



House of Commons

House of Lords

Joint Committee on Human
Rights

Human Rights and the Government's response to COVID-19: children whose mothers are in prison

Sixth Report of Session 2019–21

*Report, together with formal minutes relating
to the report*

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Joint Committee on Human Rights

The Joint Committee on Human Rights is appointed by the House of Lords and the House of Commons to consider matters relating to human rights in the United Kingdom (but excluding consideration of individual cases); proposals for remedial orders, draft remedial orders and remedial orders.

The Joint Committee has a maximum of six Members appointed by each House, of whom the quorum for any formal proceedings is two from each House.

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Powers

The Committee has the power to require the submission of written evidence and documents, to examine witnesses, to meet at any time (except when Parliament is prorogued or dissolved), to adjourn from place to place, to appoint specialist advisers, and to make Reports to both Houses. The Lords Committee has power to agree with the Commons in the appointment of a Chairman.

Publication

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Committee staff

The current staff of the Committee are Miguel Boo Fraga (Senior Committee Assistant), Chloe Cockett (Senior Specialist), Samantha Granger (Deputy Counsel), Shabana Gulma (Specialist Assistant), Zoe Grunewald (Media Officer), Katherine Hill (Committee Specialist), Eleanor Hourigan (Counsel), Lucinda Maer (Commons Clerk), Dan Weedon (Lords Committee Assistant), and George Webber (Lords Clerk).

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You can follow the Committee on Twitter using [@HumanRightsCtte](https://twitter.com/HumanRightsCtte).

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Summary

Last year we reported on the harmful effect a mother being sent to prison has on her dependent children. Since we published that report, the outbreak of Covid-19 has put issues around separation of children from mothers in prison into stark relief. Restrictions on visits, and the seeming inability of the Government's early release programme to reunite a large number of mothers with their children, have put at risk the right to family life of up to an estimated 17,000 children of mothers in prison.

At the heart of this problem are visiting restrictions. These should not be imposed on prisoners as a blanket ban. Children must be allowed to visit their mothers in prison on a socially distanced basis, where it is safe for them to do so. Restrictions on visiting rights, where they do exist, must be both necessary and proportionate in each individual case. In the cases of mothers sentenced to prison before the outbreak of the pandemic, their children will have understood that they were able to visit their mother in prison, and in some cases, will have been used to regular contact with their mother. The breaking of this regular contact is causing harm to both children and their mothers in prison. If it is not possible to allow children to visit their mothers, every effort must be made for an appropriate form of electronic communication whether through phone calls or video-calls.

Whilst some prisons are making attempts for mothers to read their children bedtime stories over the phone or in pre-recorded messages, this is still a poor substitute for the real thing. The Government and HM Prison Service must enable more mothers of children to be there, in person, for their children. The Government has announced two schemes to facilitate the release of prisoners during the Covid-19 crisis. These are welcome, but the schemes have not gone far or fast enough in reuniting children with their mothers. Only a limited number of prisoners are eligible for release, and only a limited number of those have been released: just 16 women from Mother and Baby Units and seven pregnant women have been released so far. The Government must immediately, and as announced, temporarily release from prison all remaining pregnant women and those in mother and baby units, and all mothers with dependent children and who are within two months of their release date who have been appropriately risk assessed, to ensure those mothers can be with their children while opportunity for physical contact is limited during these unprecedented times. The Government should consider an extension of their current policy, which is to temporarily release prisoners who are pregnant or in Mother and Baby Units, to all mothers of dependent children where those mothers have been individually risk-assessed as posing no, or low, risk to public safety.

In our 2019 report we found that despite sentencing guidelines which advise judges to consider primary caring responsibilities when passing sentences, a large number of children were being harmed when their mothers were sent to prison. The judges can only fulfil their existing obligation to weigh the Article 8 rights of a child when sentencing if they know that the child exists. When sentencing an offender, the judge must make reasonable enquiries to establish whether the offender is the primary carer of a child and take this into account appropriately.

