

## **PROPOSED THEME FOR DAY OF GENERAL DISCUSSION:**

### **CHILDREN OF IMPRISONED PARENTS**

**LATEST VERSION: 13 SEPTEMBER 2010**

The following organisations and experts would like to request the Committee on the Rights of the Child to consider dedicating its 2011 Day of General Discussion to the following subject:

#### **Children of Imprisoned Parents**

##### **International NGOs**

The Quaker United Nations Office, Geneva (QUNO)  
The International Catholic Child Bureau (BICE)  
Penal Reform International (PRI)  
The European Network for Children of Imprisoned Parents (EUROCHIPS)  
African Women Corrections Association (AWCA)  
Association Points Cœur  
Association Pope John XXIII (APG 23)  
Children's Legal Centre  
Defence for Children International (DCI)  
Dominicans for Justice and Peace  
Fédération des Relais Enfants Parents (FREPE)  
Istituto Internazionale Maria Ausiliatrice (IIMA)  
Interagency Panel on Juvenile Justice  
International Federation of Action by Christians for the Abolition of Torture (FIACAT)  
International Movement of Apostolate in the Independent Social Milieux (MIAMSI-Europe)  
International Volunteerism Organization for Women, Education and Development (VIDES)  
Lasallian International Children's Fund (LICF)  
Organisation internationale pour le droit à l'éducation et la liberté d'enseignement  
Pax Christi International  
Religious Institute of the Sisters of the Holy Family of Bordeaux  
Servizio per la Cooperazione Internazionale Lasalliana (SECOLI)

##### **National NGOs**

Barnardo's, UK  
Comissió de la Infància de Justícia i Pau, Spain  
Czech Helsinki Committee, Czech Republic  
Family and Corrections Network (FCN), USA  
HAQ: Centre for Child Rights, India  
The Howard League for Penal Reform, UK  
The Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Kazakhstan  
Leadership Conference of Women Religious (LCWR), USA

Penal Reform and Justice Association (PRAJA), India  
Prisoners Assistance Nepal (PA Nepal), Nepal  
The Regional Center of New Information Technologies (RCNIT), Kazakhstan  
Southern Kazakhstan Association of Lawyers (SKAL), Kazakhstan  
Vision Internationale d'Entraide (VIE), Switzerland  
The Women's Information Consultative Center (WICC), Ukraine

**Other institutions and experts**

Aileen Campbell MSP, UK  
The Centre for Child Law at the University of Pretoria, South Africa  
Chair of Psicologia dello Sviluppo, Faculty of Educational Sciences at the Catholic  
University of Milan, Italy  
Children's Ombudsman's Office, Croatia  
Justice Muhammad Imman Ali, Bangladesh  
Katja Martin-Chenut, France  
Observatoire de la Diversité et des Droits Culturels, University of Fribourg,  
Switzerland  
Scotland's Commissioner for Children and Young People (SCCYP), UK  
UNESCO Chair on Human Rights and Ethics of International Cooperation, University  
of Bergamo, Italy

## **PROPOSED THEME FOR DAY OF GENERAL DISCUSSION:**

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#### **Statement of the Problem**

Children of imprisoned parents are the forgotten victims of imprisonment. When a mother or father goes to prison, their children are affected, often adversely. Imprisonment of one or both of a child's parents can result in serious and enduring negative effects for the child, including social exclusion, greater financial difficulties, and what can be perceived as abandonment and rejection, particularly when family members and carers conceal the truth of the parent's whereabouts. It can lead to worse behaviour and achievement in school, and affect the child's mental and physical health. Children who have had little contact with the imprisoned parent may find their lives are largely unchanged, while some may benefit from being separated from parents who behave dangerously or disturbingly. Every child is different and will cope differently, but the effects on children, good or bad, are rarely taken into account in criminal justice processes. The failure to consider or consult children of imprisoned parents at all stages of the criminal justice process – from arrest to trial to imprisonment to release to rehabilitation into the community – can result in their rights, needs and best interests being overlooked or actively damaged.

Exact figures on the number of children with a parent in prison are difficult to obtain (authorities seldom maintain records, not even of babies and small children living in prison with their parent), but it is estimated that millions worldwide have a parent in prison—tens of thousands living with imprisoned parents, and many times that separated from an imprisoned parent. In the European Union, an estimated 800,000 are currently separated from an imprisoned parent;<sup>1</sup> an estimated 980 infants are living with imprisoned mothers.

#### **Recent developments**

International prison guidelines often consider children of imprisoned parents only briefly: the UN Standard Minimum Rules for the Treatment of Prisoners never mentions them specifically and refers to family in just eight of its 95 Articles, while the Council of Europe's European Prison Rules (updated in January 2006)<sup>2</sup> mention young children living with imprisoned mothers, but provide little guidance with regard to them. The 1990 African Charter on the Rights and Welfare of the Child considers children of imprisoned mothers in Article 30(1),<sup>3</sup> but again deals only with

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<sup>1</sup> EUROCHIPS, based on Council of Europe Annual Penal Statistics – SPACE I – 2007 and parenting rate established by INSEE (France, 2000).

