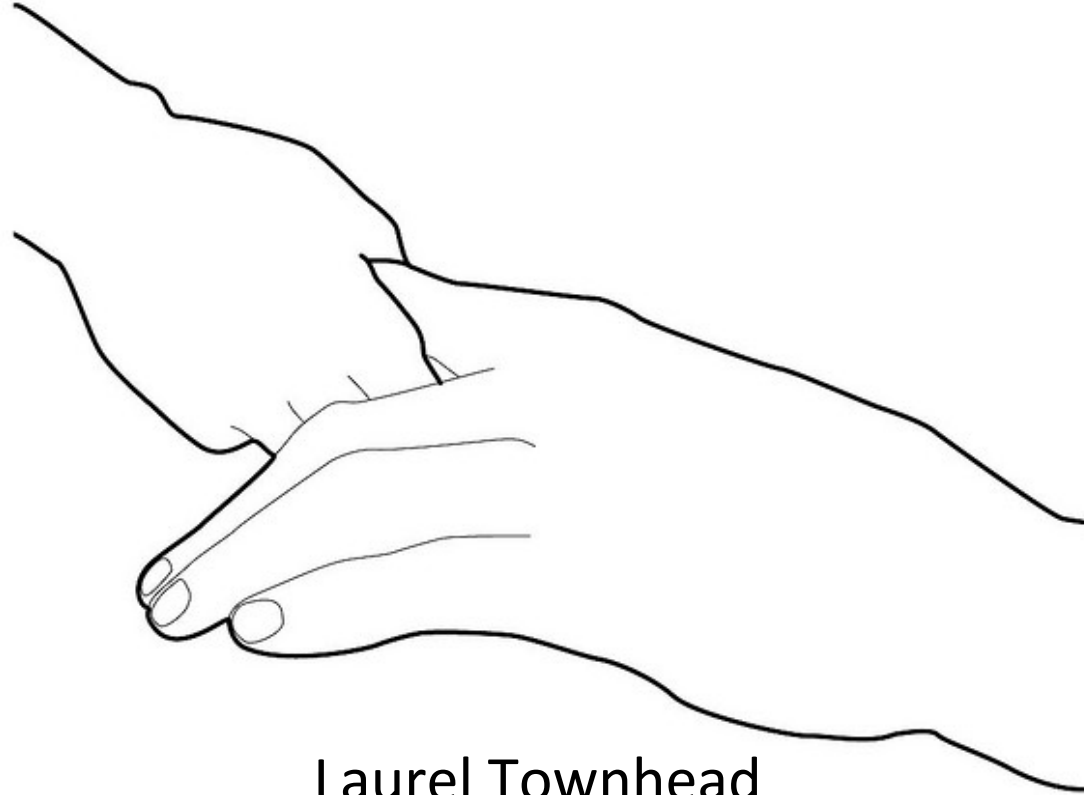


# Whose Rights Count?

International Standards on the Rights of Children of Incarcerated Parents

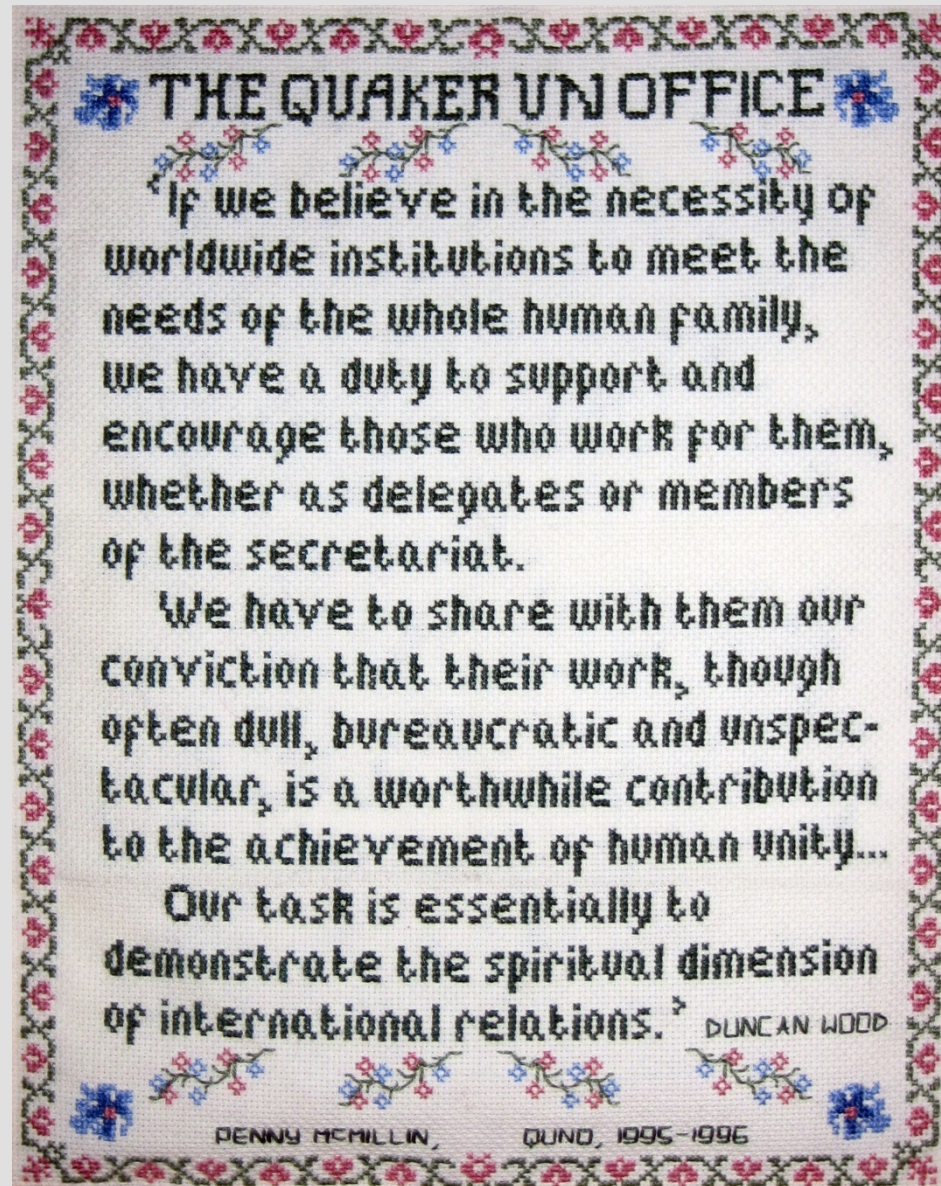


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# Why work on children of incarcerated parents?



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**Why talk  
about the  
rights of  
children of  
incarcerated  
parents?**



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# International Standards

## Convention on the Rights of the Child

Right to maintain personal relations and direct contact

Right to have their best interests taken into account as a primary consideration



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# Best Interests

To be taken into account in all decisions by all parts of the criminal justice system which impact upon the child (e.g. arrest, remand, sentencing, access and contact)

Balancing exercise:  
individualized assessment of  
best interests of the child in  
question

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Children of  
incarcerated  
parents  
(not only children  
of incarcerated  
mothers)



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# International Guidance

Guidance drawn from across the UN includes:

- provide support
- respect child's right to information
- take child's views into account
- prevent stigmatization and discrimination
- prevent separation
- children living in prison: contact with family outside



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# International Guidance

The right to maintain a relationship for children separated from incarcerated parent:

- Regular visits
- Child friendly visits
- Extended visits
- Detention close to home
- Contact through phone and video conferencing
- Ban on prohibition of family contact as a disciplinary measure



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# International Guidance

Guidance drawn from across the UN includes:

- provide support
- respect child's right to information
- take child's views into account
