

Introductory statement- prison service professional

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The Honorable Chair of the CRC, distinguished experts and ladies and gentlemen- good morning

The problems and issues that I want to discuss with this august forum are found around the world. My reference point will be Pakistan, but these problems and issues are also found in many other countries.

The Honorable Chair,

In many countries the rights of babies and children living with women prisoners/mothers in prisons are not met. From the time of arrest till the release of women prisoners, accompanying children's best interests are not taken into consideration; policies and laws do not consider them.

Respected Chair

There is little scientific and systematic research on the social and psychological impacts of the treatment given and the procedures applied to children accompanying women prisoners in detention centers, nor are there any systems to record these children's vulnerability inside detention centers.

For example, except for issues of diet, pregnancy and suspension of death sentences for pregnant woman, mentioned in the Pakistan Prison Rules, there is no direct legislative provision for children with women prisoners in Pakistan. Article 4 of the Constitution of Pakistan states that all individuals will be dealt with in accordance with law and will not be deprived of their body interests, liberty and life but these children are deprived of these rights; they are deprived of their liberty and other fundamental rights.

Maximum age allowed in prisons

The maximum age for children living in prisons varies widely between States. In Pakistan the children can officially stay from infancy to six years, but it is reported that there are some children who stay up to ten years. Cases in which women have killed their husbands or relatives of their husbands cannot find anyone outside to look after their children when their children reach six years, and the prison authorities tend to have a lenient view regarding the stay of children; therefore children even of 10 years are reported as staying with mothers in prisons.

Record at the jails

In Pakistan, prison authorities maintain a separate record of children through an ordinary process: Their entry into and exit from the prisons take place in a very ordinary manner. Minor children are physically searched for the sake of security.

It is important that when a woman calls her child to stay with her in prison, there are systems to check whether the child belongs to the woman or not and that the prison authorities confirm the child's parentage and age.

Living conditions services and chances of abuses

Many prisons in many countries are overcrowded. Obviously, this also affects the babies/children living with their mothers.

Poor living conditions and support can have negative impacts on the children. Without clean conditions and proper health services, children face diseases such as scabies alongside their mothers. Pregnant women may have to deliver babies in the absence of pre- and post-natal care.¹ Human rights reports have spoken of situations where children in prisons were born to women prisoners because of sexual abuse by the prison authorities,² and of mothers remaining untreated for HIV and other sexually transmitted diseases.³

There are examples where children are considered. In Pakistan a sick child gets special diet on the advice of the doctor and there are specific food allowances for children laid out in the Prison Rules. However, it is always critical to ensure that these standards are implemented: a study conducted in 2008 on 'Prison Women and Children- from Nutritional Perspective' reveals that the diets of women prisoners and their children were insufficient and there is a dire "need to include rich protein, iron and calcium sources in their daily diets."⁴

The most common thing observed in prisons is, these children face loneliness and live in isolation; and they have limited access to the outside world and do not live in a natural setting; there are very small areas (corridors) for walking and playing for children.

Education

Education for children living in prison around the world is a problem. Often, education services or facilities are not provided; NGOs may run educational programmes and organize other activities, but these can be poor in number as well as quality. The same problems happen for other programmes for children of prisoners: they are usually short-term and based in large cities.

Within Pakistan, prison authorities state that young male children of women prisoners, above six years of age, should attend educational programmes being run in the juvenile sections of prisons. It is important that when children are transferred in this way they are protected from abuse at the hands of adult male prisoners.

¹ Cheema, Moeen and Shah, Sikander. "Rights of Imprisoned Mothers in Pakistan". " South Asian Journal, 2006; Vol. 13 (July - October, 2006). Last retrieved at http://www.southasianmedia.net/magazine/journal/13_rights-of-Imprisoned.htm, on June 30, 2011.

² *Country Reports on Human Rights Practices 2002, Pakistan*, US Department of State, Washington DC, www.state.gov, 2003

³ Saleem S. (2010); Pakistan: A Call for Prison Reform. In DAWN. Last retrieved on August 22, 2011 at <http://blog.dawn.com/2010/04/06/a-call-for-prison-reform/>

⁴ Khattak I.A., Naveed U., Abbas M., Paracha P. I., Khan S. (2008). Prisoner Women and Children- from Nutritional Perspective". *Sarhard J. Agric* 24 (1): 123-127.

Reasons why women keep children in prisons

There are various reasons why women prisoners keep children with them. Those are:

- 1) When the mother is convicted and sent to jail, there is hardly anyone in the house to assume responsibility of her child. She has no choice but to take the child with her;
- 2) Sometimes it is the will of the mother to keep the child with her for extra food (milk);
- 3) Those women who are alleged to kill their husbands do not have the option to leave their children outside at the mercy of other relatives.

Social stigma

We have been told that many minor children are abandoned by their fathers when their mothers are imprisoned. No one comes to see the children while they are with their mothers in prison, which are considered bad places in society.

Within Pakistan, those children who do meet outside relatives must do so with their mothers; a day in the week is fixed for meeting. This happens in a main hall, rather than a separate area or room for such children to meet their relatives.

Probation and bail

Being pregnant or having a minor child to look after may be a factor in a woman getting bail or probation, though we do not know of any cases where this was the sole reason. Pregnant women prisoners can easily get bail because the Court take into account the seriousness of illness and non-availability of services in prisons to deal with pregnancy issues; however, women (especially those abandoned by their families) may be unable to arrange the bonds and sureties needed, meaning they stay in prison after all.

Alternative care institution

Children who do not stay in prison with their mothers will need alternative care. There are currently no established alternative care institutions to cater to the needs of these children. However, initiatives taken by SOS Village in different cities are being reported in which children are sent after six years of age if their mothers have to spend more time in prison and there is no other person to look after their children. Sadly, however, these Villages are in not in every city and are often established very far from prisons, meaning that children cannot meet their mothers frequently.

Budgetary allocation

It is important that children of prisoners are supported by adequate budgets, as their welfare and protection is a serious matter. When children have to be included within a fixed budget, they can be viewed as a liability and a drain on already meagre jail budgets, which is not the right way to view them.

Recommendations

The honorable chair in light of above stated issues and problems I have come to following few recommendations for children with women prisoners in prisons.

In order to protect the rights of children living in prison, a legislative framework is required that should address issues of such children from the time of arrest of their mothers or/and fathers, lays down procedures and rules for their protection.

There is a need to expedite the trials and strengthen the probation and bail system by making them functional.

We should employ female probation officers to monitor the conduct of the women prisoners who have minor children with them; there is also the need to allocate funds for free legal aid and sureties for those poor women prisoners who cannot afford them.

Releasing women on the bail and probation will provide the opportunity for a child to go back to the environment in which s/he could grow and enjoy his/her fundamental rights to liberty, freedom of movement, education, etc.; releasing the mothers as well will provide a chance to children to be taken care of by their mother which will also save them from stigma.

Governments should make institutional arrangements for abandoned children whose parents are in jails or whose mothers are ailing and unable to provide care and protection. Those institutions must meet minimum standards and be close to the prisons so that meetings between the mother and the child can be easily arranged.