

Universal Periodic Review: United Kingdom - *The Rights of Children of Prisoners*

Question:	<i>What steps have been taken by the UK and devolved governments to improve support for children with parents in prison, as stipulated by the UN Committee on the Rights of the Child in its most recent Concluding Observations on the UK?</i>
Recommendation:	<i>To improve support for children with a parent in prison across the UK and devolved governments, including by:</i> <ul style="list-style-type: none">- <i>using child impact assessments</i>- <i>establishing visitors' centres at all prisons</i>- <i>ensuring that visits are a right of the child rather than a privilege of the prisoner that can be withdrawn as a disciplinary measure.</i>

Background: Each year in the UK, more children experience a parent's imprisonment than a parent's divorce.ⁱ Children and young people's experience of a family member's imprisonment is similar to bereavement. This includes 'acting out' or becoming withdrawn, deterioration in performance at school, being bullied or becoming the bully, and increased risk of substance misuse. Children with a family member in prison suffer from serious mental health issues at three times the rate of other children and are at higher risk of offending and of ending up in prison themselves.ⁱⁱ Further, their home circumstances and care arrangements may change, and they may receive little information about what is happening. As a result of this, and of the stigma attached to their parent's criminality, these children can find themselves unsupported, isolated and with no one to talk to.

Following its Day of General Discussion in September 2011, the UN Committee on the Rights of the Child reiterated that children of prisoners have the same rights as other childrenⁱⁱⁱ and that State parties should:

"...ensure that the rights of children with a parent in prison are taken into account from the moment of the arrest of their parent(s) and by all actors involved in the process and at all its stages, including law enforcement, prison service professionals, and the judiciary."^{iv}

Child Rights Impact Assessments ensure that children's interests are taken into consideration in decisions about custody and release, and highlight any needs of the child at those points.^v Even if the child's best interests are outweighed in an individual case, for example where the parent's offence was so grave that the judge has no choice but to imprison, a Child Rights Impact Assessment, informed by professional assessments and the child's views, would provide social services and others with essential information to ensure that the child is cared for and supported appropriately.^{vi}

Families may not recognise the longer-term effects on children and young people of a family member's imprisonment, and the stigma of having a family member in prison often prevents families from seeking support.^{vii} **Prison Visitors' Centres** (specific venues to provide support and information for families) are an essential means of ensuring access for families of prisoners, who otherwise tend not to access the support they need.^{viii} Such Centres act "as a 'bridge' between prisons and the community, as a tool in building public relations, as a useful neutral venue for engagement with families, and as a 'gateway' for links with community-based support".^{ix} Their wider provision was urged at the recent Day of General Discussion.^x However, the availability of these varies greatly across the UK and devolved governments, with Scotland offering particularly limited access.

The UNCRC seeks to secure for every child the right to know and maintain meaningful relationships with both parents, except where this is not in the child's best interest.^{xi} Where a child's parent is in prison, **visits should be treated as the right of the child, rather than a privilege of the prisoner that can be withdrawn as a disciplinary measure.** The recent Bangkok Rules make that principle explicit.^{xii} Both domestic^{xiii} and international^{xiv} reports raise concerns about the practice of prison services in this regard, and the UK and devolved governments need to ensure that this key principle is respected and promoted more effectively in practice.

About us:

The Office of **Scotland's Commissioner for Children and Young People** was established in 2004 as an independent public body with a remit to promote and safeguard the rights of children and young people in Scotland. Key statutory functions of the Commissioner include raising awareness of the United Nations Convention on the Rights of the Child; reviewing relevant law, policy and practice that pertains to children and young people; promoting best practice by service providers; and undertaking or commissioning and publishing research. The Commissioner further has a duty to encourage the involvement of children and young people in its work, and to promote equal opportunities.

Families Outside is the only national charity in Scotland that works solely to support the families of people involved in the criminal justice system. It works to mitigate the effects of imprisonment on children and families – and consequently to reduce the likelihood of reoffending – through support and information for families and for the people who work with them.

Together, formerly the Scottish Alliance for Children's Rights, is an NGO alliance of over 170 members including children's charities and professionals working with children. It works across Scotland to improve the awareness, understanding and implementation of the United Nations Convention on the Rights of the Child.