This report reiterates the Committee's previous finding that there is a complete lack of reliable quantitative data on the number of mothers in prison, the number of children whose mothers are in prison and the number of women who are pregnant and give birth in prison. This data needs to be collected immediately, so that the mothers who are in prison and their dependent children are provided with the necessary support now. We recommend it should be mandatory to ask all women entering prison whether they have dependent children and what their ages are. An annual census should take place in prisons which asks women whether they have children and what their ages are. This information must be collated and published.

The right to family life for prisoners is also engaged at the end of the lives of close family relations. Where a prisoner would previously have been able to attend a funeral of a close family member in person, arrangements must be made for them to attend remotely.

1 Introduction

1. In September 2019, the Joint Committee on Human Rights published a report on the right to family life of children whose mothers are in prison.¹ This found that sending a mother to prison had a serious, detrimental impact on her children. This impact was felt from the moment of sentencing and continued to have long-term effects. Academic research has shown that children who had a parent go to prison were more likely than their peers to have future problems, and that a child with an imprisoned mother was more likely to suffer more negative effects than a child with an imprisoned father.

2. The inquiry made proposals for fundamental reform in four key areas:

- **Data:** It found a complete lack of reliable quantitative data on the number of children whose mothers are in prison and called for mandatory data collection and publication to be urgently prioritised by the Ministry of Justice.
- **Sentencing:** It made a number of recommendations to make children more visible in the sentencing process and for judges to take into account the welfare of dependent children when sentencing mothers of dependent children.
- **Support for children of mothers in prisons:** That a range of support should be provided for children whose mothers go to prison including recommendations that would aid the ability for children to visit their mothers in prison to help maintain positive relationships.
- **Pregnancy and maternity:** That separating a baby from its mother was a serious interference with the right to family life. Wherever possible, mothers and babies in prison should be placed in Mother and Baby Units.

3. On 19 March 2020, we announced an inquiry into the implications for human rights of the Government's Covid-19 response.² As part of this inquiry we heard evidence on 8 June from children, and grandparents caring for children, of mothers in prison. We are particularly grateful to those who told us how mothers being sent to prison had affected them in such a moving and honest way. We also thank Sarah Burrows of Children Heard and Seen who facilitated the audio recording that enabled us to hear these experiences first-hand. We also heard evidence from the Minister for Prisons and Probation, Lucy Frazer QC MP, Jo Farrar, Chief Executive of HM Prison and Probation Service, and Naomi Mallick, Legal Director, Ministry of Justice. We are grateful to all our witnesses. This report is focused on the situation in England and Wales as justice is a devolved matter in Scotland and Northern Ireland.

4. Children are negatively affected when a parent goes to prison, whether that be their mother or their father, although the effects are significantly greater when it is their mother.³ This report therefore focuses 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,⁴ the report generally refers to mothers. This should be read as including all primary carers unless otherwise stated.

1 Joint Committee on Human Rights, Twenty-Second Report of Session 2017–19, [The right to family life: children whose mothers are in prison](#), HC 1610 / HL Paper 411

2 "COVID-19 response scrutinised to ensure human rights are upheld", JCHR press notice, [19 March](#)

3 Shona Minson, [Direct Harms and Social Consequences: An analysis of the impact of maternal imprisonment on dependent children in England and Wales](#), *Criminology and Criminal Justice*, Sage Journals, first published on 23 August 2018

4 Prison Reform Trust, [Why focus on reducing women's imprisonment?](#), February 2017

2 Visits and the right to family life

Impact of the suspension of visits

Grandmother caring for her five grandchildren whose mother is in prison:

“My daughter was coming home on ROTL [Release on Temporary Licence] every two weeks for five days, but we have not seen her for three and a half months now since lockdown, not even her face. This is affecting the children in a bad way, especially the youngest, aged six. He has nightmares and cries so much. We all just need to see her.”⁵

We heard evidence from a grandmother caring for her one-year-old grandson whose daughter (the baby’s mother) is in prison. The mother was re-called to prison just before the Covid-19 pandemic took hold and the baby was able to visit her just once before prison visits were suspended:

