

BEST INTEREST OF THE CHILD: A GLOBAL ASSESSMENT OF CONDITIONS OF DETENTION AND AGE RESTRICTIONS

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Background:

Out of the 11 million detained in prisons globally, the female prison population of 740,000 has increased by 50 % since 2000. There are 19,000 children living with their primary caregiver (almost always mother) in prison. We conducted a socio legal assessment of global progress in adopting the Convention on the Rights of the Child since 2010, and alignment with United Nations normative standards of care in prisons.

Methods:

A comprehensive search and assessment of all published Concluding Observation reports of the Committees on the Rights of the Child (CRC), Elimination of Discrimination Against Women (CEDAW), Against Torture (CAT) and Human Rights (CCPR) since 2010 (n = 905) was undertaken; with a global synopsis of regulations permitting children to stay with their primary caregiver for a duration in prison.

Results:

Countries adopt different approaches regarding whether or the extent to which children are permitted to live in prison. 51 reports (24 CRC, 13 CEDAW, 12 CAT, 2 CCPR) representing 43 countries (majority African) contained direct violations of the best interests of the child. Reports refer to the treatment of children as prisoners, lack of prison system monitoring and resource allocation, difficulties in securing identity documents when born in prison, poor and unsafe detention conditions, inadequate access to paediatric care and schooling, and inadequate child sensitive throughcare on prison exit.

Conclusion:

Achieving a balance between protection of the child and punishment of the mother is inconsistent globally, and exacerbates the multiple vulnerabilities of the child. The impact of confinement, institutionalisation and mother-child separation on child physical, mental and social development is undisputed. They are without doubt a high risk and invisible population with substantial multi-vulnerabilities. Creating a best practice guideline for countries with set criteria may be unattainable due to diverse country contexts, fragile states and low prison system resourcing.

Disclosure of Interest Statement:

Authors have no conflict of interest to declare.