



Joint Committee on Human Rights

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From Rt Hon Harriet Harman MP, Chair

Lucy Frazer QC MP

Minister of State for Justice

By email.

2 February 2021

Dear Lucy,

As you know, the Committee I chair has a strong interest in the human rights of children whose mothers are in prison.¹ We published a report on how the pandemic has impacted the right to family life (Article 8 ECHR) for these children in June 2020 and were grateful to receive a response from the Government in September 2020. As the pandemic has intensified once again, we have taken further evidence about the situation for these children and are very concerned to hear that they continue to be denied meaningful contact with their mothers.

Video calling

Prison visits in England and Wales are currently suspended, except on exceptional compassionate grounds. In lieu of physical visits, the Government has placed significant emphasis on the fact that video calls via the 'Purple Visits' app are now available in all women's prisons, as a means for children to maintain contact with their mothers. However, we heard evidence on 13 January from Sarah Burrows, the founder and director of Children Heard and Seen, an organisation that works directly with children who have a parent in prison, that video calls are not providing meaningful contact between children and their mothers. She told us:

"In practice, the video calls of the families we support have only been once a month for only 30 minutes, and there have been many glitches. It is quite distressing for families to try to manage the limitations of technology. [...] Only something small needs to go wrong for it to be quite triggering and distressing for families."

Social visits under Covid restrictions

Even during the period when social visits were permitted during the summer and autumn of last year, many children did not have any meaningful contact with their mothers and therefore this impacted negatively on their right to family life. Sarah Burrows told us that the restrictions placed on these visits meant that many cases families chose not to visit at all:

¹ Children are negatively affected when a parent goes to prison. Our work on this theme has focussed on mothers and other primary carers (who may be fathers or grandparents) who go to prison. As women are more likely to be primary carers, we generally refer to mothers, but this should be read as including all primary carers unless otherwise stated.

“The majority of the families we support chose not to go, because there would be no touch and it would be difficult for children to see their mother and not hug her.”

Early and temporary release schemes

In light of the increasing Covid-19 infection rates in prisons and the lack of meaningful contact for children provided by video calls and when available, socially distanced visits, we continue to believe that the best way to safeguard both the right to life (Article 2 ECHR) and right to family life (Article 8 ECHR) in the context of the pandemic, is to release the mothers and primary carers of dependent children where they have been individually risk-assessed as posing no, or low, risk to public safety.

In March 2020, as part of its suite of measures to help prisons cope with the Covid-19 pandemic, the Government announced that mothers and babies in Mother and Baby Units, and pregnant prisoners would be temporarily released from prison on compassionate grounds, subject to being assessed as not posing a high risk of harm to the public.. Although the provision remains nominally in place, the numbers being released under it is very small. The latest publicly available figures show that to date, only a total of 25 women have been released under this provision and the data suggests that between July 2020 and September 2020 only 3 women were released.

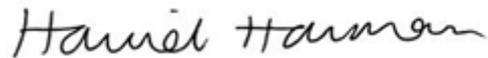
It is now vital that the Government fully implement the recommendation we have made previously and immediately temporarily release from prison all remaining pregnant women and those in Mother and Baby Units who have been appropriately risk assessed.

We have also previously recommended that all mothers with dependent children and who are within two months of their release date who have been appropriately risk assessed, are temporarily released to ensure those mothers can be with their children while opportunity for physical contact is limited during these unprecedented times.

The Government’s response to this recommendation noted that from April 2020 some mothers who were within two months of their release date were eligible for the End of Custody Temporary Release scheme. Figures show that a total of 262 prisoners were released under this scheme between April and August 2020, however this data is not broken down by gender nor does it show how many of those released are primary carers for children under the age of 18. The ‘End of Temporary Custody Release scheme’ was suspended in August 2020 when levels of Covid-19 infections in prisons were falling and has not been recommenced despite infections levels in prisons rising again from October 2020.

It is essential the End of Custody Temporary Release scheme is now recommenced, and every effort should now be made to identify those mothers with dependent children who could be released under this scheme and reunited with their children.

Yours sincerely

A handwritten signature in black ink that reads "Harriet Harman". The signature is written in a cursive, flowing style.

Rt Hon Harriet Harman MP
Chair of the Joint Committee on Human Rights