<sup>2</sup> Recommendation (2006)2 of the Committee of Ministers to Member States on the European Prison Rules (Adopted by the Committee of Ministers on 11 January 2006 at the 952<sup>nd</sup> meeting of the Ministers' Deputies).

<sup>3</sup> Article 30(1) of the Charter provides:

‘States Parties to the present Charter shall undertake to provide special treatment of expectant mothers and to mothers of infants and young children who have been accused or found guilty of infringing the penal law and shall in particular:

(a) ensure that a non-custodial sentence will always be first considered when sentencing such mothers;

general principles and whether babies can live in prison with their mothers. However, in recent years there has been a developing awareness of issues relating to children of imprisoned parents, at global, regional and national levels. Some positive developments from each level are detailed below.

#### *International developments*

- The draft United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders, which provide much greater detail on children of prisoners, were welcomed by the 12th UN Crime Congress in Salvador in April 2010 and adopted by the 19th session of the UN Commission on Crime Prevention and Criminal Justice in May 2010.
- Children of prisoners were noted for the first time in the Declaration of the 12th UN Crime Congress.
- The UN Human Rights Council's first resolution on the Rights of the Child in 2008, adopted without a vote, included an entirely new section on 'Children of persons alleged to have or recognized as having infringed penal law'.<sup>4</sup>
- The UN Human Rights Council resolution on Human Rights in the Administration of Justice, in particular juvenile justice, adopted at its 10th session in March 2009, identified the need to give more attention to the situation of children of prisoners.<sup>5</sup>
- Interest has been generated by public briefings about children of prisoners, organised parallel to several UN Human Rights Council sessions in 2008-2010.

#### *Regional developments*

- The EU has recently funded a three-year project examining children of prisoners and mental health. Entitled *COPING: Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health*, this project will look at the characteristics of children with imprisoned parents, their resilience and vulnerability to mental health problems in four European countries (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.

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(b) establish and promote measures alternative to institutional confinement for the treatment of such mothers;

(c) establish special alternative institutions for holding such mothers;

(d) ensure that a mother shall not be imprisoned with her child;

(e) ensure that a death sentence shall not be imposed on such mothers;

(f) the essential aim of the penitentiary system will be the reformation, the integration of the mother to the family and social rehabilitation'

<sup>4</sup> The relevant section of the document (A/HRC/7/RES/29 Rights of the Child, adopted on 28 March 2008):

33. *Calls upon* all States to give attention to the impact of parental detention and imprisonment on children and, in particular:

(a) To give priority to non-custodial measures, when sentencing or deciding on pretrial measures for a child's sole or primary carer, subject to the need to protect the public and the child, and bearing in mind the gravity of the offence;

(b) 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.

<sup>5</sup> A/HRC/10/RES/2 Human Rights in the administration of justice, in particular juvenile justice, paras. 12 and 13, adopted on 25 March 2009.

- The Inter-American Commission on Human Rights approved in 2008 the *Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas*, which includes multiple references to families of the detained.
- The Danish Institute of Human Rights is leading a multi-country project called *When the Innocent are Punished – Children of Imprisoned Parents, a Vulnerable Group*, which will culminate in a series of recommendations to be taken to the European Parliament in 2011.

#### *National developments*

- In September 2007 the South African Constitutional Court ruled that the ‘best interests of the child’ must be taken into account when sentencing a parent with day to day caring responsibilities for children.<sup>6</sup>
- In Ecuador, Article 56 of the Code of Childhood and Adolescence of 3 January 2003 states that boys, girls and adolescents who do not enjoy their family circle due to the imprisonment of one or both of their parents shall receive special protection and assistance from the State.
- Indian prisons have been obliged to provide crèches for children under three and nurseries for children aged three to six, following a Supreme Court ruling in 2006.
- Spain has begun a process of creating new purpose-built and child-friendly units for all children living with imprisoned mothers.
- In the UK, Scotland’s Commissioner for Children and Young People arguing in 2008 that law, policy and practice in relation to criminal justice and imprisonment should be amended to take account of the rights of children affected by the imprisonment of a parent or carer.<sup>7</sup> This was followed up by a report in March 2010 examining the perspectives of the children themselves<sup>8</sup> and an attempt made in the Scottish Parliament to legally mandate consideration of the impact on children when sentencing parents, similar to the South African requirement.

#### **Children of Prisoners and the CRC**

The provisions of the Convention on the Rights of the Child (CRC) are relevant to children of imprisoned parents in many ways. The Committee on the Rights of the Child has in recent years raised questions about States’ policies and practices with regard to babies and young children of imprisoned mothers. From the responses it is clear that there is enormous variation, ranging from those who oppose any child entering prison, through those who permit babies to stay with their mother during breastfeeding, to those who permit children to live with their imprisoned mother for several years. Actual practice varies even more.

