

**NOT SEEN.
NOT HEARD.
NOT GUILTY.**



Scotland's
Commissioner
for Children and
Young People



**YOUNG PERSONS'
VERSION**

The rights and status
of the children of
prisoners in Scotland.



NOT SEEN. NOT HEARD. NOT GUILTY.

SCCYP is the office of Kathleen Marshall, Scotland's Commissioner for Children and Young People. Her job is to make sure children's rights are respected in Scotland. Read more on our website:

www.sccyp.org.uk



WHAT'S THE ISSUE?

Every year more than 13,500 Scottish children have parents in prison.

This has a huge affect on the lives of these children.

This is only an approximate number. Many more we don't know about could be affected by this.

These children have done nothing wrong! Not only do they lose contact with their parent, they may also suffer from:

- Seeing a parent arrested
- Reading about it in the paper
- Feeling shame and stigma
- Bullying
- Financial uncertainty
- Having to move house
- Stress connected with visiting a parent in prison
- Worrying about their imprisoned parent
- Worrying about their other parent
- Feeling pressured to keep secrets

The other side is that some children can feel frightened of their parent and feel safer when they are in prison. They may not want to visit them or keep in contact with them. We've found that this depends on the child's situation.



What's the problem?

Children have a right to live with their family whenever that is possible and is what is best for them.

Sometimes it is not possible, for various reasons. If a parent breaks the law, action must be taken.

But, prison is not the only punishment courts can give.

There are other punishments, like community service or probation. Yet children's rights are rarely taken into account when a court decides what sentence to impose. Laws and rules don't take account of how children can suffer when their parent is sent to prison.

The rules that govern how prisons are run don't even mention children and assessments of prisons do not take account of what they do to make life better for the children of prisoners.

There are lots of good things that happen when committed prison workers set up projects to help children but, because they are not built into the system, they tend to disappear when the person moves on or their funding dries up. These have not been made a priority in prisons.

When prisoners are punished for breaking prison rules, this can lead to a reduction in their visiting privileges. But this also punishes those children who look forward to these visits.

Some prisoners are allowed to go home early with an electronic tag. They may have to stay at home during certain times. Children's rights and views are not always taken into account when these decisions are made. This can make life difficult for a child who is scared of their parent.

What does SCCYP want?

- Courts should have to take account of the rights of children when they choose between different sentences
- More support for the children of prisoners to help them deal with their problems
- Prison rules and targets changed to recognise children's rights
- Children's rights to be taken into account when decisions are made about releasing or tagging the parent
- Children's views should be taken into account when decisions are made, in a way that does not put them under pressure or encourage anyone else to put pressure on them

Want to know more?

You can read the full report on the SCCYP website:

www.sccyp.org.uk

Want to comment?

If you want to tell SCCYP what you think about this, you can send a comment to:

info@sccyp.org.uk

or write to:

Kathleen Marshall,
SCCYP,
85 Holyrood Road,
Edinburgh
EH8 8AU

SCCYP!

Scotland's
Commissioner
for Children and
Young People



SCCYP

85 Holyrood Road
Edinburgh
EH8 8AU

Tel: 0800 019 1179

Fax: 0131 556 3378

Website: www.sccyp.org.uk

Email: info@sccyp.org.uk

Illustrations by Alex Leonard: www.tambo-illustration.com
© February 2008, SCCYP