**Title** *“Children in the* *prison nursery”* context: Global progress in adopting the Convention on the Rights of the Child in alignment with United Nations minimum standards of care in prisons.

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**Abstract**

**Background:** Out of the 11 million detained in prisons globally, the female prison population of 740,000 has increased by 50% since 2000. 410,000 children are in detention. 19,000 live in prison with their mother.

**Objective:** To conduct a socio legal assessment of global progress in adopting the Convention on the Rights of the Child since 2010, and alignment with United Nations (UN) normative standards of care in prisons.

**Participants and Setting:** Children detained with their mothers at the global level.

**Methods** A comprehensive search of all published Concluding Observation reports of the UN Committees on the Rights of the Child (CRC), Elimination of Discrimination Against Women (CEDAW), Against Torture (CAT) and Human Rights (CCPR) since 2010 (n=905). 316 CRC, 246 CEDAW, 173 CAT and 170 CCPR reports were scrutinised to examine the situation of children living with incarcerated mothers against UN normative standards of care.

**Results** 51 reports (24 CRC, 13 CEDAW, 12 CAT, 2 CCPR) representing 43 countries (majority in Africa) contained direct violations of the best interests of the child. These include the treatment of children as prisoners, difficulties in securing identity documents, poor detention conditions, exposure to violence, lack of access to child-appropriate healthcare, and lack of transparent data. Countries differed in durations of time permitting children to stay in prison (6 months to 8 years, with Eritrea observing no limit).

**Conclusions** Achieving a balance between protection of the child and punishment of the mother is inconsistent globally, and exacerbates the multiple vulnerabilities of the child.