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<sup>6</sup> South Africa: Constitutional Court, *S v M* (CCT53/06) [2007] ZACC 18 (26 September 2007)

<sup>7</sup> Scotland’s Commissioner for Children and Young People (2008) *Not Seen. Not Heard. Not Guilty. The Rights and Status of the Children of Prisoners in Scotland*, available at: [http://www.sccyp.org.uk/admin/04policy/files/spo\\_061937Children%20of%20Prisoners%20Report.pdf](http://www.sccyp.org.uk/admin/04policy/files/spo_061937Children%20of%20Prisoners%20Report.pdf)

<sup>8</sup> Scotland’s Commissioner for Children and Young People (2010) *Perspectives of Children and Young People with a Parent in Prison*, available at: [http://www.sccyp.org.uk/admin/04policy/files/spo\\_274057Perspectives%20report%20201003.pdf](http://www.sccyp.org.uk/admin/04policy/files/spo_274057Perspectives%20report%20201003.pdf)

In its Concluding Observations the Committee has recommended that States ‘develop and implement clear guidelines on the placement of children with their parent in prison (e.g. the age of the children, the length of stay, contact with the outside world and movement in and outside the prison) in instances where this is considered to be in the best interests of the child, and ensure that the living conditions, including health care, in prisons are adequate for the child’s development, ... [and] develop and implement adequate alternative care for children who are removed from prison, and such care is regularly supervised and allows the child to maintain personal relations and direct contact with its parent remaining in prison.’<sup>9</sup>

A Day of General Discussion would enable a more in-depth exploration, with both governments and experts, of such policies and practices, their advantages and problems, and the impact on the children, with a view to a sharing of knowledge, experiences, lessons learned and better ways of addressing at least some of the issues.

### **Issues for a Day of General Discussion on Children of Prisoners**

Issues which warrant consideration include:

- The number of children affected by parental imprisonment.
- The time of arrest, pre-trial detention and trial – how children are treated if present, how they are informed and consulted about what is happening, the arrangements that are made for them, how the police and criminal justice systems identify whether the arrested/detained person has caring responsibilities for children, what consideration is given to the impact on children when taking decisions about pre-trial detention or in sentencing policies.
- The role of alternatives to imprisonment, particularly when young children are involved. Alternatives include suspended and non-custodial sentences, use of less restrictive prison regimes (open and semi-open schemes) and electronic tagging or house arrest.
- How contact between parent and child is maintained, both in the short and long term, and how a sound parent-child relationship can be fostered. Issues of, and problems associated with, both direct contact (visits to prison and temporary release for prisoners) and indirect contact (letters, phonecalls and other communication) would be relevant.
- How pregnancy and childbirth are handled in prison.
- When (if ever) is it appropriate for babies and young children to accompany a parent into prison or detention; who makes the decision and on what basis; what provision is made for children in the prison, in terms of accommodation, nutrition, support for mental, physical, social and emotional development, education and play; support for the parent; maximum age at which children may stay in the prison; how separation is handled; how contact is maintained with those on the outside; and what preparation and provision is made for the child on leaving prison.
- What provisions are made for supporting and reinforcing the child-parent bond, both during and after imprisonment.

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<sup>9</sup> CRC/C/MEX/CO/3, Concluding Observations: Mexico, 8 June 2006 and other Concluding Observations.

- How parental responsibility can be fostered in an institution that takes away so much responsibility.
- How the risks of permanent splitting of families after even short prison terms (through children being taken into care and/or imprisoned parents being unable to regain custody on release from prison due to loss of home, employment or other factors that could jeopardise eligibility for custody) can be reduced.
- What provision is made in the community to support children of prisoners, either through training for those working with children generally, or specific support for prisoners' children.
- The specific needs of particular groups of prisoners and their children, including foreign national prisoners (resident or non-resident), indigenous, Roma and other minorities. Issues facing these groups include language, culture, distance from home, and difficulties of communication when the children are in another country.

### **Two Working Groups**

Some issues are common to all children who have a parent arrested, held in custody or imprisoned. However, different issues arise in relation to babies and young children who live in prison with their parent, and those who do not. Separate working groups could consider the particular issues, rights and needs of each group.

Working group 1: Babies and young children living with a parent in prison.

Working group 2: Children left 'outside' when their parent is imprisoned.

### **Outcomes**

1. An improved understanding of the issues and identification of good practice in relation to children of imprisoned parents.
2. A General Comment by the Committee addressing this neglected area from a child rights perspective, which could inform States and others in seeking to address these issues, assist the Committee itself and help inform the interpretation of regional standards (for example, Article 8 of the European Convention on Human Rights, a crucial article for imprisoned parents and children in Europe that has great untapped potential in terms of enhancing prisoners' children's rights).
3. Possible guidelines for States, with dissemination of examples of good practice and constructive policy initiatives.

