



# General Assembly

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## Human Rights Council

Sixteenth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Friends World Committee for Consultation, a non-governmental organization in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 February 2011]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## Children of incarcerated parents

1. Friends World Committee for Consultation (Quakers) welcomes the United Nations General Assembly's adoption on 21 December 2010 (A/RES/65/229) of the new UN Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (The Bangkok Rules). These new Rules do not replace existing standards but supplement them, in particular the United Nations Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules).

2. The Bangkok Rules are based on several dominant themes relevant to women offenders: providing for their safety, rehabilitation and social reintegration while in custody or under any form of non-custodial measure; requiring that these programmes and services address their gender-based needs in terms of health care (including pregnancy) and mental health and other therapeutic needs; and, recognizing their histories as survivors of interpersonal violence and their caring responsibilities for children. In addition, training staff in these specific issues is a fundamental aspect of the Bangkok Rules.

3. FWCC (Quakers) calls on all States to ensure the knowledge and application of these new Rules *inter alia* by reviewing their current laws and practices for conformity with the Rules, translating them into local languages, distributing them to relevant Justice and Prison authorities, including Prison inspection services, and incorporating them into professional training programmes.

4. During its 65th Session, the General Assembly also adopted the resolution (A/RES/65/213) on Human Rights in the administration of justice, in which the General Assembly:

- Reaffirm[s] that the best interests of the child shall be a primary consideration in all decisions concerning the child in the administration of justice, including in relation to pretrial measures, and shall be an important consideration in all matters concerning the child related to sentencing of his or her parents, legal guardian or other sole or primary caregiver, [and]
- Calls upon States to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment, and emphasizes that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caregiver, appropriate priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interests of the child.

5. FWCC (Quakers) welcomes the attention to the situation of children of offenders while noting that in practice they are the unintended victims of their parents' incarceration. Parental incarceration puts children at greater risk of poverty, mental health problems, low educational attainment and future criminal behaviour. These and other issues faced by and affecting babies and children of incarcerated parents are explored in publications prepared by the Quaker UN Office, and available from their website ([www.quno.org](http://www.quno.org)) in various languages. Russian editions of two of these, 'The Impact of Parental Imprisonment on Children' and 'Children Imprisoned by Circumstance' (both by Oliver Robertson), will be available shortly.

6. Given the lack of attention to children in these circumstances and the significant effects on them, and the disparate State practice, FWCC (Quakers) particularly welcome the Committee on the Rights of the Child's decision to select 'Children of Incarcerated

Parents' as the theme for its Day of General Discussion on 23 September 2011. We encourage States to bring this discussion to the attention of policy makers, practitioners and others to encourage the broadest participation in and contribution to this Day of General Discussion. Furthermore, States could usefully contribute by identifying issues they find particularly problematic, and those on which they would welcome guidance, as well as examples of good practice.

7. Finally, following on from the Committee on the Rights of the Child's Day of General Discussion, it would be valuable and appropriate for the Human Rights Council to hear and consider the results, and identify its own contribution to promoting and protecting the rights of children of incarcerated parents. This could best be done by incorporating this issue into the topic for a future annual child rights discussion in the Council.

8. Friends World Committee for Consultation (Quakers) calls on the Human Rights Council to:

- ensure the knowledge and application of 'Bangkok Rules' inter alia by reviewing their current laws and practices for conformity with the Rules, translating them into local languages, distributing them to relevant Justice and Prison authorities, including Prison inspection services, and incorporating them into professional training programmes.
  - bring the Day of General Discussion on children of incarcerated parents to the attention of policy makers, practitioners and others to encourage the broadest participation in and contribution to the Day.
  - contribute to the Day of General Discussion by identifying issues they find particularly problematic, those on which they would welcome guidance as well as examples of good practice.
  - identify opportunities to discuss children of incarcerated parents at future Human Rights Council sessions, such as the Rights of the Child discussion in the Council in 2012.
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