

The community: A source of basic support for the poor and the very poor

At the International Children's Forum held by ATD Fourth World in Geneva, the children declared: "For us, family is the most important thing. Without families, we can't live; we can't grow up. But families can't exist unless there is friendship in our communities. Without friendship, life is not possible."

There is thus a relationship between support for family ties and support for community ties, as illustrated by projects carried out in 10 European countries (ATD Fourth World 2004b). Some of the projects sought to provide solutions in crisis situations while others focused on strengthening existing neighbourhood or community ties. One of the aims of the second type of projects was to reduce the isolation of extremely poor parents and to help them establish positive contacts in their immediate environment. Experience has shown that when families benefit from such support, it is easier to find solutions in times of crisis. These projects launched initiatives such as parent groups, outings, holidays and cultural activities with parents and children.

While societies in some industrialised countries seem to be rediscovering the importance of community ties, these still hold a central place in many developing countries. However, they are being weakened as these countries develop. In Burkina Faso, for example, initiation rites used to play an important role in community support systems. If one member of the initiation group behaved badly, it was the responsibility of the other members to put him back on the right track. In addition, any person living in the village (or neighbouring village) could correct the behaviour of another person's child. Parents were never alone in raising their children; when a parent said "no", he or she received the support of the entire village. Today, as families become more nuclear and society becomes more individualistic, fragile families are becoming increasingly isolated. While social exclusion existed in traditional societies, they invested a great deal of energy in building and maintaining community ties, and these served as a buttress, protecting individual members in times of hardship.

In both developed and developing countries, families living in extreme poverty need to find others (e.g.,

in their immediate social environment, their work place or their children's school) who can accompany them in their daily lives and who believe in their potential. In the absence of such people, social support programmes or measures are unlikely to succeed in reaching their goals.

Social care professionals obviously do not bear sole responsibility for the quality of community ties but they can play an important role in supporting their development. The mandate of social services should therefore include fostering support mechanisms within a community. In this way, they could increase solidarity and reduce the marginalisation of the very poor. It would therefore be advantageous to give social care professionals the required training and resources to do this. Such an approach would improve the wellbeing of children and their families.

References

- ATD Fourth World 2004a. www.atd-fourthworld.org/intern/docu_intern/howpov_res_en.pdf. (This report was drafted with financial support from the United Nations Department of Economic and Social Affairs (DESA). It draws on the experience of ATD Fourth World teams in Guatemala, Haiti, the USA, Burkina Faso, the Philippines and the UK.)
- ATD Fourth World 2004b. www.atd-fourthworld.org/europe/valuingchildren/index_vcvp.htm. (The study is a European Discussion Paper prepared by the International Movement ATD Fourth World with financial support from the European Commission.)
- Social Exclusion Unit. 2003. *A better education for children in care*. London: Social Exclusion Unit, Office of the Deputy Prime Minister

The need for international guidelines Children in prison with their mothers

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If a woman with a young child is sentenced to a term of imprisonment, should her child accompany her into prison? And if a young child does live in prison with their mother, what measures are required to ensure they develop normally?

These are difficult questions, and they will be answered differently in different countries. Norway has a policy that children cannot stay with their mothers in prison at all. In neighbouring Finland, children may live in prison until they are 2 years old. In Colombia, children may live in prison until they are 3, in Bolivia until they are 6, and in a Mexican Federal prison, until they are 12 years old. In Ghana, children stay in prisons only while they are being breastfed, while in Kenya they may stay until they are 4 years old.

Facilities vary widely between and within countries. A number of countries have 'open' prisons for mothers with young children, or 'mother and baby' units. In others, babies live in prison without their presence being registered or monitored by the State, and without any special provision being made for them.

Best interests

When assessing whether to allow a particular child to enter prison (or if born in prison, to stay there) with their mother, the best interests of the child should be the primary consideration, as set out in Article 3(1) of the CRC.