The proposers believe that a Day of General Discussion on the subject of Children of Imprisoned Parents would make a significant difference to the understanding, shared knowledge, and appreciation of a child rights approach in this neglected area, and could lead to considerable improvements in State practice.

We would be happy to provide the Committee with further information or clarification about this proposal. Equally, we would be happy to work with the

Committee not only on the development of background papers and identification of experts for a Day of General Discussion, but in the development of a General Comment and/or guidelines on this subject. Many more examples of good practice, as well as further detail on the issues to be considered, can be provided to the Committee if desired.



## APPENDIX: ABOUT THE PROPOSERS

### INTERNATIONAL NGOS

#### **Quaker United Nations Office (QUNO)**

Since 2003 QUNO has undertaken research and advocacy and produced a range of publications about children of prisoners and women in prison. QUNO has recently produced a draft Framework of Decision-Making in relation to Children of Prisoners and (Alleged) Offenders, to help those working in criminal justice processes identify areas where issues relating to children of prisoners arise.<sup>10</sup> Of particular relevance are the following publications:

*Babies and Small Children Residing in Prisons;*

*The Impact of Parental Imprisonment on Children;*

*Children Imprisoned by Circumstance;*

*Children Need Dads Too: Children with Fathers in Prison;* and

*Orphans of Justice – In search of the best interests of the child when a parent is imprisoned: A Legal Analysis.*

These are all available in English, French and Spanish in hard copy, or from [www.quno.org](http://www.quno.org), as well as publications on women in prison, most recently *Women in Prison: A Commentary on the UN Standard Minimum Rules for the Treatment of Prisoners.*

#### **International Catholic Child Bureau (BICE)**

In accordance with the Convention on the Rights of the Child and other relevant international standards, BICE and BICE members and partners operating in 66 countries around the world strive to ensure that children become actors of their integral development. In projects specifically dealing with children of prisoners, it continues to record positive outcomes in implementing on the ground its long-standing research on resilience. The methodology and orientation guidelines (namely the ‘Casita’ approach) offered by publications such as *Growth in the Muddle of Life* (translated into more than 10 languages) are successfully applied by different actors in their work with children of prisoners. In 2009, to commemorate the 20th anniversary of the CRC, BICE facilitated discussions on the topic of children of prisoners at the academic level, jointly with the University Panthéon-Assas (Paris II) and the Catholic University of Milan.

#### **Penal Reform International (PRI)**

Protecting the rights of children accompanying their mothers in places of detention has long been a part of PRI’s mandate and will continue to be so in the future. PRI works with prison administrations and local prisons to improve the treatment of babies and young children accompanying their mothers in prison through monitoring conditions, conducting training programmes (for personnel and prisoners) and facilitating communication between prisoners and their children on leaving prison. PRI plays an important advocacy role in improving state policy and regulations, for

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<sup>10</sup> The draft Framework is available for comment at: <http://quno.org/geneva/pdf/humanrights/women-in-prison/201004Framework-on-Children-of-Prisoners-Draft.pdf>

example, developing legislation on joint accommodation for mother and baby. In 2007 the Gomel Declaration was developed by PRI along with prison staff and other NGOs which includes recommendations for the treatment of babies and young children who are imprisoned with their mother.

### **European Network for Children of Imprisoned Parents (EUROCHIPS)**

Working from a strong child's rights perspective, EUROCHIPS is the sole European network devoted fully to the issue of prisoners' children. It has forged a consensus on good practice initiatives for supporting children with imprisoned parents, and is well positioned to facilitate and promote these initiatives at the European level and in various European Union countries, through its extensive network of 14 member associations and experts in 11 European Union countries.

### **African Women Corrections Association (AWCA)**

The African Women Corrections Association is an organisation open to all female prison wardens and officers and to all in prison development activities. It provides information about prison issues in Africa and, together with the Salford University Centre for Prisons Studies in the UK, has organised an international conference on Mothers with Babies in Prison.

AWCA was founded by a group of senior women prison officials including Madam Patience Oboshie of the UN Department of Peacekeeping Operations, Madam Cecilia Kaikai, the Assistant Director of the Sierra Leone Prisons Service, and Esther Omolara Ojeah, a senior officer with the Nigerian Prisons Service. Esther Omolara Ojeah served from January 2009 to July 2010 as a Corrections Adviser with the United Nations Peacekeeping Mission in Chad (MINURCAT), has reviewed publications on prisons and gender for organisations in Switzerland and the USA and is a leading proponent for the establishment of an International Working Group on Women and Juveniles in Prisons.

### **Association Points Cœur**

Association Points Cœur is an international non-profit Catholic organisation in consultative status with ECOSOC. Through volunteers in 18 countries around the world, Points Cœur works to affirm the intrinsic value of every human being through various initiatives in the corporate, scientific and artistic world. The implementation of the rights of the child is at the core of the Points Cœur mission.

