



# Briefing Paper

Quaker United Nations Office Geneva

## If my parents go to prison, what happens to me?

'(We want to) Tell people what things are like first-hand, instead of professionals telling our stories for us'

'The child is not umbilically destined to sink or swim with the parents'

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*The UN Committee on the Rights of the Child's Day of General Discussion (DGD) on children of incarcerated parents was a unique opportunity to raise the profile of this global issue that affects millions of children worldwide. It was the first time that it has been discussed substantively anywhere in the UN system. Participants were predominantly from small organisations working in different countries. With an estimated 200 participants, it was also the biggest DGD ever.*

Two youth representatives (Sian Knott, 13, and Raheel Hussain, 17, each of whom has a parent in prison) spoke at the main session. Drawing on their own peer-to-peer research, they shared some of the questions that pass through the minds of children in their situation: "Why don't prison staff treat us like human beings? Why don't we have any privacy? Why aren't there support groups for children going through similar things? Why don't prison staff speak to families and get to know them?"

They concluded by offering some advice to other children who find themselves in similar circumstances – the three 'T's. Isolation: do not feel left out, as others are in the same situation; Information – seek out available information relevant to your circumstances; and lastly, Inspiration – use your own experience to inspire positive change, perhaps through an NGO.

*Continued overleaf*

- *In all countries children are affected when parents are arrested, detained, tried and sentenced. The most visible, though smallest, group are the babies and young children who accompany their parent (usually mother) into detention or prison. But millions of children (an estimated **2.8 million** a year in the USA alone) are affected.*
- *The **Committee on the Rights of the Child** (CRC) holds an annual thematic discussion. This is an opportunity to foster a deeper understanding of the contents and implications of the Convention. The DGD focuses on a topic selected by the Committee and is announced one year in advance.*
- *The Quaker UN Office has been working on this issue since 2004 and co-chairs the NGO working group for the CRC.*



There were valuable contributions from many speakers. Abdullah Khoso, from Pakistan NGO SPARC, outlined the conditions faced by children living with mothers in prison, including overcrowding, scabies, poor diet, and lack of a natural environment and space to play.

Ann Skelton, Director of the Centre for Child Rights in South Africa, drew attention to the South African case law which requires that the best interests of the child are taken into account by the court when sentencing a primary carer.

Isabel Bordin, from the Federal University of São Paulo, presented research on the impact of paternal absence and maternal mental health on children in Brazil.

## COLLATERAL CONVICTS

IF MY PARENTS GO TO PRISON, WHAT HAPPENS TO ME ?

CONDENADOS COLATERALES  
SI MIS PADRES VAN A LA CÁRCEL,  
¿QUE ME PASARÁ A MI ?

CONDAMNÉS COLLATÉRAUX  
SI MES PARENTS VONT EN PRISON,  
QUE VA-T-IL M'ARRIVER ?



"Child's Odessa-y" by Spiros Derveniotis, Greece ([www.cartoonmovement.com](http://www.cartoonmovement.com))

Part of the exhibition to accompany the DGD

*The UN Convention on the Rights of the Child does not specifically deal with children of prisoners, with only a general provision within the right to alternative care. The African Charter on the Rights and Welfare of the Child, on the other hand, has a clause specifically dedicated to the issue (Article 30). Two cases brought before the South African Constitutional Court (S v. M and MS v. S) were landmark rulings. The judge determined that a child cannot be considered 'merely as an extension of his or her parents, umbilically destined to sink or swim with them'.*

## Conclusions and Recommendations from the DGD

- The **centrality of the child's best interests** and **right to be heard** in all decisions affecting her or him.
- The **presumption of non-custodial measures** (pre-trial, during trial and sentences), such as parole, bail, suspended sentences and community service, as an alternative to detention/prison when the offender is a primary carer.
- Some participants wanted an international standard on the **age limit** for infants or children living in prison with a parent, but the consensus was the need for this to be decided on a **case-by-case basis**, taking into account the individual child, the situation of the parent (e.g. whether they are the primary carer), whether breastfeeding, the conditions of the prison in which the parent is serving the sentence (e.g. whether safe and appropriate to the child's age and developmental stage or otherwise), and whether another carer was available and willing, amongst other factors. However, there was strong support for the developing some **guidance** on factors to be taken into account in reaching such decisions – and the need for regular review because of the changing age and needs of the child.
- Police, courts, and prisons should routinely and systematically ask for and **record information** about the caring responsibilities of those coming into the criminal justice system. This is a basis for support to the children and it should inform policy and planning.
- Professionals coming into contact with children, including **school staff and social workers**, should be aware of and trained to respond to the needs of children of incarcerated parents.

**A formal report of the DGD will be prepared by the Committee on the Rights of the Child in January 2012.**