However, experts disagree as to whether being in prison with one's mother is in the best interests of a child, and little research has been done to shed light on the question. Growing up in prison might retard a child's mental, emotional and physical development. At the same time, separating a

small child from its mother, particularly between the ages of 6 months and 4 years, risks damaging the mother-child relationship and the child's development (AMA 1997). Birth and early childcare expert Sheila Kitzinger argues, "Whenever a baby is taken away from its mother we punish the baby as well as the mother... Separation is an emotional mutilation for both of them" (Kitzinger 2005).

Catan (1992) studied 74 infants residing in prison units with their mothers in the UK. The author compared these with a control group of 33 infants, of which two-thirds were looked after by extended family and one-third by social services or foster parents. Catan found that a significant number of infants born in the prison nursery and then immediately placed with caregivers other than their mother did not experience the benefits of continuity of care during infancy. However, the study concluded that there was a strong, healthy attachment pattern among infants and their mothers in the prison nursery programme.

However, Catan's study identified short-term detrimental effects on the locomotor, social and cognitive development of the infants who spent four months or longer in a prison unit. These deficits disappeared soon after the infants were transferred to a non-prison environment. The researchers concluded that the nursery units were unable to promote the skills necessary for developmental growth as the child gets older, due to limitations in the design of the nurseries (lack of space and availability of toys, etc.). Busch-Rossnagel et al (1990), studying 12 infants in a US prison nursery programme, also found the children to have below-normal levels of development, and this was attributed to the lack of variety in daily stimulation.

Catan's work is interpreted as evidence that prison is not an appropriate environment for healthy child development (Howard League for Penal Reform 1995). However, the studies cited pose more questions than they answer. For example, how can the benefits of mother-child attachment be weighted against the risk of developmental deficit? What facilities would prevent any developmental deficit? At what age would developmental deficits be less apparent between children in prison and those in a non-prison environment? If the mother's prison sentence is very long, is it better for her child to be removed from her early so he/she can bond with the alternative caregiver?

The Council of Europe's Committee on Social, Health and Family Affairs (2000) has examined the question of mothers and babies in prison. The report states:

"Prison is not a healthy environment for babies and young children. The mother is inevitably under stress, prisons tend to be noisy and privacy is difficult. Stimulation is severely restricted. Many prisons holding babies and young children have few specially trained staff, poor play and exercise facilities, and the development of movement skills is restricted. Many mothers in prisons in Europe have little, or in some cases no, right to go outside the prison walls with their babies, and consequently the babies never see trees, traffic, animals or experience ordinary family life. The children have little opportunity to bond or form relationships with other family members, particularly their father and brothers and sisters. Food is often restricted to tins or prepared baby foods."

The report concludes that "keeping a baby in prison is inadvisable, and separation is damaging". The report sees the solution as lying primarily in greater use of non-custodial sentences for women offenders, recommending: "the overwhelming majority of female offenders with young children should be managed in the community". This echoes the 8th United Nations Congress on the Prevention of Crime and the Treatment of Offenders (UN 1990), in which States agreed that "the use of imprisonment for certain categories of offenders, such as pregnant women or mothers with infants or small children,

should be restricted and a special effort made to avoid the extended use of imprisonment as a sanction for these categories."

A call for international guidelines

It is certainly true that alternatives to imprisonment should be the primary focus of efforts to promote development in young children of convicted mothers. However, when deciding whether to keep young children in prison with their mothers or not, there is a need for frameworks to ensure decisions are made on a case-by-case basis. In addition, infants who are in prison need suitable facilities to ensure their healthy development. The Quaker United Nations Office in Geneva has been working within the UN system to promote some form of international guidelines that set standards for decisions regarding babies and small children living in prisons. Such guidelines should be firmly based on the CRC.

Decision-making

In all decisions concerning children of convicted mothers, the best interests of the child must be a primary consideration. This includes the responsibility of the State to ensure the child has special protection and assistance. An infant may be separated from his or her parents only when determined by a competent authority that such separation is in the best interests of the child. Decisions as to whether or not a small child lives in prison with the mother must be made on a case-by-case basis.