### **Association Pope John XXIII (APG 23)**

APG 23 first became active in issues of poverty and marginalisation in 1973, when its first family-home was opened. It is now present in 25 countries over five continents. The issues it promotes at the United Nations flow from and are the result of living with the poor; it seeks to combine and synthesise actions that remove the causes of injustice.

### **Children's Legal Centre, International (based in UK)**

The Children's Legal Centre is a UK charity working both in the UK and abroad. The Centre works with governments, UN bodies, IGOs and NGOs on issues of criminal justice. The Children's Legal Centre has undertaken research on mother and baby units in the UK and has worked to provide better conditions for mothers and babies in prison in Central Asia. The Children's Legal Centre is also concerned with the plight of children of prisoners, especially those whose mothers are imprisoned, leaving them vulnerable to being taken into care by the state as a result of a lack of planning by judicial authorities as to who is to care for the children when the mother is imprisoned.

### **Defence for Children International (DCI)**

Defence for Children International (DCI), through its national sections and associated members in forty countries, has been promoting and protecting children's rights on a global, regional, national and local level for over thirty years. With regard to children of prisoners, DCI launched, in 1982, an exploratory study on children in prison with adults, including children living with their imprisoned parents in which researchers in 27 countries were commissioned to conduct national surveys. The study resulted in the publication of the book *Children in adult prisons: An international perspective*. Furthermore, the International Secretariat of DCI produced different articles in its review *International children's rights monitor* (in 1985-1986), as well as DCI's sections, which published several articles, publications, newspaper clippings etc. concerning the situation of children imprisoned with their parents.

### **Dominicans for Justice and Peace**

Dominicans for Justice and Peace is an international service that functions as an extension of the work of many Dominican brothers and sisters who are involved throughout the world in the protection of human rights and vulnerable people. It represents the local concerns of its members to the UN and its agencies, diplomatic missions and other international NGOs, and advocates for improving human rights situations in countries.

### **Fédération des Relais Enfants Parents (FREPEP), umbrella network based in France**

Created in 1994, FREPEP currently comprises NGOs in France, Belgium, Luxembourg, Switzerland, Cameroon and Togo, all of which work on behalf of children with imprisoned parents. FREPEP's focus includes training professionals and volunteers on the impact of a parent's incarceration on a child; developing and promoting psychoeducative tools for children and imprisoned parents; mediation services; and raising awareness on child's rights issues and the importance of family ties. It is directed by Alain Bouregba, a psychoanalyst and author of several works on children and imprisoned parents.

### **Istituto Internazionale Maria Ausiliatrice (IIMA)**

IIMA develops its programmes in 91 countries and aims to provide young people, notably girls from the poorest and most marginalised areas of society, with comprehensive support and education. The Institute carries out its mission through:

- Schools that ensure a comprehensive education while taking into account the realities of different countries;
- Training in vocational formation, with special attention to the work environment and the needs of young people, in order to insert themselves therein with specific qualifications;
- Centres for vulnerable children living in rural areas, aimed at promoting health care, education and human rights education.

### **Interagency Panel on Juvenile Justice**

The Interagency Panel on Juvenile Justice (IPJJ) is a coordination group mandated by the United Nations Economic Social Council (ECOSOC) to facilitate and enhance the coordination of technical assistance in juvenile justice reform. Panel members are active in the promotion and improvement of juvenile justice in compliance with the Convention on the Rights of the Child and other international instruments.

### **International Federation of Action by Christians for the Abolition of Torture (FIACAT)**

FIACAT is an international NGO for the defence of human rights whose mandate is to fight for the abolition of torture and of the death penalty. FIACAT contributes to the active life of the ACAT network by promoting exchanges between the different groups, by proposing joint activities or campaigns as well as regional or international training courses. It helps individual ACATs to structure their work, to become competent and effective in the fight for the abolition of torture and the death penalty, to be actors in civil society capable of transforming or influencing the mentality and the structures of their country, starting with the Christian communities and the Churches.

### **International Movement of Apostolate in the Independent Social Milieux (MIAMSI-Europe)**

MIAMSI-Europe is a community of Church movements that brings together people with professional, economic, social, political and cultural responsibilities in the world. They commit themselves:

- To build a more human and fraternal world through the promotion of human rights;
- To encourage contacts with international instances for the promotion of peace, solidarity and justice;
- To promote the ecumenical and inter-religious dialogue rooted in the dignity of all people and the wholeness of creation.

### **International Volunteerism Organization for Women, Education and Development (VIDES)**

VIDES is present in 38 countries around the world and has the following objectives:

- The protection of human rights, and in particular, those of children, adolescents and women;
- The promotion of volunteer service at the local and international levels;
- The promotion of awareness-raising initiatives for youth to become active and responsible citizens.

