a prison or other detention facility, ensure that the birth is registered without delay and that the detention facility is not listed as the place of birth.⁵⁸

Ensure healthcare for pregnant detainees is in line with the Kyiv Declaration on Women’s Health in Prison and associated guidance⁵⁹ and the Bangkok Rules.⁶⁰

Ensure that children are given the opportunity immediately after birth and beyond that point, to bond with their parent, including through breastfeeding and skin-to-skin contact.⁶¹

Children residing in prison

Develop and implement guidelines on children residing in prison, covering age of the children, the length of stay, contact with the outside world and movement in and outside the prison, with a view to mitigating the potential harm of residing in prison.⁶²

Ensure living conditions for children residing in prison with a parent are safe,⁶³ and adequate for the child’s physical, mental, moral and social development, including access to health and education services, and toys and facilities which enable the enjoyment of their right to play.⁶⁴ Ensure that children residing in prison have direct access to natural light and open air spaces.⁶⁵ Enable parents and caregivers to spend the maximum amount of time possible with their child, and to exercise parental responsibility as far as possible, including the preparation of meals, and dressing their children for nursery school attendance.⁶⁶ To facilitate this, ensure that the environment, facilities and services for children in prison are as close as possible to that outside prison.⁶⁷

Ensure that these facilities and services include disability specific services, and support which meets

the needs of foreign nationals, in order to be free from discrimination.⁶⁸

Ensure that children are screened by a child health specialist on entry to the prison.⁶⁹

Ensure that any searching of children is done sensitively and in a way which respects the dignity of the child.⁷⁰

Ensure that children residing in prison can maintain relationships with other parents or caregivers who are not incarcerated, and other family members.⁷¹

Provide a nursery staffed by qualified professionals to care for infants when they are not in the care of their parents in the prison.⁷²

End the use of disciplinary segregation for parents whose infants reside in prison with them.⁷³

Wherever possible, ensure that primary caregivers are released from prison at the same time as their child.⁷⁴ Where this is not possible, ensure that removals from prison, when deemed to be in the best interests of the child, take place with sensitivity and only when all necessary arrangements have been made for alternative care (including through the involvement of consular officials in the case of foreign nationals). Begin preparation for the separation of a child from their primary giver as soon as possible, in order to best prepare the child and their parent for this potentially traumatic incident.⁷⁵

Children separated due to parental incarceration

Ensure that children can maintain a relationship with their incarcerated parent (where this is in the child's best interests), including by supporting children in alternative care to maintain a relationship with their incarcerated parent (or parents).⁷⁶

Ensure that regular visits are available and that they take place in a manner which respects children's dignity and privacy: this includes the facilitation of visits for children with special needs, and the premise that any

security checks carried out on children are undertaken in a child-friendly manner, respecting the child's dignity and right to privacy.⁷⁷ Adopt a policy of holding parents in the closest appropriate facility to their children, including for the children of foreign nationals, with support provided to children who have to travel long distances to visit their parents.⁷⁸

Provide child-friendly visiting: this includes tailoring the timing and environment, and locations outside the prison and extended visits should be used where possible.⁷⁹ In order to limit children's exposure to the prison environment, as well as to prepare them for the release and return of their parent, facilitate home visits wherever possible.⁸⁰

The Council of Europe's 2018 recommendation on children with imprisoned parents provides further detailed guidance on visiting, including regarding the regularity of visits, the importance of dignified clothing for prisoners during visits from their children, the constituent features of child-friendly visiting spaces, visiting on holidays and other special occasions, and a range of other aspects.⁸¹

Record the names, dates of birth, location and guardianship status of any children upon a parent or caregiver's admission to prison, and keep this information up to date, in order to enable support for these relationships and to ensure the children's safety.⁸²

Ensure that the prohibition of family contact is never used as a disciplinary measure.⁸³

Facilitate regular and flexible contact through audio and video calls and other means, including live chat functions, wherever possible in addition to visiting.⁸⁴

Provide and oversee adequate alternative care for children separated by parental imprisonment or removed from prison in line with the UN's Guidelines for the Alternative Care of Children.⁸⁵

Children of parents sentenced to life imprisonment

Provide specific and tailored psychological and other support to children whose parents have been sentenced to life imprisonment, reflecting the particular psychosocial and other needs of these children.⁸⁶

Children of parents sentenced to death¹

Take the existence of children and their best interests into account when considering the application of the death penalty.⁸⁷

Do not carry out death sentences on parents to young or dependent children.⁸⁸

The Human Rights Committee's General Comment 36 on the right to life provides specific guidance on this point, noting that States should

...refrain from executing...persons whose execution would be exceptionally cruel or would lead to exceptionally harsh results for them and their families, such as... parents to very young or dependent children.⁸⁹

Ensure all children who are detained with a parent on death row are released into a safe care environment if their parents or caregivers have been executed.⁹⁰

Ensure that all children of parents sentenced to death or executed receive appropriate and adequate support, reflecting the specific grief and trauma⁹¹ they have experienced.⁹²

Uphold the child's right to information regarding the location and status of their parent.⁹³

Ensure that children whose parents or parental caregivers are on death row receive adequate information about a pending execution, to enable a last visit or communication with the convicted person.⁹⁴ Return the body to the family for burial or inform them where the body is located.⁹⁵

Human Rights Council Resolution 30/5 provides explicit guidance on this, calling upon states to ensure that

...children whose parents or parental caregivers are on death row...are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child.⁹⁶

Release and reunification

Support the reestablishment of family relationships for incarcerated parents prior to release through the use of home leave, open prisons and other measures.⁹⁷

Data and training

In order to implement these recommendations, collect data and undertake research to better understand the domestic situation.⁹⁸

Ensure that all professionals coming into contact with children of incarcerated parents are trained to provide support the child may need,⁹⁹ and state agencies and civil society who come into contact with these children are sufficiently resourced.¹⁰⁰

Seek technical assistance from UNICEF and other UN bodies, among others, to enable the implementation of these recommendations.¹⁰¹

1 Stephanie Farior (Quaker United Nations Office), 'Protection of the Rights of Children of Parents Sentenced to Death or Executed: An Expert Legal Analysis', February 2019.

