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### **BABIES AND CHILDREN LIVING IN PRISON: AGE LIMITS AND POLICIES AROUND THE WORLD**

The Quaker United Nations Office (Geneva) represents the Friends World Committee for Consultation (Quakers) which is an NGO in General Consultative Status with ECOSOC. It has worked on issues related to children of prisoners since 2005, as part of its wider work on women in prison and children of prisoners. Details of our work and our other publications can be found at [www.quno.org](http://www.quno.org).

This submission is a simple table detailing, to the best of our knowledge, the policies in different States regarding children living in prison with an imprisoned parent. It covers only those States for which we have information, and focuses on the policies of States, not how they are put into practice. It does not go into the detail of the conditions in which children live in prison, though an accompanying submission (Babies and children living in prison: Policy and practice in UN Member States) covers this.

Unless otherwise stated, States only allow children to live in prison with a mother.

The information given here was gathered over several years from various sources, some of which may be more reliable than others and which may not reflect current policy or practice. We welcome any additions, corrections or amendments about the States detailed below, as well as information from or about the policy and practice in other States. QUNO can be contacted using the details above.

State	Limit for children living in prison	Additional information	Date information collected	Source
Afghanistan	5 years		2010	BBC Newsnight
Argentina	4 years		2010	Personal communication with Argentinian NGO
Australia	1-6 years, depending on state	In all states chief executive has considerable discretion to act in child's best interests	2000	APCCA
Austria	2 years, extendible to 3 years	Extendible by prison director if remaining sentence is less than a year	2011	Response to 2011 survey
Bangladesh	4 years, extendible to 6 years	Extendible with permission of superintendent	2003	OMCT
Belgium	2 years		2000	Eurochips website
Brazil	6 months to 7 years, depending on state		2010	Personal communication, Brazilian prison official
Brunei (Daressalem)	3 years		2000	CRC/C/61/Add.5, para. 132
Bulgaria	1 year, extendible to 3 years	Extendible if no suitable outside carers	Undated	PRI Women in Prison handbook
Burkina Faso	2 years	Pregnant women may not be executed	2006	ACRWC
Burundi	2 years		Undated	QUNO folder
Colombia	3 years		2011	Response to 2011 survey
Cambodia	6 years		2011	LICADHO
Canada	4 years full-time, 6 years part-time (federal system)	Part-time living in prison is during holidays and weekends	2011	Response to 2011 survey
Chile	2 years		2008	<i>Children Imprisoned by Circumstance</i>
China	Not		2010 (2000)	Personal

	permitted (3 years in Hong Kong)		for Hong Kong)	communication, Chinese justice official (for mainland); APCCA (for Hong Kong)
Croatia	3 years		2010	Eurochips email
Cuba	1 year (possibly more)	Mothers can breastfeed until 1 year	2010	UPR
Democratic Republic of the Congo	1 year		1994	<i>Prison Conditions in Zaire</i>
Denmark	3 years	Children may stay with fathers as well as mothers	2007	QCEA
Ecuador	3 years		2011	Response to 2011 survey
Egypt	2 years		2008	<i>Children Imprisoned by Circumstance</i>
Eritrea	No upper limit		Undated	Faniel Solomon LLB essay
Estonia	4 years, extendible to 5 years		2011	Response to 2011 survey
Fiji	6 years		2011	Email from Penal Reform International
Finland	2 years, extendible to 3 years	Extendible to 3 years if child's best interests 'indispensably require it'; children may stay with fathers as well as mothers	2011	Response to 2011 survey
France	18 months, extendible to 2 years		2006	<i>Children of Imprisoned Parents</i>
Germany	Below school age	Usually leave by 3 years	2011	Response to 2011 survey
Ghana	2 years or when weaned	Medical officer determines if child weaned	2011	Response to 2011 survey
Greece	2 years		Undated	Eurochips website
Hungary	1 year		2011	Response to 2011 survey
Iceland	18		2011	Response to 2011

