



Quaker United Nations Office

13 Avenue du Mervelet
CH-1209 Geneva, Switzerland

Tel +41 (22) 748-4804
Fax +41 (22) 748-4819
Email rbrett@quono.ch

Human Rights Council
7th session; 3-28 March 2008
Item 3

Friends World Committee for Consultation (Quakers), an international non-governmental organisation in General Consultative Status with the UN Economic and Social Council

Rights of the Child

Delivered by Rachel Brett, Quaker UN Office, Geneva, on Thursday 13 March 2008

Friends World Committee for Consultation (Quakers) would like to draw attention to the issue of children of prisoners.¹

The Convention on the Rights of the Child is clear that it is usually in the best interests of children to be raised by their parents. For babies and young children it is uncontroversial that the role of mothers is particularly important. At the same time, as the first Special Rapporteur on Prison Conditions in Africa pointed out, prisons are no place for babies and young children.

There is, therefore, a dilemma where the parent, in particular the mother, commits, or is alleged to have committed, a crime. Most incarcerated women are the sole or main carer of minor children. Each year untold numbers of children – in the UK alone an estimated 18,000 – are separated from their mothers by imprisonment. The actual numbers are unknown because few countries require the authorities to collect information about the children of arrested or imprisoned adults.

Clearly, in these circumstances the first step is to consider whether the two principles can be reconciled by the use of alternatives to imprisonment or pre-trial custody. These could include restorative justice processes, family group conferencing and circle sentencing, as well as community orders, probation and suspended sentences. We call on States to give greater attention to these possibilities.

However, if custody is required, the best interests of the baby or child should be taken into account when deciding whether to separate mother and child, or have the child accompany the mother into prison.

The Human Rights Council could play a significant role in highlighting this under-considered issue, and encouraging States to identify and share good practices in this neglected area of child rights.

¹ See Joint written statement submitted by Friends World Committee for Consultation (Quakers) and International Catholic Child Bureau (A/HRC/7/NGO/31), and Oliver Robertson: *The Impact of Parental Imprisonment on Children* (Quaker UN Office, Geneva, April 2007)