Briefing supported by:	Kezia Dugdale MSP, Shadow Minister for Youth Employment
Adfam	Patricia Ferguson MSP
Action for Children	Iain Gray MSP
Action for Prisoners' Families	Lewis Macdonald MSP
ADSW (Association of Directors of Social Work - Scotland)	Hanzala Malik MSP
Barnardo's UK	Margaret McCulloch MSP
Caledonia Youth	Margaret McDougall MSP
Children 1 st	John Pentland MSP
Children England	Dr Richard Simpson MSP
Church of Scotland	Maureen Watt MSP
Children in Scotland	
Circle	Dr Oliver Aldridge, Cross-Party Group on Children & Families Affected by Imprisonment (Scotland)
Criminal Justice Alliance	Dr Monica Barry, University of Strathclyde
Crossreach	Bill Brown, Stirling Interfaith Community Justice Group
Fast Forward	Niall Campbell, Scottish Consortium on Crime and Criminal Justice
Fife & Forth Valley Community Justice Authority	Jim Carruthers, Relationships Scotland Dumfries & Galloway
Family Rights Group	May Chamberlain, Relationships Scotland - Couple Counselling Central Scotland
Family & Parenting Institute	Erica Clarkson
The Fatherhood Institute	Inga Cosway, NHS Lothian
Howard League Scotland	Donald Dickie, Cross-Party Group on Children & Families Affected by Imprisonment (Scotland)
NEPACS (North East Prison Advice and Care Services)	Tina Everington, NHS Forth Valley
NIACRO	Helen Jones, Barnardo's Scotland
Phoenix Futures	Elaine Macrae, Convenor, Joint Faiths Advisory Board on Criminal Justice
POPS (Partners of Prisoners and Families Support Group)	Tim McConville, Couple Counselling Lothian
Prison Advice and Care Trust	Rev Alan Montgomery, Salvation Army
Prison Reform Trust	Kate Philbrick, Toybox and EUROCHIPS
Relationships Scotland	Sarah Roberts
Safe Ground	Donny Scott, Children and Families Department, City of Edinburgh Council
Scottish Child Law Centre	Christine Scullion, The Robertson Trust
Stop It Now	Prof Alec Spencer, Chairman, Scottish Consortium on Crime and Criminal Justice
Tayside Community Justice Authority	Amanda Steele, Sacro
Theatre Nemo	
Mary Fee MSP, Convenor of the Cross-Party Group on Children & Families Affected by Imprisonment and of the Equal Opportunities Committee (Scotland)	
Claire Baker MSP	
Claudia Beamish MSP, Shadow Minister for Environment and Climate Change	

ⁱ Action for Prisoners' Families, pact, Clinks, and Prison Reform Trust (2007) *Parliamentary briefing – The children & families of prisoners: recommendations for government*.

ⁱⁱ 65% of boys with a convicted parent go on to offend themselves (Social Exclusion Unit 2002, *Reducing the risk of reoffending by ex-prisoners*); Philbrick 1997, *Child and Adolescent Mental Health and the Prisoner's Child*. Durham: NEPACS); Loucks, N. (2004) 'Prison without bars': the experiences of families affected by imprisonment. Edinburgh and Dundee: Families Outside and Tayside Criminal Justice Partnership.

ⁱⁱⁱ UN Committee on the Rights of the Child (2012), *Report and Recommendations of the Day of General Discussion on Children of Incarcerated Parents*, para 33.

^{iv} Ibid, para 31. Note that this follows a previous, specific recommendation to Thailand to ensure that the best interest principle (art. 3 UNCRC) is 'carefully and independently considered by competent professionals and taken into account in all decisions relating to detention, including pretrial detention and sentencing, and decisions concerning the placement of the child'; *Concluding Observations, Thailand, CRC/C/THA/CO/2*, 17 March 2006, para 48.

^v Robertson, O (2012), *Collateral Convicts: Children of Incarcerated Parents, Recommendations and Good Practice from the UN Committee on the Rights of the Child's Day of General Discussion 2011*, Geneva: Quaker United Nations Office, p. 16f. See also Scotland's Commissioner for Children and Young People (2011a), *Written Submission to the UN Committee on the Rights of the Child's Day of General Discussion on Children of Incarcerated Parents*, para 18.; van Haften, G and Sijtsma, C (2011) *Child punishment: The other side of the coin of parental imprisonment*. Final dissertation in Social Work. Ede: Christelijke Hogeschool Ede, The Netherlands, on behalf of Families Outside.

^{vi} Scotland's Commissioner for Children and Young People (2011b), *Not Seen. Not Heard. Not Guilty. The Rights and Status of the Children of Prisoners in Scotland – Review 2011*, pp. 17f, 22f.

^{vii} Loucks, N. (2004) *'Prison Without Bars': Needs, support, and good practice for work with Prisoners' Families*. Dundee and Edinburgh: Tayside Criminal Justice Partnership and Families Outside; Action for Prisoners' Families (2003) *Young People's Projects: Exploring the Needs of Young People with a Prisoner in the Family*. London: APF.

^{viii} Pugh, G. and Lanskey, C. (2011) "'Dads Inside and Out': study of risk and protective factors in the resettlement of imprisoned fathers with their families". Conference paper for *What's new in Research and Evaluation? Informing our work with prisoners and offenders and their families*. Institute of Criminology, University of Cambridge, 19 May 2011; Families Outside, with Dr Liz Brutus (2011) "Prisoners' Families: The value of family support work," *In Brief* 6; and (2010) "Prison Visitors' Centres: An Ongoing Debate," *In Brief* 5. Edinburgh: Families Outside.

^{ix} Families Outside (2010 and 2011); Loucks, N. (2002) *Just Visiting? A Review of the Role of Prison Visitors' Centres*. London: Federation of Prisoners' Families Support Groups (now Action for Prisoners' Families) and the Prison Reform Trust.

^x Robertson, O (2012), p. 35.

^{xi} Articles 3, 9 (3) and 18 of the UNCRC.

^{xii} Albeit narrowly in the context of women prisoners; Rule 23 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

^{xiii} Scotland's Commissioner for Children and Young People (2011b), p. 26.

^{xiv} Robertson, O (2012), p. 38f.



Together, Scottish Alliance for Children's Rights

Prospect House, 5 Thistle Street, Edinburgh, EH2 1DF

Tel: +44 131 225 8864 Email: juliet@togetherscotland.org.uk Website: www.togetherscotland.org.uk

Charity Reg No: SCO29403 Company No: SC199725