### **Lasallian International Children's Fund (LICF)**

LICF supports:

- Programs directly serving needy children and youth;
- Advocacy projects on behalf of children;
- Training leaders in the promotion of the rights of children.

Since 2000, LICF funds have contributed to 19 projects in: Bolivia, Brazil, Burkina Faso, Cameroon, Congo, Chile, Ethiopia, Haiti, India, Kenya, Madagascar, Malaysia, Pakistan, Rwanda, South Africa and Sri Lanka.

### **Organisation internationale pour le droit à l'éducation et la liberté d'enseignement (OIDEI)**

OIDEI is an NGO in consultative status with the UN Economic and Social Council, UNESCO and the Council of Europe. Its objective is to promote the right to education as a fundamental human right for the development of each human being.

OIDEI's objectives are:

- To study education policies according to a human rights based approach;
- To inform public opinion about progress made as well as ongoing violations of the right to education and freedom of teaching;
- To offer training and information on the right to education to all actors working in the field of education;
- To intervene with international organisations and human rights bodies to promote and defend the right to education.

### **Pax Christi International**

Pax Christi International is a global Catholic peace movement and network that works to help establish peace, respect for human rights, justice and reconciliation in areas of the world that are torn by conflict. It is grounded in the belief that peace is possible and that vicious cycles of violence and injustice can be broken. Pax Christi was founded in Europe in 1945 as a reconciliation movement bringing together French and Germans after World War II. Today, the movement has more than 100 Member Organisations active in more than 50 countries and five continents worldwide.

### **Religious Institute of the Sisters of the Holy Family of Bordeaux**

The Institute is present in 24 countries and comprises over 4,000 people of religion, engaged in whatever form of work their environment and their church draw them to. The Institute wishes to affirm and promote the dignity of all people so that together we take our place in society and contribute to the transformation of the world in our own specific way.

### **Servizio per la Cooperazione Internazionale Lasalliana (SECOLI)**

SECOLI was established by the General Chapter of the Institute of the Brothers of the Christian Schools in 1966. The principal goals of SECOLI are:

- To educate people to be sensitive to world issues and to be concerned for the poor;
- To promote interdependence and responsibility within the Institute; and
- To promote interdependence and self-sufficiency within the Institute.

## **NATIONAL NGOS**

### **Barnardo's, UK**

Barnardo's supports children and families affected by parental imprisonment through 21 services across all four UK nations. Our ten years of experience convinces us that providing support to the whole family is the best way of protecting and promoting positive outcomes for this very vulnerable group. We also believe that early intervention with families costs less than the likely spend on services to repair the damage made to families should problems be left to escalate.

### **Czech Helsinki Committee (CHC), Czech Republic**

The Czech Helsinki Committee is a non-governmental organisation for human rights founded in 1988 to monitor compliance with and violations of human rights in the former Czechoslovakia, in tandem with the civic initiative Charter 77 and the Committee for the Defense of the Unjustly Persecuted (VONS). Its main areas of focus are rights of the child, the fight against racism and intolerance, rights of prisoners and detained persons, social counselling, and human rights education. Current projects include 'Children of Imprisoned Parents – Strengthening the Rights and the Status', in collaboration with eight prisons in the Czech Republic; and 'Life after Prison: Reintegration Program Plus – for the Roma community', which strengthens parenting skills and optimises family ties between children and their parents.

### **Comissió de la Infància de Justícia i Pau**

The Comissió was created in 1979 with the objective of raising awareness on the rights of the child among the people of Catalonia. It carries out activities through participation in events and networks, ongoing relationships with public authorities, the publication of a newsletter and the organisation of press conferences.

### **Family and Corrections Network (FCN), USA**

FCN was established in 1983 as the first national organisation in the United States focused on families of the incarcerated. In 2006, the Federal Resource Center on Children of Prisoners merged with FCN to create the National Resource Center on Children and Families of the Incarcerated (NRCCFI).

Bringing together families, programme providers, policy makers, researchers, educators, correctional personnel and the public, FCN *disseminates* accurate and relevant information; *highlights* current research, promising practices and systems change initiatives; *guides* the development of family strengthening policy related to children and families of the incarcerated; *trains, prepares, inspires and connects* those working in the field; *advocates* for criminal justice policy reform that upholds the value of children and families; and *includes* the families in defining the issues and designing solutions.

### **HAQ: Centre for Child Rights, India**

HAQ means ‘rights’ in Urdu. It began working in October 1998 (formally registered under the Societies Registration Act, in June 1999) and focuses on children in a holistic way – as *actors* in our society, as *citizens of today* and as *adults of the future*. It seeks to recognise, protect and promote all rights for all children in an integrated manner, making cross-cutting linkages between all categories of children, especially children who are disadvantaged on account of their gender, caste, class, ethnicity, ability and location, and issues affecting them. Working on children and governance, and child protection, it is actively engaged in monitoring government’s performance, public education and advocacy on children’s rights. It works as a resource and support base providing information, a referral service, legal aid, training and capacity building for all those working with children or on issues concerning them, and the children themselves.