“A week passed before I was able to visit my daughter with her baby son to prison. There was a small delay when he first lay eyes on her after so long and then he burst in to tears on recognizing who she was [...] his tears were those of recognition of someone he loved deeply who was missing but now found. They told of the deep attachment that he had for his mum and one, which was undoubtedly still needed. [...] We had another visit booked for the following week but this was cancelled along with every other prison visit in the UK. [...] The ongoing separation from her young son has been by far the most harrowing and distressing part of her recall [...] it is a sentence that no mother should have to endure let alone her child.”⁶

The right to family life

5. Article 8 of the European Convention on Human Rights (ECHR) provides for the right to respect for private and family life. When a mother is detained in prison her rights under Article 8 ECHR, and those of her children, are engaged. Being sent to prison entails inherent limitations on private and family life. However, the European Court of Human Rights (ECtHR) has found that the State has positive obligations under Article 8 to “enable and assist a detainee in maintaining contact with his [or her] close family”.⁷ In the case of *Horych v Poland* the Court held that unnecessary or disproportionate restrictions on visiting rights and inappropriate conditions may violate Article 8 ECHR.⁸ It has also made clear that blanket bans on visiting are contrary to Convention rights; states must ensure that restrictions on visiting rights are justified in each individual case.⁹

6. Due to Covid-19, all visits to prisons in England and Wales have been suspended since March 2020.¹⁰ The Minister of State, Lucy Frazer QC MP told us that there is currently no date set for the resumption of prison visiting, although she did seek to assure us that this would be a priority when the country reaches stage 3 of alert. On 8 June, the date of the evidence session, the alert level was 4. On 19 June, the alert level was reduced from 4 to 3, and we therefore urge the Minister now to make resumption of prison visiting a priority

5 [Q38](#) [Anonymous Grandmother 1]

6 [Q38](#) [Grandmother of one-year-old baby]

7 [Horych v Poland](#) (Application no. 13621/08), April 2012 para 131

8 [Horych v Poland](#) (Application no. 13621/08), April 2012 para 123

9 *Khoroshenko v Russia* [2015] ECHR 637 at paragraph 126, *Trosin v Ukraine* [2012] ECHR Application No. 39758/05.

10 *Prison visits cancelled*, Ministry of Justice press release, [24 March 2020](#)

in line with her assurance.¹¹ The Equality and Human Rights Commission (EHRC) has called on the Government to publish its plans and timetable for reinstating face-to-face visits across the women's estate.¹²

7. In the context of the pandemic the State has a positive obligation pursuant to Article 2 ECHR to take appropriate steps to protect the lives of both prisoners and staff working in prisons.¹³ Given this, a greater degree of interference with the Article 8 right to family life is likely to be proportionate at this time and may justify some restrictions on visiting to prevent the spread of the virus. However, this does not extend to the imposition of a blanket ban on all visits, as is currently in place. The Government must conduct an assessment to balance the competing individual and public interests and to take into account the circumstances of each individual case. In our view, the imposition of blanket bans across the entire estate risks violating the Article 8 rights of prisoners and their families.

Alternative means of family contact

8. The Minister sought to assure us that the Government has taken steps to provide alternative ways for prisoners to keep in contact with their families at this time. This has included: the provision of 900 extra telephone handsets for those in prisons without in-cell telephony; an increase in phone credit for prisoners by £5 a week; and the expedited roll-out of technology to allow mothers to have virtual visits with their children, at least once a month.¹⁴

9. Despite these welcome moves, none of the children we heard evidence from or about had yet been able to benefit from a virtual visit with their mother. The grandmother of the one-year-old told us that she believed a video call would help her grandson to remember who his mother is and reignite the bond between them, but that the prison her daughter is held in did not yet have the technology to facilitate this.¹⁵ The EHRC told us that they are concerned that video-visits are not yet in place across the women's estate.¹⁶ Their evidence noted that where video-visits are possible, they are available on average once a month.¹⁷

10. It was clear from the evidence we heard, that for children, talking on the phone, is rarely a good substitute for visits. The 10-year-old whose evidence we heard told us "Mum phones every day. I cannot explain how it makes me feel. It makes me feel sad and confused."¹⁸

11 [Q40](#) [Lucy Frazer MP]

12 [COV0131](#) [Equality and Human Rights Commission]

13 For a positive obligation under Article 2 to arise, it must be established that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals. This test is clearly met in the context of the current pandemic.