**Reference list Table 2 UN CAT, UN CEDAW, CRC and CCPR Concluding Observations since 2010**

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| **Country** | **Year** | **Symbol** | **Reference** |
| Bahrain | 2019 | CRC/C/BHR/CO/4-6 | United Nations Convention on the Rights of the Child (2019): Concluding observations on the combined fourth to sixth periodic reports of Bahrain. Committee on the Rights of the Child (Report No. CRC/C/BHR/CO/4-6). New York, UN, February 27, 2019 |
| Bangladesh | 2015 | CRC/C/BGD/CO/5 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the fifth periodic report of Bangladesh. Committee on the Rights of the Child (Report No. CRC/C/BGD/CO/5). New York, UN, October 30, 2015 |
| Belarus | 2018 | CAT/C/BLR/CO/5 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2018): Concluding observations on the fifth periodic report of Belarus. Committee against Torture (Report No. CAT/C/BLR/CO/5). New York, UN, June 07, 2018 |
| Benin | 2013 | CEDAW/C/BEN/CO/4 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2013): Concluding observations on the fourth periodic report of Benin. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/BEN/CO/4). New York, UN, October 28, 2013 |
| Bolivia | 2013 | CCPR/C/BOL/CO/3 | United Nations International Covenant on Civil and Political Rights (2013): Concluding observations on the third periodic report of the Plurinational State of Bolivia. Human Rights Committee (Report No. CCPR/C/BOL/CO/3). New York, UN, December 06, 2013 |
| Brazil | 2015 | CRC/C/BRA/CO/2-4 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the combined second to fourth periodic reports of Brazil. Committee on the Rights of the Child (Report No. CRC/C/BRA/CO/2-4). New York, UN, October 30, 2015 |
| Burkina Faso | 2019 | CAT/C/BFA/CO/2 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2019): Concluding observations on the second periodic report of Burkina Faso. Committee against Torture (Report No. CAT/C/BFA/CO/2). New York, UN, December 18, 2019 |
| Burundi | 2016 | CEDAW/C/BDI/CO/5-6 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2016): Concluding observations on the combined fifth and sixth periodic reports of Burundi. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/BDI/CO/5-6). New York, UN, November 25, 2016 |
| Cambodia | 2011 | CRC/C/KHM/CO/2-3 | United Nations Convention on the Rights of the Child (59th sess.: 2011): Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Cambodia. Committee on the Rights of the Child (Report No. CRC/C/KHM/CO/2-3). New York, UN, August 03, 2011 |
| Cambodia | 2019 | CEDAW/C/KHM/CO/6 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2019): Concluding observations on the sixth periodic report of Cambodia. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/KHM/CO/6). New York, UN, November 12, 2019 |
| Dominican Rupublic | 2015 | CRC/C/DOM/CO/3-5 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the combined third to fifth periodic reports of the Dominican Republic. Committee on the Rights of the Child (Report No. CRC/C/DOM/CO/3-5). New York, UN, March 06, 2015 |
| Eritrea | 2015 | CRC/C/ERI/CO/4 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the fourth periodic report of Eritrea. Committee on the Rights of the Child (Report No. CRC/C/ERI/CO/4). New York, UN, July 02, 2015 |
| Ethiopia | 2011 | CAT/C/ETH/CO/1 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (45th sess.: 2011): Consideration of reports submitted by States parties under article 19 of the Convention. Concluding observations of the Committee against Torture. Ethiopia (Report No. CAT/C/ETH/CO/1). New York, UN, January 20, 2011 |
| Guatemala | 2017 | CEDAW/C/GTM/CO/8-9 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2017): Concluding observations on the combined eighth and ninth periodic reports of Guatemala. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/GTM/CO/8-9). New York, UN, November 22, 2017 |
| Honduras | 2016 | CEDAW/C/HND/CO/7-8 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2016): Concluding observations on the combined seventh and eighth periodic reports of Honduras. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/HND/CO/7-8). New York, UN, November 25, 2016 |
| India | 2014 | CRC/C/IND/CO/3-4 | United Nations Convention on the Rights of the Child (2014): Concluding observations on the combined third and fourth periodic reports of India. Committee on the Rights of the Child (Report No. CRC/C/IND/CO/3-4). New York, UN, July 07, 2014 |
| Iran | 2016 | CRC/C/IRN/CO/3-4 | United Nations Convention on the Rights of the Child (2016): Concluding observations on the combined third and fourth periodic reports of the Islamic Republic of Iran. Committee on the Rights of the Child (Report No. CRC/C/IRN/CO/3-4). New York, UN, March 14, 2016 |
| Iraq | 2015 | CRC/C/IRQ/CO/2-4 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the combined second to fourth periodic reports of Iraq. Committee on the Rights of the Child (Report No. CRC/C/IRQ/CO/2-4). New York, UN, March 03, 2015 |
| Italy | 2011 | CRC/C/ITA/CO/3-4 | United Nations Convention on the Rights of the Child (59th sess.: 2011): Consideration of reports submitted by States parties under article 44 of the Convention. Concluding observations: Italy. Committee on the Rights of the Child (Report No. CRC/C/ITA/CO/3-4). New York, UN, October 31, 2011 |
| Italy | 2017 | CAT/C/ITA/CO/5-6 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2017): Concluding observations on the combined fifth and sixth periodic reports of Italy. Committee against Torture (Report No. CAT/C/ITA/CO/5-6). New York, UN, December 18, 2017 |
| Kenya | 2013 | CAT/C/KEN/CO/2 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2013): Concluding observations on the second periodic report of Kenya, adopted by the Committee at its fiftieth session (6 to 31 May 2013). Committee against Torture (Report No. CAT/C/KEN/CO/2). New York, UN, June 19, 2013 |
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| Kyrgyzstan | 2021 | CAT/C/KGZ/CO/3 | United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2021): Concluding observations on the third periodic report of Kyrgyzstan. Committee against Torture (Report No. CAT/C/KGZ/CO/3). New York, UN, December 21, 2021 |
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| Mali | 2016 | CEDAW/C/MLI/CO/6-7 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2016): Concluding observations on the combined sixth and seventh periodic reports of Mali. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/MLI/CO/6-7). New York, UN, July 25, 2016 |
| Mauritius | 2015 | CRC/C/MUS/CO/3-5 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the combined third to fifth periodic reports of Mauritius. Committee on the Rights of the Child (Report No. CRC/C/MUS/CO/3-5). New York, UN, February 27, 2015 |
| Mexiko | 2015 | CRC/C/MEX/CO/4-5 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the combined fourth and fifth periodic reports of Mexico. Committee on the Rights of the Child (Report No. CRC/C/MEX/CO/4-5). New York, UN, July 03, 2015 |
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| United Arab Emirates | 2015 | CRC/C/ARE/CO/2 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the second periodic report of the United Arab Emirates. Committee on the Rights of the Child (Report No. CRC/C/ARE/CO/2). New York, UN, October 30, 2015 |
| Uruguay | 2015 | CRC/C/URY/CO/3-5 | United Nations Convention on the Rights of the Child (2015): Concluding observations on the combined third to fifth periodic reports of Uruguay. Committee on the Rights of the Child (Report No. CRC/C/URY/CO/3-5). New York, UN, March 05, 2015 |
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| Yemen | 2021 | CEDAW/C/YEM/CO/7-8 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2021): Concluding observations on the combined seventh and eighth periodic reports of Yemen. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/YEM/CO/7-8). New York, UN, November 24, 2021 |
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| Zimbabwe | 2020 | CEDAW/C/ZWE/CO/6 | United Nations Convention on the Elimination of All Forms of Discrimination against Women (2020): Concluding observations on the sixth periodic report of Zimbabwe. Committee on the Elimination of Discrimination against Women (Report No. CEDAW/C/ZWE/CO/6). New York, UN, March 10, 2020 |