The decision-making process must take due consideration of the rights of all those directly affected, i.e., mothers, fathers and children, and establish mechanisms that allow all those concerned to actively participate in the decision-making process.

Provisions for children living in prison with their mother

The reception of the child into the prison should be recorded, and monitoring mechanisms must be in place to supervise the child's welfare. Child welfare services, rather than prison authorities, should have primary responsibility for making decisions regarding children in prison, and specialists in social work and child development should supervise their

care. It should be possible for the child to leave the prison at any time if circumstances dictate this would be in their best interest.

Mechanisms must be in place to protect children residing in prisons from all forms of physical or mental violence, including sexual abuse, neglect or negligent treatment whilst in the care of their parent or any other person. The use of physical disciplinary measures and corporal punishment should be prohibited. Children in prison must be given appropriate medical treatment and immunisation, and have access to specialist child health services.

Young children in prison with their mothers should be housed in special mother and child units, preferably in open prisons and certainly separate from the general prison population. These units should have all the facilities that a nursing mother would normally have in the community, and should provide the children with a stimulating and safe environment. For example, in the Netherlands

"children up to the age of four are accommodated at Ter Peel...set in 25 acres of wooded land with no high wall and minimal security. Because of this, most of the 102 mothers who used the unit in its first two years were convinced that their children did not realise they were staying in a prison...A great deal of effort has been made to provide the children with a home-like environment. At Ter Peel, ten rooms were converted to provide a purpose-built, self-contained unit suitable for babies and toddlers. Mother and baby are accommodated in two adjoining rooms, one for the mother, one for the child. There is also a communal dining room and living area with kitchen and well-equipped indoor and outdoor play areas." (Caddle 1998).

Children must be permitted to leave the prison, and should be given as many opportunities as possible to participate in ordinary life outside. For example, older children should have regular access to nurseries and preschools outside the prison to give them space for normal personal and social development. Children should also have regular contact with other family members, with their fathers in particular.

Removing the child from prison

As with the decision to allow a child to live in prison, any decision to remove a child from prison must be based on the best interests of the child, determined on a case-by-case basis. Age limits should not be applied inflexibly. Consideration must be given to how much longer the mother is likely to be in prison, and what alternative care options are available.

If a decision is made to remove a child from prison, the authorities (preferably led by child welfare specialists) must take responsibility for ensuring that good alternative care arrangements are made. All decisions as to what are the best arrangements for the child must be taken on the basis of the child's best interests. The mother, other family members, child welfare specialists, all relevant state welfare agencies and the child (if old enough), should participate in the decision-making process.

If a child is to leave the prison, special transitional arrangements such as overnight or weekend visits might ease the difficulty of separation for mother and child. These will also help the child to settle gradually into their alternative care situation. When the child is living outside the prison, every effort should be made to encourage regular and quality contact with the mother.

The growing call for attention to young children with an imprisoned mother

The UN Committee on the Rights of the Child is increasingly urging States to ensure the rights of children of imprisoned mothers. During its 2004 Discussion Day on Early Childhood Development, the Committee identified "children living with mothers in prisons" as being among the most vulnerable children. The Committee has highlighted children living in prison with their mother or father in its recent Concluding Observations regarding Iran, Bolivia, the Philippines and Nepal. A number of UN independent experts on human rights (UN Commission on Human Rights 'Special Procedures' on countries or thematic issues) have also drawn attention to poor prison conditions for children living with their mothers in Belarus, Sudan and Afghanistan.

There is an urgent need for child rights, welfare and development specialists to join in this debate and

to use their voices and their expertise to improve conditions for children living in prisons with their mothers.