- prevent stigmatization and discrimination
- prevent separation
- children living in prison: contact with family outside
- collection of data
- training for all who come into contact with children of incarcerated parents



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# Best Interests

To be taken into account in all decisions by all parts of the criminal justice system which impact upon the child (e.g. arrest, remand, sentencing, access and contact)

**Individualized assessment** of best interests of the child in question



**The rights of children of  
incarcerated parents  
and preventing  
recidivism:  
redoubling the  
argument for family  
contact (for mutual  
benefit)**



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**What do the international standards mean in practice?**



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# Specific Recommendations for Switzerland



## Committee on the Rights of the Child

**With reference to the Committee’s recommendations during its day of general discussion in 2011 on the “Rights of Children of Incarcerated Parents”, the Committee recommends that the State party collect data and undertake a study on the situation regarding the situation of children with parents in prison in the State party, with a view to ensuring personal relations between children and their parents, including regular visits, adequate services and appropriate support in line with article 9 of the Convention, and that the best interests of the child is a primary consideration in all decisions taken.**

**February 2015**



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# Specific Recommendations for Switzerland



Committee on the Rights of the Child

In summary:

- Collect data and study the situation
- Ensure parent-child relationships
- Make sure the best interests of the children is are primary consideration in all decisions which impact on the child



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**Next steps...**

**Guidance**

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