



ICRC

Children and Detention: Children of incarcerated parents

◆ Introduction

Incarceration of a parent often entails a risk to the well-being and security of the child. Whether detained with, or separated from parents, children are vulnerable and are entitled to specific kinds of care and protection. Situations and solutions will vary from State to State, but the best interests of the child should dictate the decisions taken.

Since 1870 the International Committee of the Red Cross (ICRC) has taken action to improve the humanitarian situation of people deprived of their liberty. The institution is well known for its work visiting those detained in relation to international and non-international armed conflicts. It also takes action on behalf of those deprived of their liberty in other contexts characterized by violence and disorder. In 2010 the ICRC, as part of its humanitarian mandate, was engaged in detention activities in over 70 countries and in relation to 5 international tribunals. In the same year its delegates conducted over 5,000 visits to around 1800 places of detention accommodating more than half a million people deprived of their liberty.

The organization works to monitor and improve conditions of detention through regular, confidential dialogue with the authorities in charge, and provides a variety of assistance. Mothers accompanied by small children are among priority groups, as are the families of detained parents. Some 18,000 detainees benefited from ICRC family visits programmes in 2010.

◆ What ICRC promotes

Where parents are incarcerated, the ICRC, on the basis of many years of practical experience, sees a number of actions as essential in ensuring the physical and psychological well-being of the child, and the well-being and social rehabilitation of the whole family:

- Identifying and registering (including ensuring birth registration of) children accompanying detained parents;
- Regardless of where their family members are held, enabling the children of detainees to maintain regular contact with them through tracing (where necessary), facilitation of in-person visits supplemented (not substituted) by telephone/video-telephone conversations and written messages;
- Monitoring material conditions of detention, particularly, but not only, where children are detained with family members, to ensure that infrastructure (including visiting space) is adequate and that those detained are safe and have enough space, light and access to fresh air. In this regard, the needs of infants require special attention;

- Ensuring that detainees are able to meet their basic needs and those of accompanying children: proper food, water and clothing (including baby items), medical care (including immunization and control of communicable diseases), education, and access to recreational activities;
- Ensuring proper sanitary conditions for detainees, through maintenance, renovation or construction work in places of detention, and separate accommodation and/or other facilities that are adequate for women with babies or small children;
- Ensuring that, when children who accompany incarcerated parents to prison can no longer be accommodated there (for example, where they reach the maximum age allowed in law or regulation), alternative arrangements are made that consider and reflect the child's best interests;
- Providing access to legal assistance, and timely judicial procedures for pre-trial detainees who are the parents of dependant children, in order to avoid unnecessary, and unnecessarily prolonged separation;
- Improving national legislation and practice in relation to child protection, and concerning the sentencing and sentence management options available in cases involving parents with dependant children.

◆ **Examples of ICRC action on behalf of dependant children housed with an imprisoned parent**

In **Afghanistan** ICRC provides detainees with urgent assistance at the start of winter, including soap, blankets and clothes, paying particular attention to the needs of children detained with a parent.

In prisons in **Yemen**, mothers detained with their babies have been able to attend sewing, literacy and other classes within the Women in Prison project of the Yemeni Red Crescent Society (YRCS), which is supported by the ICRC. The increased level of activity, mental stimulation and contact with volunteers from the outside world improve the atmosphere for all. In the prisons with the largest number of accompanying children, the YRCS also provide opportunities for them to play and receive basic education. Provision of such kindergartens was identified as important to some mothers in ensuring participation in educational activities.

◆ **Examples of ICRC action on behalf of dependant children separated from an imprisoned parent**

For families of detainees held in **Bagram, Afghanistan**, in addition to transmitting written Red Cross messages, the ICRC has set up and hosted a call centre on the premises of its delegation in Kabul. A similar centre was created at Bagram for the use of detainees. (The equipment was provided by the US military authorities.) In the first three days after the launch of the programme, over 60 families from around the country were able to speak for 20 minutes with their loved ones, with each party to the call able to see the other on a screen. The system was set up to reassure detainees and their families. In 2010 over 4,000 Red Cross written messages for family members were collected from detainees, and 2,200 messages from the family were conveyed to them; almost 3,000 calls and over 2,200 video calls were organised, while visits by the family were facilitated for 363 detainees.

Conflict and violence in **Iraq** over the past 30 years have severely affected the civilian population. A vast number of women are left without a breadwinner, including those whose husbands are detained. These women and their children are in a difficult economic situation. Some of them have to borrow money, sell what little they own or, even, worse, send sons as young as 12 years old out to work. The Women Headed Household Relief Advocacy Programme is meant for widows, wives of detainees and missing persons, as well as divorcees, who are entitled to the state's social benefits but are not registered yet. ICRC aids them in their efforts to register with the system, provides them with monthly financial support for six months to tide them over and provides micro grants for those willing to set up small businesses. On current projections, 7,000 women will have been assisted by the end of 2012. ICRC is also taking various forms of action to highlight the difficulties these women have to face and marshal public support.