14 [Q41](#) [Lucy Frazer MP]

15 [Q38](#) [Grandmother of one-year-old]

16 [COV0131](#) [Equality and Human Rights Commission]

17 [COV0131](#) [Equality and Human Rights Commission]

18 [Q38](#) [Anonymous 10 year old]

Conclusion

11. *The current lack of meaningful contact between mothers in prison and their dependent children due to the suspension of visits to prison risks breaching both groups' right to private and family life. The Government must not impose blanket restrictions on visiting rights. In order to comply with Article 8 ECHR, they must ensure that any restriction on visiting rights is necessary and proportionate in each individual case. Children must be allowed to visit their mothers in prison on a socially distanced basis, where it is safe for them to do so.*

3 Early and temporary release

10-year-old child whose mother is in prison:

"I am 10 years old and Mum has been away for 18 months. We did not go to see her because she was coming home every two weeks for five days until the virus. We have not seen her or Dad for three and a half months, not even her face. Mum phones every day. I cannot explain how it makes me feel. It makes me feel sad and confused."¹⁹

Grandmother of one-year-old child whose mother was re-called to prison:

"With regards to other behaviour changes, just after her recall and the one visit we had, he would crawl purposefully from room to room in our house whining and making what I can only describe as calling noises. I could not ask him if he was looking for mummy but there was no question in mind that he was."²⁰

12. In March and April 2020, as part of its suite of measures to help prisons cope with the Covid-19 pandemic, the Ministry of Justice made a series of announcements and legal changes regarding the early release of prisoners. Prior to the Covid-19 pandemic, the Lord Chancellor and Secretary of State for Justice already had the power to release a fixed-term prisoner on licence, if he was satisfied that there were exceptional circumstances which justified the prisoner's release on compassionate grounds.²¹ On 31 March 2020, the Government announced that mothers and babies in Mother and Baby Units, and pregnant prisoners would be temporarily released from prison, subject to being assessed as not posing a high risk of harm to the public, under these powers.²²

13. On 4 April 2020, the Government then announced that prisoners within two months of their release date would also be temporarily released, subject to a risk assessment.²³ On 6 April 2020, a statutory instrument was laid,²⁴ which amended the Prisons Rules 1999 and the Young Offender Institution Rules 2000 to allow for the early release of prisoners due to Covid-19, with effect from 7 April. The rules were amended to include a new rule on "Coronavirus Restricted Temporary Release". The new rules specify which prisoners may be released: those serving a standard determinate sentence, with an automatic release date and no Parole Board involvement; or those committed to custody in default of payment of a sum adjudged to be paid by a conviction, or for contempt of court.²⁵ The Secretary of State must be satisfied that the temporary release is for the purpose of preventing, protecting against, delaying or otherwise controlling the incidence of Coronavirus, or for the facilitation of the most appropriate deployment of personnel and resources in prisons.²⁶ Not all prisoners are eligible for early release under this scheme; some categories

19 [Q38](#) [Anonymous 10 year-old-child]

20 [Q38](#) [Anonymous Grandmother of one-year-old]

21 Criminal Justice Act 2003, [Section 248](#); [Prison Rules 1999](#), rule 9; [Young Offender Institution Rules 2000](#), rule 5; [Release on Temporary Licence Policy Framework](#).

