

COMMITTEE ON THE RIGHTS OF THE CHILD
Fifty-eighth session
19 September – 7 October 2011

Day of General Discussion

Guidelines for participants on registration and submissions

Committee on the Rights of the Child
Day of General Discussion 2011

On 30 September 2011, the UN Committee on the Rights of the Child will hold a day of general discussion in Geneva on “**Children of Incarcerated Parents**”. The discussion day is a public meeting at which representatives of governments, United Nations bodies and specialized agencies, civil society and other relevant organizations as well as individual experts are welcome.

Participation and oral statements

Discussions on the day will consider the specific rights and needs of children affected by the criminal justice system and what states and others can do to protect such children. We will explore the impact on children of a parent’s involvement with all stages of the criminal justice process, from arrest through to release and reintegration (or coping with the death of a parent where they are executed).¹

In order to facilitate the exchange of views, participants will be divided into two working groups to conduct discussions in the following two categories:

Working group 1: Infants and children living with or visiting a parent in prison.

Working group 2: Children left ‘outside’ when their parent is incarcerated.

The Committee asks participants to avoid presenting formal statements during the discussion day. Hard copies of written statements to the Committee may be distributed by participants during the discussion day.

Submission of written contributions

In addition to the general areas of discussion listed above, the Committee encourages the submission of written contributions on, for example:

1. *Infants and young children living with a parent in prison*
 - Issues related to entry into prison, including: reasons and factors for permitting or excluding children; how and by whom decisions on entry are made; timing of entry; and reception procedures.
 - Issues related to time living in prison, including: the living conditions for children living in prison; resources and opportunities available to them;

¹ Due to time constraints the situation of children of persons subject to other forms of detention will not be in the scope of discussions for the DGD

restrictions placed on children living in prison; and the level of contact and interaction between the children, imprisoned parents and non-imprisoned family members.

- Issues related to departure from prison and living in the community, including: the circumstances in which children leave prison, with or without the imprisoned parent; how decisions on removal are made and what flexibility is available in relevant regulations; how children are prepared for leaving prison; the alternative care arrangements available; the opportunity for ongoing contact with imprisoned parents if children leave before them; and ongoing support for the children following release.

2. *Children left 'outside' when their parent is imprisoned*

- Issues related to arrest and investigation, including: preparations to ensure arrests are made in ways compatible with child rights and welfare; whether arrangements are made for children's temporary care following arrest, and what involvement children have in these decisions; and whether checks are made to see whether those arrested have children
- Issues related to pre-trial measures, including: how the best interests of children are taken into account in deciding whether the alleged offender should be held in custody pre-trial or determining appropriate non-custodial measures.
- Issues related to pre-trial detention, including: how contact is maintained between detained parents and children, taking account of the principle that pre-trial detainees have not been found guilty of a crime and should therefore have fewer restrictions placed on them; and how children are kept informed of the situation and wellbeing of detained parents.
- Issues related to trial and sentencing, including: the circumstances in which children can observe the trial of their parent; how the best interests of the child are determined and taken into account when sentencing a sole or primary carer; and what provision there is for the start of sentence to be deferred so that the parent can participate in making arrangements for the children's care.
- Issues related to contact with imprisoned parents during imprisonment, including: the circumstances in which children can visit and the impact this has on other parts of the children's lives (e.g. do they have to miss school to visit?); the form of visits, particularly their length and the degree of contact and privacy allowed, and the activities available during visits; the measures taken to ensure that prison visits are child friendly; the forms of indirect contact allowed; and the arrangements available to allow children who can't visit imprisoned parents (for example, because they live in another country) to maintain contact.
- Issues related to other impacts of parental imprisonment on children, including: the impact parental imprisonment has on where the children live and whether children are consulted on their caring preferences; the impact on their education; the impact on their physical and mental health; and the impact

on their (and the wider family's) economic situation, especially whether they lose income previously earned by the imprisoned parent or lose or become eligible for benefits or State support.

- Issues related to release and reintegration into the community, including: how children and parents are prepared for the parent's release, particularly when they will live together following release and/or the parent has been imprisoned for a long time; and whether parents are provided with assistance and support in getting children out of care, if they were put into state care during their parent's incarceration.

3. *Other specific issues for consideration*

- What impact does parental incarceration have on a child's development, wellbeing and mental health? Including but not limited to the possible impact on breast feeding being precluded: what are the effects of the reduced bonding and attachment with parents, which occur as a result of incarceration, on the socio-emotional development of infants – particularly due to the higher growth rate of a child's middle brain during this stage of development?
- What rights do children have to be told about what has happened to their parent? When, if at all, is it appropriate to conceal the truth from the children? Who else should be told about the imprisonment?
- How is the child's right to privacy balanced against the need of others (teachers, social workers etc.) to know about their situation in order to help?
- The status of children born to a mother imprisoned abroad, particularly if she is unable to transmit nationality; if such a mother is deported at the end of her sentence, what happens to the child?
- What form of relationship should be maintained between children and parents serving life sentences without possibility of release or awaiting execution?

The Committee also encourages information on case studies that reflect the different challenges in implementing the rights enshrined in article 9² of the Convention on the Rights of the Child.

² (1) States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

(2) In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

(3) States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

(4) Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of

Authors of written contributions are encouraged to present a maximum of five recommendations (no more than 5 lines) for actions the Committee can take in relation to the themes under discussion. The recommendations, which should be attached to the submission as an annex, must be directly relevant to the themes of the discussion day as described above, and prioritized.

Written contributions can be submitted in English, French and Spanish, the three working languages of the Committee.

The deadline for the submission of written contributions is 5 August 2011. The Committee requests that written contributions be limited to a **maximum of seven pages (2,500 words)**. Please note that only written contributions received in **electronic form** will be circulated. Written contributions will be circulated in their original language only and posted on the Child Rights Information Network website (<http://www.crin.org>).

Previously published materials may also be submitted to the Committee, or distributed during the discussion day to other participants. Sufficient copies must be provided, as the Secretariat does not have resources for reproduction and distribution.

Registration

For organizational purposes, all participants are asked to fill out a registration form, which can be downloaded from the OHCHR website: (<http://www.ohchr.org/english/bodies/crc/discussion.htm>). The **deadline for registration** with the Secretariat by e-mail (crc@ohchr.org) or fax (+41 22 917-9029) is **25 July 2011**.

Due to limited space, please note that organizations are strongly encouraged to limit participation in this event to a maximum of three representatives. Please do not make any travel arrangements until you have received this final confirmation from the Secretariat of the Committee.

As this is a public meeting of the Committee on the Rights of the Child, there is neither a registration fee, nor does the Committee send out individual invitations. **The United Nations is not able to provide assistance with visa, travel or accommodation arrangements.** Participants are responsible for all expenses and arrangements related to their participation in the discussion day.

Logistics

The discussion day will take place on Friday 30 September 2011 from 10:00 am to 6:00 pm at the Palais des Nations, Rooms XI and XVII, in Geneva. Participants, whose registration has been confirmed, are requested to bring their passport with them to the DGD in order to obtain a security badge to enter the Palais des Nations.

For any additional information, please contact the Secretariat, Committee on the Rights of the Child, Office of the High Commissioner for Human Rights, UNOG-OHCHR: E-mail: crc@ohchr.org or Fax: (+41 22) 917-9029

the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.