### **The Howard League for Penal Reform**

The Howard League for Penal Reform is the oldest penal reform charity in the world. It was established in 1866 and was named after John Howard, the first prison reformer. Its work is just as relevant today, campaigning, undertaking research and providing legal services to young people in custody. The principal activity is that of a charity working for a safe society where fewer people are victims of crime.

In the past 20 years a focus of the Howard League’s work has been the needs of children whose parents are in prison as well as the efficacy of imprisoning babies with their mothers in prison mother and baby units. To this end the Howard League has undertaken research with children visiting their mothers in Holloway prison, hosted seminars and conferences on the issues facing prisoners’ families, campaigned on the issues around babies in prison and taken legal cases on behalf of young mothers in prison.

### **Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Kazakhstan**

KIBHR works to promote the development of a democratic legal state and open civil society in Kazakhstan. Its main activities include monitoring political and civil rights in Kazakhstan, raising awareness of international standards and mechanisms, offering individual legal advice and advocating for reform from within the government. KIBHR heads six regional Public Monitoring Commissions in Kazakhstan.

### **Leadership Conference of Women Religious (LCWR)**

LCWR is the association of the leaders of congregations of Catholic women religious in the United States. Founded in 1956, the conference's concerns include utilising its corporate voice in solidarity with people who experience any form of violence or oppression.

### **Penal Reform and Justice Association (PRAJA), India**

PRAJA was set up in 1996 to examine the need for reforms in the Indian criminal and penal justice systems. Institutions of the State that have been specifically designed to provide equal, fair and accessible justice for all seem unable to fulfill their objectives. PRAJA aims to highlight the relationship between social and formal (institutional) justice. Through research and dissemination of information about good practices PRAJA works towards reforms that bring justice closer to people and above all to vulnerable groups.

### **Prisoners Assistance Nepal (PA Nepal), Nepal**

PA Nepal's mission is to rid prisons of unnecessary suffering and hardship, in particular the suffering experienced by innocent children and prisoners who are poor and disadvantaged. It works to help transform prisons into places that work to help prisoners build worthwhile and rewarding futures. It provides homes for children who would otherwise live in prison with their parents, giving them training and education and organising regular visits to imprisoned parents and to villages of origin.

### **Regional Center of New Information Technologies (RCNIT), Kazakhstan**

RCNIT was established in 2000 to give people easier access to legal information and to protect the human rights of those in prison. It has been monitoring prisons for five years and is currently the head of the Public Monitoring Commission in the North Kazakhstan region.

### **Southern Kazakhstan Association of Lawyers (SKAL), Kazakhstan**

SKAL assists in improving the law-making process, supports legal education and understanding and advocates for human rights protection in Kazakhstan. SKAL is the head of the Public Monitoring Commission in South Kazakhstan and has been monitoring prisons, one of which is a women's colony, since 2004.

### **Vision Internationale d'Entraide (VIE)**

VIE is a non-profit association created in 2006, which aims to support the human dignity of the most vulnerable people in Switzerland and to support socio-economic projects carried out by local partners in developing countries. Its main areas of work deal with human rights education, integration and access to micro-credit.

### **The Women's Information Consultative Center (WICC), Ukraine**

Since 2007 the WICC has contributed 'to improved conditions of imprisoned women, especially mothers with children, through the provision of adequate care, including



the appropriate planning of punishment and a re-socialisation programme'. WICC considers the relationship between mothers and children as crucial in terms of the prevention of recidivism of mothers and criminalisation of children's lives. WICC has carried out the following research projects:

*Problems of communication among imprisoned women and their children;*

*Problems of interaction of governmental institutions on rights of children who lost their mothers' care because of their detention or arrest; and*

*Problems of communications among imprisoned men and their children.*

## **OTHER INSTITUTIONS AND EXPERTS**

### **Aileen Campbell MSP**

Aileen Campbell was elected to the Scottish Parliament in 2007. After hearing former Scottish Commissioner for Children and Young People Kathleen Marshall speak about the 'hidden victims of crime', and about the work of Justice Albie Sachs in trying to alleviate impacts on prisoners' children in South Africa, Aileen led a debate in parliament about children of prisoners and introduced an amendment to the Criminal Justice Bill so that the impact on children would be taken into account when sentencing a parent. Despite the amendment failing to secure the necessary support in parliament to succeed, Aileen continues to advocate for change on this issue and to support these children as innocent victims of crime.