22 "[Pregnant prisoners to be temporarily released from custody](#)", Gov.UK, [31 March 2020](#)

23 "[Measures announced to protect NHS from coronavirus risk in prisons](#)", Gov.UK, [4 April 2020](#); "[Pregnant prisoners to be temporarily released from custody](#)", Gov.uk, [31 March 2020](#)

24 Prison and Young Offender Institution (Coronavirus)(Amendment) Rules 2020 ([SI 2020/400](#))

25 [SI 2020/400](#)

26 [SI 2020/400](#)

of prisoner, such as those who have committed violent or sexual offences, are excluded. However, we note that only 12% of women in prison have been sentenced for violent offences against the person.²⁷

14. Despite these measures, at the date of the evidence session, only 16 women from Mother and Baby Units and six pregnant women had been released.²⁸ The Minister was unable to tell us how many children were separated from their mother by their mother's imprisonment,²⁹ so we are unable to know how many women could potentially have been released so far. On 29 June, we received an update from the Ministry of Justice, confirming that:

- a) 23 women who are pregnant or residing in Mother and Baby Units have been released under the Release on Temporary Licence Policy;³⁰
- b) Less than five women who are medically vulnerable have been released under the Release on Temporary Licence Policy; and
- c) Seven women who are within two months of their release date have been released under the End of Custody Temporary Release scheme.³¹

15. In the last Parliament the Committee, during its inquiry into *The right to family life: children whose mothers are in prison*, raised concerns that the courts do not have the right information to sentence appropriately,³² and that children can often feel invisible in the sentencing process:

“This is the thing I always think about, and I think back to it quite a lot. I know my mum did wrong and deserved a punishment, but if you were to stand my mum up in that box with me and my brother, and someone turned around and said, “Do you sentence these three?”, would the judge look at it differently?”³³

16. In the cases of mothers sentenced to prison before the outbreak of the pandemic, the judge may have had in mind that her child can visit her in prison. Furthermore, her children will have also understood that they are able to visit their mother in prison, and in some cases, will have been used to regular contact with their mother.

17. The Minister for Prisons and Probation told us that:

I know that [the Early Release scheme] has not produced the number of releases that people had hoped for, but it is one part of our overall strategy on managing Covid within our prisons. In addition to releasing people, we have temporary accommodation coming into a number of prisons to increase our headroom, some of which are in the female estate. The scheme is not our only strategy for managing the prison population.³⁴

27 Ministry of Justice, '[National Statistics Offender management statistics quarterly: October to December 2019, Prison receptions: October to December 2019](#)', Table 2_5b, 30 April 2020

28 [Q42](#) [Lucy Frazer MP]

29 [Q45](#) [Lucy Frazer MP and Jo Farrar]

30 17 of these women were in Mother and Baby Units, each with one child.

31 Information from the Ministry of Justice

32 HC (2017–19) 1610, paras 42–44

33 Oral evidence taken on 13 February 2019, HC (2017–19) 1610, [Q6](#) [Georgia]

34 [Q42](#) [Lucy Frazer MP]

18. However, this strategy merely appears to address one single issue, that of space within prisons to enable appropriate distancing and quarantine during the pandemic, and does not address wider, and no less important issues, such as ensuring that the right to family life is upheld during the pandemic. These measures are impacting on a generation of children, who were already suffering from their mothers being sent to prison and are now suffering further by being unable to visit their mothers.

19. The Government must immediately and as announced temporarily release from prison all remaining pregnant women and those in Mother and Baby Units, and all mothers with dependent children and who are within two months of their release date who have been appropriately risk assessed, to ensure those mothers can be with their children while opportunity for physical contact is limited during these unprecedented times. The Government should consider extending its current policy to temporarily release prisoners who are pregnant or in Mother and Baby Units to all mothers of dependent children where the mothers have been individually risk-assessed as posing no, or low, risk to public safety.

4 Data collection

20. The Committee's report from September 2019 on *The right to family life: children whose mothers are in prison* found that there is a complete lack of reliable quantitative data on the number of mothers in prison, the number of children whose mothers are in prison and the number of women who are pregnant and give birth in prison.³⁵ The report identified a range of issues in relation to data collection in this area, including that:

- i) aggregate data on the number of mothers in prison; the number of children whose mothers are in prison; and the number of women who are pregnant and give birth in prison, is not collated centrally or published. The estimates of the number of children whose mothers go to prison each year range widely, from 2,544 to 17,240.
- ii) pre-Sentence Reports (PSRs), which are prepared by probation staff to provide information to the courts to assist them with sentencing, are not produced in all cases and so are unlikely to provide accurate information about the number of children who have a mother in prison or women in prison who have dependent children.
- iii) women entering prison are not always asked whether they have dependent children by prison authorities.³⁶