	months the norm			survey
India	6 years		2008	<i>Children Imprisoned by Circumstance</i>
Indonesia	2 years		2000	APCCA
Ireland (Republic of)	3 years		Undated	Eurochips website
Israel	2 years		2010	Personal communication, Israeli Ministry of Justice official
Italy	6 years	Pregnant women should not be imprisoned	2011	agi.it website, COPING DoW
Japan	1 year		2000	APCCA
Kenya	4 years		2011	ACRWC report, AllAfrica.com
Kiribati	While lactating		2000	APCCA
Kyrgyzstan	3 years		2008	<i>Children Imprisoned by Circumstance</i>
Latvia	4 years	On release, mothers given two sets of identity papers for the children, one indicating residence in prison and one not	2007	QCEA
Luxembourg	2 years		2011	Response to 2011 survey
Malaysia	3 years		2009	UPR
Mauritius	5 years		2009	UPR
Mexico	6 years		2008	BBC News
Mongolia	18 months	Women prisoners who give birth are allowed home for 18 months to care for their babies and then return to prison	2000	APCCA
Netherlands	4 years	4 years only in open prison; 9 months in closed prisons	2006	<i>Children of Imprisoned Parents</i> ; response to 2011 survey
New Zealand	2 years		2009	UPR
Niger	5 years		2009	ACRWC
Nigeria	18		2007	Personal

	months			communication, Nigerian prison official
Norway	Not permitted	Policy to be reviewed shortly	2011	Response to 2011 survey
Pakistan	6 years		2011	Dawn.com
Poland	3 years	Guardianship Council can extend or reduce time limit	2011	Response to 2011 survey
Portugal	3 years, extendible to 5 years	5 years allowed only with appropriate prison conditions, consent of other parent and after considering interests of child	2011	Response to 2011 survey
Republic of Korea	18 months		2011	Wn.com
Romania	1 year		2010	COPING DoW
Russian Federation	Unknown	Women with children up to 4 years old given postponed sentences	2009	UPR
Sierra Leone	2 years	Limit is in practice not in law	2010	Salford conference
Singapore	3 years, extendible to 4 years	Extendible with special approval of Minister for Home Affairs	2003	UN ODS
Slovenia	2 years		2011	Response to 2011 survey
South Africa	2 years		2010	Personal communication, South African judge
Spain	6 years	Formerly 3 years, but now 6 in special external mother-child units being developed	2011	Personal communication, Spanish-American prisons researcher
Sri Lanka	5 years		2010	dailynews.lk
Sudan	6 years		Undated	<i>Prison Conditions in Sudan</i>
Sweden	1 or 2 years	2 years in open prisons. Children	2011	COPING DoW; response to 2011

		can also stay with fathers		survey
Switzerland	3 years		2011	Response to 2011 survey
Tanzania	Until normal lactation period expires		2009	ACRWC
Thailand	3 years		2008	QUNO folder
Turkey	6 years	Children under 3 are with mothers in cells, between 3-6 may go to prison kindergartens	2011	ICPS news digest
Ukraine	3 years		2011	Response to 2011 survey
United Arab Emirates	2 years (Dubai only)		2011	khaleejtimes.com
United Kingdom	9 or 18 months	Age limit depends on institution, can be extended if in child's best interests	2011	Response to 2011 survey
United States of America	Not permitted to 3 years, depending on state	Usually only for mothers who will finish their sentence before the child reaches the age limit	2010	<i>Mothers Behind Bars</i>
Venezuela	3 years		2008	<i>Children Imprisoned by Circumstance</i>
Viet Nam	2 years		2000	APCCA
Zambia	4 years		2011	Human Rights Watch

## ANNEXE 1: SOURCES

**ACWRC:** various reports of States to the African Committee of Experts on the Rights and Welfare of the Child, viewed at <http://www.crin.org> (accessed 05 August 2011)

**agi.it website:** [http://www.agi.it/english-version/italy/elenco-notizie/201102162201-pol-ren1108-mothers\\_and\\_children\\_in\\_prison\\_the\\_house\\_passes\\_a\\_bill](http://www.agi.it/english-version/italy/elenco-notizie/201102162201-pol-ren1108-mothers_and_children_in_prison_the_house_passes_a_bill) (link broken on 05 August 2011)

**AllAfrica.com:** “Kenya: My Son Thinks This Cell is Our Home” 12 June 2011, available at: <http://allafrica.com/stories/201106130666.html> (accessed 05 August 2011)

**APCCA:** *Record of the 20th APCCA [Asian and Pacific Conference of Correctional Administrators], agenda item 2: Women prisoners*, available at <http://www.apcca.org/Pubs/20th/agenda2.htm> (accessed 05 August 2011)

**BBC News:** “Mexico’s Programme to aid jailed mothers” 04 February 2008, available at <http://news.bbc.co.uk/2/hi/americas/7215739.stm> (accessed 05 August 2011)

**BBC Newsnight:** “The Afghan women jailed for “bad character”” 29 June 2010, available at: <http://news.bbc.co.uk/1/hi/programmes/newsnight/8771605.stm> (accessed 05 August 2011)

***Children Imprisoned by Circumstance:*** Oliver Robertson (2008) *Children Imprisoned by Circumstance*; Geneva: QUNO, available at: <http://quno.org/humanrights/women-in-prison/womenPrisonLinks.htm#QUNOPUB> (accessed 05 August 2011)

**COPING DoW:** Description of Work of the COPING (Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health) Project, funded by the EU’s Seventh Framework Programme.