Endnotes

- 1** The Committee on the Rights of the Child defines early childhood as below the age of 8. Committee on the Rights of the Child, General Comment No. 7 (2005): *Implementing Child Rights in Early Childhood*, CRC/C/CG/7/Rev.1 of 20 September 2006, para. 31(b).
- 2** Salvador Declaration on *Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*, para. 26.
- 3** United Nations *Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules) A/Res/65/229 of 21 December 2010.
- 4** United Nations *Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules) A/Res/65/229 of 21 December 2010, Rule 2.1.
- 5** General Assembly Resolution 70/175 on the *United Nations Standard Minimum Rules on the Treatment of Prisoners* (the Nelson Mandela Rules), A/RES/70/175 of 8 January 2016, Rule 29.1.
- 6** United Nations *Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*, contained in E/CN.15/2014/L.12/Rev.1 of 15 May 2015, para. 6(c).
- 7** African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force Nov. 29, 1999, Art. 30.
- 8** African Committee of Experts on the Rights and Welfare of the Child, *General Comment No.1 on Article 30 of the African Charter on the Rights and Welfare of the Child: Children of incarcerated and imprisoned parents and primary care givers* (2013).
- 9** The European Parliament resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child (2014/2919(RSP), para.13.
- 10** Council of Europe, *Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents* (4 April 2018).
- 11** Human Rights Council Resolutions: 19/37 on the *Rights of the Child*, A/HRC/RES/19/37 of 19 April 2012 (paras. 69(a) and (d)), and 10/2, *Human rights in the administration of justice, in particular juvenile justice* (preamble); Human Rights Committee Concluding Observations: Bolivia (2013) para. 20; Committee on the Rights of the Child, General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1), CRC/C/GC/14 of 29 May 2013, paras. 28 and 69; Committee on the Rights of the Child, Concluding Observations: Thailand (2006) para. 48, Bolivia (2009) para. 66, Philippines (2005) para. 54, Sudan (2010) para. 63(c), Chile (2015) para. 27, United Kingdom (2016) para. 54(b), Mongolia (2017) para. 15(a), Lesotho (2018) para. 40, Spain (2018) para. 30, Bahrain (2019) para. 35, Guinea (2019) para. 32; Council of Europe, Committee of Ministers Recommendations: Rec(2006)2 on the European Prison Rules, Rule 36.1, *Rec(2018)5 concerning children with imprisoned parents* para. 2; Other Sources: Salvador Declaration on *Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World*, para. 26; United Nations *Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*, contained in E/CN.15/2014/L.12/Rev.1 of 15 May 2015, para. 34(l); United Nations *Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules) A/Res/65/229 of 21 December 2010; World Health Organization Regional Office for Europe & United Nations Office on Drugs and Crime, *Declaration on women's health in prison: correcting gender inequity in prison health* (Kyiv Declaration) 2009, para. 4.2; General Assembly *Resolution 70/175 on the United Nations Standard Minimum Rules on the Treatment of Prisoners* (the Nelson Mandela Rules), A/RES/70/175 of 8 January 2016, Rule 29.1; Manfred Nowak, *The United Nations Global Study on Children Deprived of their Liberty*, Chapter 10, Section 5, para. 3.
- 12** United Nations Convention on the Rights of the Child, General Assembly resolution 44/25 of 20 November 1989, Art. 3(1).
- 13** Committee on the Rights of the Child *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration* (art. 3, para. 1), CRC/C/GC/14 of 29 May 2013, para. 69.
- 14** Committee on the Rights of the Child, Concluding Observations: Uruguay (2015) para 42(c), Thailand (2006) para. 48, Sudan (2010) para. 63(c), Philippines (2005) para. 54, Eritrea (2015) para. 52(c), Zimbabwe (2016) para. 55(c), Spain (2018) para. 30, Tonga (2018) para. 44(b).
- 15** Committee on the Rights of the Child, Concluding Observations: Uruguay, (2015) para. 42(c).
- 16** Committee on the Rights of the Child, Concluding Observations: Mauritius (2015) para. 48, India (2014) para. 60.

- 17** Council of Europe, *Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents* (4 April 2018) para. 1.
- 18** Committee on the Rights of the Child *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration* (art. 3, para. 1), CRC/C/GC/14 of 29 May 2013, para. 80.
- 19** Committee on the Rights of the Child *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration* (art. 3, para. 1), CRC/C/GC/14 of 29 May 2013, para. 81.
- 20** Manfred Nowak, *The United Nations Global Study on Children Deprived of their Liberty*, Chapter 10, Section 5, para. 6.
- 21** Committee on the Rights of the Child, *Concluding Observations: Jamaica* (2015) paras.22-23.
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