References

- AMA 1997. Report 3 of the Council on Scientific Affairs (I-97). Bonding programs for women prisoners and their newborn children. American Medical Association
- Busch-Rossnagel N.A., Towle P.O. and Juster F. 1990. Babies behind bars: Cognitive and social-emotional development. Abstract quoted in Report 3 of the Council on Scientific Affairs (I-97)
- Caddle, D. 1998. Age limits for babies in prison: Some lessons from abroad. Home Office Research, Development and Statistics Directorate: London
- Catan, L. "Infants with mothers in prison." In R. Shaw (ed) *Prisoners' Children: What Are the Issues?* 1992: 76-95, Routledge: London
- Howard League for Penal Reform 1995. Briefing Paper on Prison mother and baby units. Howard League for Penal

- Reform: London
- Kitzinger, S. 2005. *The politics of birth*. Elsevier: London
- The Council of Europe's Committee on Social, Health and Family Affairs 2000. *Mothers and babies in prison*. Document 8762.
- UN 1990. "Resolution 19: Management of criminal justice and development of sentencing policies" in Report of the 8th United Nations Congress on the Prevention of Crime and Treatment of Offenders, 1990, UN Doc. A/ Conf.144/28/Rev. 1.



Photo: COURTESY ACTION FOR PRISON FAMILIES / EUROCHIPS

Father and daughter walking alongside a prison wall. Children and imprisoned parents should be given opportunities to have regular contact to help safeguard the children's psychological and emotional development

Children of imprisoned parents in France

The Fédération des Relais Enfants-Parents (REP) is a French non-governmental organisation that works to raise awareness among social, political and judicial policymakers of the needs of children of imprisoned parents. REP links children with their imprisoned parents, thereby helping to safeguard their psychological and emotional development.

Out of approximately 85,000 people serving sentences or in custody on remand in French prisons each year, approximately 80 percent are parents. An estimated 140,000 children in France have parents who are imprisoned. There is no coherent policy concerning these children, nor is there any one statutory body with responsibility to deal with this issue. Few systematic records are kept on the number of children affected and data for individuals on remand are particularly lacking. Only children aged 18 months or less are allowed to live in prison with a parent.

REP works to support children of all ages, and attention is given to the specific needs of individuals. The organisation aims to restore the child's place in the parent-child relationship. It does this by giving the child a voice in the decision-making process. Once children express a wish to visit their parents, REP strives to provide as neutral a setting as possible.

The programme does not focus on any single methodology. Instead, it has developed a mosaic of different approaches and angles and a menu of methods and strategies from which appropriate choices can be made. These include:

- accompanying children on prison visits
- providing craft workshops for imprisoned parents
- providing mediation services to improve communication between caregivers and inmates
- providing individual counselling services
- providing supervised play areas inside prisons.

The project is a joint venture between REP and the judiciary institutions, in which REP acts as a bridge between the prison and the outside world. This alliance has helped change the climate within the French penal system so that the rights and needs of children are now considered to a greater extent.

Since it was established in 1986, REP has grown from a small pilot project to a nationwide network of associations. It now reaches large numbers of children and is supported by a huge number of volunteers, who work with both parents and children. These volunteers receive training and this investment has brought dividends to the programme.

In addition to parents and children, REP works with prison personnel, nursery school teachers and social workers. These groups are open to new ideas and initiatives that will help them achieve their child-centered goals. One idea put forward by REP and adopted by social workers is the provision of maisons vertes. These are community-based meeting places where parents and children can get together outside of prison.

On the regional level, REP is a founding member of the European networking initiative known as the European Committee for Children of Imprisoned Parents (EUROCHIPS)¹, supported by the Bernard van Leer Foundation. The mission of EUROCHIPS is to monitor the welfare of the children of imprisoned parents all over Europe, to influence European regulations and to raise awareness of the need for European-wide policy that takes account of these children's needs.

Note

- ¹ The European Committee for Children of Imprisoned Parents is a European-wide initiative on behalf of children with an imprisoned parent. With its network of partners active within prison-related, child's rights and child-welfare fields in France, Belgium, the UK, Luxembourg, Italy, the Netherlands, Sweden and other countries, EUROCHIPS is seeking to boost awareness and achieve new ways of thinking, acting and interacting on issues concerning prisoners' children.