



Quaker United Nations

QUNO Oral Statement to be delivered at the 8th session of the Forum on Minorities

Agenda Item 4: Minority children of incarcerated parents

The Quaker United Nations Office welcomes the attention the Forum is giving to the criminal justice system. The discrimination faced by many different groups and individuals has been raised in discussions so far, but we have not yet heard mention of the intergenerational impact of disproportionate prosecution of members of minority groups.

The children of those facing prosecution are often ignored and their rights are not taken into account. Witnessing parental arrest and experience of parental incarceration can have long lasting negative impacts for children. Research has indicated impacts on mental and physical wellbeing. The alienation from or distrust of law enforcement and other parts of the criminal justice system that we have heard about are exacerbated for children who see these parts of the State as responsible for removing their parent.

The Committee on the Rights of the Child, the Human Rights Council, the Special Representative of the Secretary General on Violence against Children and others have recommended that the best interest of any children should be taken into account in decisions by sentencers and criminal justice agencies about their parents.

Measures to implement this for children from minorities whose parent or parents are arrested, prosecuted or imprisoned include:

1. Having arrest protocols in place to avoid unnecessary distress for children when their parent is arrested.
2. Prosecutors and sentencers taking into account the potential impact on the child of separation as a result of a prison sentence.
3. Carrying out best interests assessments which include consideration of who would care for the child in the absence of the parent and what impact this might have on their identity as a member of a minority group
4. Ensuring that, when it is in the best interests of the child, the parent-child relationship continues despite incarceration and for example that language is not a barrier to accessing visits.

For children from minorities it is crucial that best interests assessments must not be affected by societal prejudices about the parenting ability of members of minority groups.

We believe this Forum should recommend that:

The rights of children of minority groups should be upheld whenever their parents are arrested, prosecuted or deprived of their liberty.

More detailed recommendations are contained in our briefing, available in the room and online (<http://www.quno.org/resource/2015/11/children-incarcerated-parents-and-minorities-criminal-justice-systems>).

My question to the Panel is:

Do you know of any good practice in upholding the rights of minority children of suspected, arrested, prosecuted and incarcerated parents?