



Written Contribution for the General Day of Discussion on Children of Incarcerated Parents¹

Introduction

When a parent is confronted to the justice system and is imprisoned, this automatically has an influence on his/ her children. However the consequences are not taken into consideration when dealing with an adult alleged offender. Many issues remain unresolved and no concrete answers are provided: How many children have one or both parents in prison? How many of them live in prison with their parents? And what happen to those children who are under the care of another family member or an institution while their parents are living in prison?

For these reasons, Defence fro Children International (DCI) welcomes the Day of General Discussion on children of incarcerated parents and believes that it will play an important role in moving the issue forward.

DCI would like to share the following concerns with the Committee on the Rights of the Child on the impact of parent's imprisonment on the child

1. Children living in Prison with their parents

First, legislation and policies for the implementation of national and international standards can vary according to Governments, and even within the State, different policies can be applied depending on the prison's facilities and capabilities. For example, children in Belgium can live in prison with their mothers until the age of 3, whereas in Mexico children can live in prison with their mothers until the age of 6. In Pakistan a woman prisoner can keep a child along with her in prison till the child attains six years. Second, in the majority of countries there are not precise statistics of how many children with incarcerated parents there are, many times because during the whole process of detention and incarceration the simple question is not asked, and this is not required by the prisons or institutions nor by the government.

Some prisons do provide a child development centre for children living in prison. For example in Mexico, The Colonia Penal Federal in Islas Marias offers pre-schooling, primary and secondary education with the inclusion of labor and educational activities for children living in prison with their parents. Unfortunately, in general these centres are more exceptions than rule. And such practices are not institutionalized in the existing system or set ups for dealing with children of arrested or incarcerated parents.

Children of arrested and incarcerated parents are equal to all children, and therefore deserve to be treated and provided with the same rights. Even though they have not committed a crime, children living with incarcerated parents grow up seeing high security fences, and thick walls which separates them from the rest of the world. Many of them, share the room with their mothers and other inmates, and lack basic necessities such as appropriate food, decent clothes, bedding, education, recreational spaces and playing materials. The majority of prisons have not established a specialized health care centre for children. Many of these children can suffer

¹ DCI received information on the issue from its section in Belgium, Bolivia, Costa Rica, Mexico, Pakistan and Uganda

psychological stress caused by their living conditions. Once children leave prison, the cycle is broken. They are separated from their parents, and what used to be their homes. Some of these children can be put under the care of another family member, and if not available they go to an institution.

But what happens to these children after? Children are only allowed to visit their parents during strict visiting hours, and no programme is available for the reunification and visiting. One can only imagine the feeling of solitude, anxiety and loneliness these children must feel when they come out to this new world for them.

2. Consequences of the parent imprisonment on the child development.

Having a parent in prison has consequences on the child and can play an important role in their development. It is a traumatic experience for the child, not only when living in prison with their mother, but also when living outside. When a parent is sent to prison, the child experiences a feeling of anxiety and confusion. The child might not understand the reasons behind the incarceration, nor he/she will be explained about the process of detention and incarceration the parent is going through. There is stigma from having a parent in prison, and this situation can aggravate when the identity of the parent and the incarceration details are made public. For this and many other reasons the child may refuse to go to school for fear of finger pointing and social exclusion. In many cases, the child experiences a sense of loss of his/her identity by the loss of a parental marker.

3. Good Practices

In Belgium three different programs have been implemented to support and help this vulnerable group of children:

- One is the Association-“Relais- Parents- Enfants”, which organizes groups of discussions where incarcerated parents can exchange and can invent, think and create object to offer to their children), individual interviews that offer psychological support to any parent held in demand as well as children who are facing emotional problems because of their parents incarceration. This organization collaborated to create the roaming network in partnership with the Red Cross (see below), and organizes encounters between children and their imprisoned parent in privileged spaces.
- The Red Cross project "roaming" is a volunteer-support program composed of two volunteers per child, which enables children to visit their imprisoned parent. Volunteers are responsible for bringing children to prison and returning them to their place of living, and providing them with time and space to interact with their parents.
- The Inmates Support Services, which includes support and supervision to maintain and restore the relationships between the parent and the child. They also conduct their mission outside the institutions and prisons. This involves taking a series of measures to promote and oversee the relationship between the child and the parent.
- SPARC-DCI in Pakistan advocates for releasing women prisoners especially those who have minor children probation for that it has emphasized to appoint female probation officers; - SPARC-DCI provides legal support to especially those women prisoners who have children; - Prison authorities do not provide milk and fruit to children with women prisoners, SPARC-DCI often provides milk and fruit to such children; besides, a number of local NGOs are working for the welfare of children but their activities are limited to one or maximum two prisons and for limited services.

4. Challenges

Legislation, implementation and awareness raising on the issue are still missing. The challenges are very clear. The children of incarcerated parents need care and protection at all levels. When they live in prison, and when they live outside the prison. The communities also

need to be sensitized and informed about this situation. These children do not deserve social exclusion, but instead community support. Care needs to be given from family members, teachers, and counselors to break the feeling of guilt the children feel on behalf of their parents. Without extra support, this vulnerable group of children may get taken on in the trans-generational cycle of offending just as their parents.

5. Recommendations

DCI encourages the Committee on the Rights of the Childs to raise the following issues when a States is reviewed:

- Encourage them to create or implement laws that consider the best interest of the child, as stated in article 3.1 of the CRC, when a parent is imprisoned and that make sure that while arresting, judging or sentencing a parents, children best interest is considered;
- Promote the use of non-custodial sentences wherever possible, particularly when the offender is a primary carer: the needs of the child must be predominant;
- Develop data collection to get a clear number of children who are incarcerated with their parents;
- Create a space to maintain communication between parents and children when a parent is imprisoned;
- Create a system or set up that provides opportunity to children and their incarcerated parents to stay at home;
- provide an easy access to NGOs and philanthropists for organizing and arranging programmes and services for minor children's welfare and protection.