

Pauline Froux

**INFANTS AND YOUNG CHILDREN IN PRISON:
A comparative study on the practices of France and
Sweden**

Supervisor: Professor Helena Pereira De Melo

Academic year 2009/2010

Abstract

Every year, a too important number of children are confronted to prison in one way or another; not because they have been themselves convicted, but because one of both of their parents have been sentence to imprisonment. In this situation, many issues will arise, especially the question of what will happened to the child.

Regularly, the younger children will follow their mothers to prison, and live their for a certain amount of time. When this is not allowed, because the child is too old for example, mother and child will be confronted to a traumatic separation. In the best cases, the child will stay with friends, relatives, or their second parent, but too often, social services will take them to foster-care.

According to the international and European instruments expressing themselves on the subject, the most important concern should be the best interests of the child.

Having an idea of the different practices around the world when confronted to this situation is interesting, in order to analyse how the best interests of the child would be mostly respected.

But after examining the two solutions of having the child in jail or not, it seems that a third solution would be best for the child. This third way would be to develop and implement alternatives to prison for pregnant women and mothers of young children; to keep them away from prison so the child could have better chance in life and grow up in an environment has healthy as possible.

Acronyms and abbreviations

CDPC European Committee on Crimes Problems

CPP Code de Procedure Pénale français

CPT European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CRC United Nations Convention on the Rights of the Child

ECHR European Convention for the Protection of Human Rights and Fundamental Freedoms

ECtHR European Court of Human Rights

EPR European Prison Rules

EU European Union

Geneva Conventions The Four Geneva Conventions of 12 August 1949 – for the amelioration of the condition of the wounded and sick in armed forces in the field; for the amelioration of the condition of the wounded, sick and shipwrecked members of armed forces at sea; relative to the treatment of prisoners of war; relative to the protection of civilian persons in time of war

HRC United Nations Human Rights Committee

ICCPR International Covenant on Civil and Political Rights

ICESCR International Covenant on Economic, Social and Cultural Rights

NPPS National Prison and Probation Service of Sweden

SMR United Nations Standard Minimum Rules for the Treatment of Prisoners

The 1924 Declaration Geneva Declaration of the Rights of the Child of 1924

The 1959 Declaration Declaration of the Rights of the Child of 1959

The 2009 UN Draft Draft of the United Nations rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders

The Handbook Handbook for Prison Managers and Policymakers on Women and Imprisonment

UDHR Universal Declaration of Human Rights

UN United Nations

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