### **The Centre for Child Law at the University of Pretoria, South Africa**

The Centre for Child Law at the University of Pretoria uses the law, and particularly strategic impact litigation, to promote children's rights in South Africa. In 2008, the Centre entered as Amicus Curiae (friend of the court) in a case that was reported as *S v M (Centre for Child Law as Amicus Curiae) 2008 (3) SA 232*. The Centre made substantial written and oral submissions in the matter, utilising the UN Convention on the Rights of the Child as well as the African Charter on the Rights and Welfare of the Child, as well as international comparative research. This case resulted in a shift in the law so that henceforth a sentencing court in South Africa must consider the best interests of the child when sentencing a primary caregiver of children.

### **Catholic University of Milan, Faculty of Educational Sciences, Chair of Psicologia dello Sviluppo**

The Catholic University of Milan is the biggest non public university in Europe. The University has 14 faculties, 42 000 students and more than 1 400 professors.

### **Children's Ombudsman's Office, Croatia**

The Ombudsman for Children Croatia works to protect, monitor and promote the rights and interests of children in the Republic of Croatia. The Ombudsman's Office has been the galvanising force in Croatia in raising awareness and influencing policy on the issue of children with imprisoned parents, underscoring the child's right to maintain contact with the imprisoned parent when it is in the child's best interest,

the importance of child-friendly visits areas for prisons and the need for training prison staff to support children and parents. It lobbies for support programmes for kindergartens attended by prisoners' children (who, in Croatia, can live with imprisoned mothers up to age 3) and for prison officers to monitor child development. It organises child rights seminars, provides information resources on European standards and good practice, and regularly sends recommendations on prisoners' children to policymakers, ministries, institutions and NGOs. The Ombudsman's Office also lobbies internationally, through its participation in the European Network of Ombudspersons for Children (ENOC), which links children's offices in 24 countries, and the South Eastern Europe Children's Rights Ombudspersons' Network (SEECRON).

### **Justice Muhammad Imman Ali, Bangladesh**

Justice Ali has a special interest in laws and systems of justice concerning women and children, Human Rights, Criminal and Family law. He is Chairman of the Advisory Committee concerning the Joint Project of Ministry of Home Affairs and GTZ on 'Improvement of the Real Situation of Overcrowding in Prisons in Bangladesh'. Justice Ali is a council member of the International Association of Youth and Family Judges and Magistrates and a board member of Penal Reform International.

As a lecturer/resource person, Justice Ali has trained judges of the subordinate judiciary (justice for children) and lawyers, police personnel, social welfare officers and NGO workers regarding provisions of Children Act and other relevant instruments.

Justice Ali has given papers and presentations relating to justice for children and trafficking in women and children at seminars/workshops organised by: Save the Children UK; UNICEF; BNWLA; MoSW and UNICEF; Aparajeyo Bangladesh; IMO/LETI; and Save the Children Sweden and Denmark.

### **Katja Martin-Chenut**

Katja Martin-Chenut is a criminologist, a researcher at Collège de France and CNRS, and an expert on child rights protection.

### **Observatoire de la Diversité et des Droits Culturels**

The Observatoire, headquartered in the Institut Interdisciplinaire d'Éthique et des Droits de l'Homme at the University of Fribourg, Switzerland, has developed a research methodology and network of observations, experiences, actions and training on cultural rights. In April 2010, the Observatoire organised the international symposium *Droits culturels: enfant sujet et témoin*.

### **Scotland's Commissioner for Children and Young People (SCCYP), UK**

Scotland's Commissioner for Children and Young People (SCCYP) is an independent statutory body with a remit to promote and safeguard the rights of children and young people in Scotland, having regard to the provisions of the UNCRC.

In 2008, SCCYP published *Not Seen. Not Heard. Not Guilty. The Rights and Status of Children of Prisoners in Scotland*. The report highlighted the impact of parental imprisonment on children, found that children's rights are not given due respect in decisions that greatly affect their lives, and made recommendations with the aim to improve the lives of children of prisoners in Scotland. A small-scale research report on children's experiences of parental imprisonment (*Perspectives of Children and Young People with a Parent in Prison*, SCCYP & Families Outside, 2010) again highlighted the profound impact of parental imprisonment on the wellbeing of children. As part of a coalition of children and family organisations, SCCYP made an unsuccessful attempt to amend Scots Criminal Law to ensure that sentencing judges take the rights and wellbeing of children of offenders into account at the point of sentencing.

All SCCYP publications and further information about the Commissioner's office and its work are available on [www.sccyp.org.uk](http://www.sccyp.org.uk)

**UNESCO Chair on Human Rights and Ethics of International Cooperation,  
University of Bergamo, Italy**

The University of Bergamo is an international research and training body whose main objectives are:

- To promote a comprehensive research system at the national, European and international levels on issues dealing with human rights, cultural diversity and international cooperation;
- To support researchers from Africa and Latin America working in the above-mentioned areas;
- To promote sharing of information and experiences in order to facilitate innovative responses to contemporary challenges, including globalisation, migration, human rights, cultural rights and cultural diversity.