Access to their parents is normally important for the psychological well-being of children, whether it is the child or the parent who is detained. Sometimes it is both the parents and the child. Khaled, a 13-year-old Afghan, was detained in **Iraq** at the age of 11. His parents were being held in a different Iraqi detention centre. Thanks to the intervention of the ICRC, the authorities organised an *intra muros* visit between him and his mother.

An ICRC family visit programme made it possible for eight-year-old Gazala and her grandparents, living in the **West Bank**, to visit their relatives detained in **Israel**. In 2010/11 ICRC facilitated an average of 10,000 visits per month for Palestinians from the West Bank. 'We live a difficult and tough life,' says Gazala. 'My grandmother, with whom I live, is trying to make up for the love of my parents. But I can't forget their faces. I need them every minute. There is not a single day that I don't miss them and cry because we are separated.'

In 2011 ICRC organised for a third time visits to **Kuwait** Central Prison for family members of **Iraki** detainees arrested and sentenced in connection with the 1990-1991 Gulf War.

ICRC, working with the Namibian Red Cross Society, is providing support to enable needy families from Caprivi in **Namibia** to visit family members held on remand in Windhoek, the capital and three other places of detention in the south of the country. They are detained in connection with events in the Caprivi Region in 1999. Twice a year the visits can last three days, with contact between family and detainee lasting 30 minutes per day. Samuel was only a year old when his father was detained. While at the prison, he savours every moment he has with him. Before the visit he tells what he wants to confide to his father, 'I came fourth out of my class of 40. I know my father will be proud of me. There are big boys at school who beat me up or make me feel scared. I want to tell my father because I do not know what to do about them.' During the visit he holds the telephone receiver tight, and does not want to be disturbed by anyone.

In Chechnya, **Russian Federation**, as well as supporting family visits and food parcels for detainees, ICRC offers assistance, mainly in the form of micro-economic initiatives, to improve the humanitarian situation of detainees' wives and children. Similar assistance is offered to the families of detainees and ex-detainees in **India**.

Southern **Thailand** has been affected by violence since 2004. The ICRC enables families to make the long trip from southern Thailand to Bangkok to visit relatives held there in connection with the violence. The visits are often emotional journeys for all concerned, as they offer a chance for prisoners and families to speak to one another freely and for much longer than the standard prison visiting times allow. For most detainees, many of whom are married and have children, these visits are a rare opportunity to see how their families are faring. Since the programme started in 2005, 90 families have made visits to their relatives in prison.

In 2010 almost 2,000 Red Cross messages were conveyed from families of various nationalities to **Guantanamo** detainees, over 3,000 were collected from the detainees themselves, and about 500 calls and video calls were facilitated. In **Yemen** in 2010, video calls to exchange family and personal news joined the existing written Red Cross messages and telephone communications provided by ICRC to Yemeni nationals detained in **Guantanamo**. (Yemenis form the largest national group there.)

◆ ICRC and people deprived of their liberty

Our aims

In all contexts the ICRC works with the responsible authorities. The aim of its activities is to obtain humane treatment and appropriate conditions for detainees, whatever the reason for their apprehension and detention.

ICRC seeks, as a priority, to prevent torture and other ill-treatment, to prevent and resolve disappearances, to improve conditions of detention (for example, access to food, water and healthcare), to re-establish and maintain family contact, and ensure respect for legal safeguards. In some contexts, the ICRC also acts for the benefit of detainees following their release, facilitating their rehabilitation and reintegration into society.

Our approach

The ICRC's work in relation to detention begins with comprehensive information gathering, both in and outside the detention facility. Visits to individual detainees are part of that process, and are conducted under the following principal conditions: access to all detainees within the ICRC's field of interest; access to all premises and facilities used by and for the detainees; authorization for repeat visits; possibility to speak freely and in private with the detainees of the ICRC's choice; assurance that the authorities will give the ICRC a list of the detainees within its field of interest or authorize it to compile such a list.

Subsequent analysis of all the information gathered identifies the key risks faced by the detainees and the factors influencing their situation.

Our action

The ICRC's expectation is that the responsible authorities will take the necessary steps to ensure humane treatment and conditions of detention. The organization therefore engages them in confidential, bilateral dialogue concerning its findings, the international standards that apply, and the actions and resources needed and available to obtain improvement and compliance.

Based on the results of these discussions, the ICRC helps to develop a contextually specific strategy that can most effectively meet the needs of the individual deprived of liberty. The strategy may include ICRC interventions in relation to individual detainees, structures, institutions and regulatory frameworks, as well as assistance directed at alleviating the effects of unmet humanitarian needs. Further decisions as to ICRC action depend on the results of continuous monitoring of the impact upon the concrete situation of detainees.

Children of Incarcerated Parents

◆ What the International Committee of the Red Cross (ICRC) promotes

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