**dailynews.lk:** “President calls report on ailing prisoners” 15 September 2010, available at: <http://www.dailynews.lk/2010/09/15/news30.asp> (accessed 05 August 2011)

**Dawn.com:** “Not without my mother” 08 May 2011, available at: <http://www.dawn.com/2011/05/08/not-without-my-mother.html> (accessed 05 August 2011)

**Eurochips website:** <http://www.eurochips.org/facts-and-figures/eu-prison-age-limit/> (accessed 05 August 2011)

**Human Rights Watch:** Submission by Human Rights Watch to the 2011 CRC Day of General Discussion

**ICPS news digest:** International Centre for Prison Studies, ICPS News Digest, 2nd Edition – March/April 2011

**khaleejtimes.com:** “Dubai women’s jail to get better nursery” 28 February 2011, available at:  
[http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2011/February/theuae\\_February719.xml&section=theuae&col=](http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2011/February/theuae_February719.xml&section=theuae&col=) (accessed 05 August 2011)

**LICADHO:** LICADHO [Cambodian League for the Promotion and Defense of Human Rights] (2010) *Adopt-A-Prison Project: A review of the conditions of mothers, pregnant women and young children in Cambodian prisons*; Phnom Penh, available at: <http://www.licadho-cambodia.org/reports/files/1412010-June-Adopt-a-Prison%20Final%20ENG.pdf> (accessed 05 August 2011)

**Mothers Behind Bars:** The Rebecca Project for Human Rights and The National Women’s Law Center (2010) *Mothers Behind Bars: A state-by-state report card and analysis of federal policies on conditions of confinement for pregnant and parenting women and the effect on their children*; Washington, DC, available at: <http://www.nwlc.org/sites/default/files/pdfs/mothersbehindbars2010.pdf> (accessed 05 August 2011)

**OMCT:** OMCT (2003) *Rights of the Child in Bangladesh: Report on the implementation of the Convention on the Rights of the Child in relation to Children in Conflict with the Law by Bangladesh*; Geneva, available at: [http://www.omct.org/pdf/cc/bangladesh\\_10\\_2003\\_en.pdf](http://www.omct.org/pdf/cc/bangladesh_10_2003_en.pdf) (accessed 05 August 2011)

**Prison Conditions in Sudan:** Prison Conditions in the Sudan report, prepared by Nazek Osman, lawyer, for Khartoum Centre for Human Rights and Developing Environment, Program for Women, Child and Prisons.

**QCEA:** Quaker Council for European Affairs (2007) *Women in Prison*; Brussels, available at <http://www.quaker.org/qcea/prison/WIP2index.htm> (accessed 05 August 2011)

**QUNO folder:** File of miscellaneous documents gathered by the Quaker United Nations Office, Geneva

**Prison Conditions in Zaire:** Peter Rosenblum (1994) *Prison conditions in Zaire*; Human Rights Watch

**Response to 2011 survey:** Responses by government officials or others to a survey on children living in prison sent by QUNO to all Permanent Missions in Geneva. Replies were received from Austria, Canada, Colombia, Ecuador, Estonia, Finland, Germany, Ghana, Hungary, Iceland, Luxembourg, Norway, Poland, Portugal, Slovenia, Sweden, Switzerland, Ukraine and United Kingdom (England & Wales and Scotland).

**Salford conference:** “International Conference on Mothers and Babies in Prison”, University of Salford, 28 September 2010.



**UN ODS:** Official Documents System of the UN document, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/407/06/PDF/G0340706.pdf> (link broken on 05 August 2011)

**UPR:** Oral statements made as part of the UN Human Rights Council's Universal Periodic Review mechanism.

**wn.com:** [http://article.wn.com/view/2011/02/11/Whats\\_On\\_MOVIES/](http://article.wn.com/view/2011/02/11/Whats_On_MOVIES/) (accessed 05 August 2011)