21. The report said that without improved data collection it is impossible to understand the scale and nature of this issue and to properly address it and called on the Government to remedy this knowledge deficit urgently. Despite the Government's commitment to improving data collection in this area,³⁷ it is clear from evidence to this inquiry that very little progress had been made. The Minister for Prisons and Probation was not able to tell us how many children under the age of 18 are separated from their mother by their mother's imprisonment:

“I think your Committee has picked up before that that is a difficult question to answer. There are various statistics over a number of years. You will know that that question should be answered at the pre-sentence report stage. I do not have a figure for it, because it is collected locally rather than nationally, but it is something that we can look at and consider how we might be able to collate it.”³⁸

22. The Minister told us about the Ministry of Justice's work around improving data collection on pregnant women and new mothers in prison³⁹ but could not tell us about any concrete proposals or work being done to improve data collection on the number of mothers in prison and the number of children whose mothers are in prison. The absence of an action plan for collecting this data is both disappointing and concerning

35 HC (2017–19) 1610

36 HC (2017–19) 1610

37 HC (2017–19) 1610

38 Q45 [Lucy Frazer MP]

39 Before the coronavirus outbreak, the Ministry of Justice were undertaking a review of Mother and Baby Units which among other things was considering options for improving data collection on pregnant women and new mothers in prison

because as stated previously, without having this information at an aggregate level, it is not possible to design or evaluate policies relating to women and children in this cohort or provide them with the necessary support during and after the mother's sentence.

23. In the context of the pandemic, and the various restrictions in prisons introduced to control the spread of Covid-19, including the restrictions on visits, we consider it more important than ever that the Ministry of Justice collect and publish data on the number of children whose mothers are in prison and the number of mothers in prison. This data must be collected immediately so that those affected can be provided with the necessary support. Further, as a matter of urgency, the Government must implement the recommendations from the Committee's 2019 report that:

- a) ***It should be made mandatory to ask all woman entering prison whether they have dependent children and what their ages are. This information should then be verified by cross-referencing it with child benefit data.***
- b) ***An annual census must be carried out in all prisons in which women are asked whether they have dependent children and what their ages are.***
- c) ***This data must be collated and published.***

5 Funerals

24. We have heard of an instance where a prisoner was not able to join the funeral of a close family member either in person or remotely. The Minister assured us that the Government “wants people to be able to grieve and to participate as much as they can, notwithstanding that they are incarcerated.”⁴⁰ She told us that “[e]very prison should have iPad facilities specifically for this purpose”.⁴¹ We agree that they should but are concerned to hear of this case where it did not happen. Preventing a person from attending a funeral of a close family member engages the right to a family life and attendance remotely, if not in person, should be guaranteed.

25. All prisoners, both men and women, should be able to attend funerals virtually where a close family member has died. In order to comply with the right to respect for private and family life, the authorities must assess each request to attend a funeral (whether in person or virtually) on its merits. Where it is not possible to attend in person, arrangements for virtual attendance should be facilitated. This is important to ensure that prisoners are able to grieve and to participate in funerals as far as possible during the pandemic. The Ministry of Justice should carry out a check to ensure all prisons are able to join funerals of close family members virtually.

40 [Q52](#) [Lucy Frazer MP]

41 [Q52](#) [Lucy Frazer MP]

Conclusions and recommendations

Visits and the right to family life

1. *The current lack of meaningful contact between mothers in prison and their dependent children due to the suspension of visits to prison risks breaching both groups' right to private and family life. The Government must not impose blanket restrictions on visiting rights. In order to comply with Article 8 ECHR, they must ensure that any restriction on visiting rights is necessary and proportionate in each individual case. Children must be allowed to visit their mothers in prison on a socially distanced basis, where it is safe for them to do so. (Paragraph 11)*

Early and temporary release

2. *The Government must immediately and as announced temporarily release from prison all remaining pregnant women and those in Mother and Baby Units, and all mothers with dependent children and who are within two months of their release date who have been appropriately risk assessed, to ensure those mothers can be with their children while opportunity for physical contact is limited during these unprecedented times. The Government should consider extending its current policy to temporarily release prisoners who are pregnant or in Mother and Baby Units to all mothers of dependent children where the mothers have been individually risk-assessed as posing no, or low, risk to public safety. (Paragraph 19)*

Data collection

3. *In the context of the pandemic, and the various restrictions in prisons introduced to control the spread of Covid-19, including the restrictions on visits, we consider it is more important than ever that the Ministry of Justice collect and publish data on the number of children whose mothers are in prison and the number of mothers in prison. This data must be collected immediately so that those affected can be provided with the necessary support. Further, as a matter of urgency, the Government must implement the recommendations from the Committee's 2019 report that:*
 - a) *It should be made mandatory to ask all woman entering prison whether they have dependent children and what their ages are. This information should then be verified by cross-referencing it with child benefit data.*
 - b) *An annual census must be carried out in all prisons in which women are asked whether they have dependent children and what their ages are.*
 - c) *This data must be collated and published. (Paragraph 23)*

Funerals

4. *All prisoners, both men and women, should be able to attend funerals virtually where a close family member has died. In order to comply with the right to respect for private and family life, the authorities must assess each request to attend a funeral (whether in person or virtually) on its merits. Where it is not possible to attend in person,*

arrangements for virtual attendance should be facilitated. This is important to ensure that prisoners are able to grieve and to participate in funerals as far as possible during the pandemic. The Ministry of Justice should carry out a check to ensure all prisons are able to join funerals of close family members virtually. (Paragraph 25)

Declaration of Interests

Lord Brabazon of Tara

- No interests to declare

Lord Dubs

- No interests to declare

Baroness Ludford

- Vice-President of Justice

Baroness Massey of Darwen

- No interests to declare

Lord Singh of Wimbledon

- No interests declared

Lord Trimble

- No interests declared

Formal minutes

Wednesday 29 June 2020

Virtual Meeting

Members present:

Ms Harriet Harman MP, in the Chair

Fiona Bruce MP	Lord Brabazon of Tara
Ms Karen Buck MP	Lord Dubs
Joanna Cherry MP	Baroness Ludford
Mrs Pauline Latham MP	Baroness Massey of Darwen
Dean Russell MP	Lord Singh of Wimbledon

Draft Report (*Human Rights and the Government's response to COVID-19: children whose mothers are in prison*), proposed by the Chair, brought up and read.

Ordered, That the Chair's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 25 read and agreed to.

Summary agreed to.

Resolved, That the Report be the Sixth Report of the Committee to both Houses.

Ordered, That the Chair make the Report to the House of Commons and that the Report be made to the House of Lords.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of House of Commons Standing Order No. 134.

[Adjourned till 6 July at 3.15pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Monday 08 June 2020

Witnesses supported by Children Heard and Seen

[Q38](#)

Lucy Frazer QC MP, Minister of State, Ministry of Justice; **Naomi Mallick**, Legal Director, Ministry of Justice; **Jo Farrar**, Chief Executive Officer, HM Prison and Probation Service

[Q39–52](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

COV numbers are generated by the evidence processing system and so may not be complete.

- 1 Equality and Human Rights Commission ([COV0131](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

Session 2019–21

First Report	Report Draft Jobseekers (Back to Work Schemes) Act 2013 (Remedial) Order 2019: Second Report	HC 149 HL 37
Second Report	Draft Human Rights Act 1998 (Remedial) Order: Judicial Immunity: Second Report	HC 148 HL 41
Third Report	Human Rights and the Government's Response to Covid-19: Digital Contact Tracing	HC 343 HL 59
Fourth Report	Draft Fatal Accidents Act 1976 (Remedial) Order 2020: Second Report	HC 256 HL 62
Fifth Report	Human Rights and the Government's response to COVID-19: the detention of young people who are autistic and/or have learning disabilities	HC 395 HL 72
First Special Report	The Right to Privacy (Article 8) and the Digital Revolution: Government Response to the Committee's Third Report of Session 2019	HC 313