



REPORT

Children of Prisoners Expert Group

Implementation Guidance

**Council of Europe Recommendation CM/Rec (2018)5
on Children of Imprisoned Parents**

**PROMOTING
PROFESSIONAL
PRISON
PRACTICE**

About EuroPris

EuroPris is a non-political, non-governmental network organisation of and for prison practitioners. Membership to the organisation is open to public institutions or organisations of the Council of Europe member countries, which provide prison or correctional services on a legal or statutory basis. In 2020, 33 jurisdictions were members of EuroPris.

The overarching purpose of the European Organisation of Prison and Correctional Services (EuroPris) is to promote and develop European prison practice in accordance with human rights, international rules, and regulations. By providing an arena for exchange of knowledge and benchmarking, EuroPris has the role of a knowledge broker. This is the most important role of EuroPris. The expertise in each topic is provided by the different prison agencies, academia, and other actors in the field of corrections. EuroPris is also an advisory and practice-based resource to policymakers in Europe, with a specific focus on the European Commission and Council of Europe.

As part of its work, EuroPris organizes a number of activities throughout the year that provide for a meaningful exchange of knowledge and promising practices between European prison practitioners. One of these activities is to bring experts from a variety of EuroPris member countries together in meetings to discuss pressing issues, share experiences and develop tools that are of value to the wider EuroPris community. In 2020, EuroPris was managing expert groups on the following subjects: Domestic violence, Foreign nationals in prison and probation, ICT, Real estate and design, Transfer of prisoners under EU (FD 909) and Children of prisoners.

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About EuroPris Expert Group on Children of Prisoners

In April 2018, EuroPris organized a workshop in Vienna as a closing event for the Family relations expert group that had worked from 2016-2018. Just before this workshop, the Committee of Ministers adopted the Council of Europe Recommendation on CM/Rec (2018) 5 on Children with imprisoned parents. The Recommendation was presented at the workshop, and participants from all over Europe plead for the establishment of a new expert group that would support member states in the implementation of this Recommendation. At the 2018 Annual General Meeting, the EuroPris members approved the proposal for the establishment of an expert group on Children of prisoners.

The first meeting of the group took place from 2 – 4 October 2019 in Cork, Ireland. At the meeting, all 11 country representatives presented and discussed the approach in their country about children of prisoners. The group discussed further the approach and methodology for providing implementation support to the European prison services. It was decided to divide the group in four subgroups, each of them dealing with one part of this report. Furthermore, it was agreed that for each Article of the Recommendation, information was collected on the current status of implementation and provide practical examples how this has been implemented by the national prison service. This information is collected in a digital table, available on the EuroPris website. Another document developed by the group is a Matrix on the collection of data on the number of children having a parent in prison. The Matrix shows if such data are collected and in which way. To start with this collection of information in the [Table of Recommendations](#) and in the [Matrix on data collection](#), all expert group members provided information from their national prison service. The value of both data bases will further increase with more prison services contributing with their data. Countries that are not yet included are invited to submit their information and send them to secretariat@europris.org.

The second meeting of the group was planned to take place in May 2020 in Hungary. Due to the Covid-19 pandemic, all travels in 2020 had to be cancelled and meetings took place online. In the course of 2020, the expert group met five times online. During these meetings, the experts shared experiences on how they dealt with keeping the relationship between children and their parents in prison during the pandemic. Also, the work on the reports and table were discussed and further progressed. The final versions of the reports were edited with support of the Children of Prisoners Europe, the COPE network. The editing process was finalized during the online meeting of the group on 9 March 2021.

EuroPris aims at presenting this report, the Table of Recommendations and the Matrix to the Council for Penological Cooperation of the Council of Europe (PCCP). Also, to share this information more widely within Europe, a workshop is planned in cooperation with COPE and the Council of Europe, where the results of the work of this expert group will be presented and discussed.

From 2019 to 2021 the group consisted of:

Angelika Beyer	Austria
Anne-Gaelle Fabry	Belgium
Athena Demetriou	Cyprus
Pat Dawson	Ireland (chair)
Justina Dzienko	Germany – Mecklenburg Western Pomerania
Tibor Zakhar	Hungary
Marjan Wijn	Netherlands
Kristin Tandberg	Norway
Ioana Morar	Romania
Gill Robinson	Scotland
Jan Tutoky	Slovakia
Maya Wolinder	Sweden
Madeleine Kattel	Sweden (COPE)
Viviane Schekter	Switzerland (COPE)

Introduction

Having a parent in prison has an immense impact on the life of children. And not only the fact that their parent is in prison is having a strong influence, it begins with the arrest, followed by sentencing, execution of the sentence and the conditions of the imprisonment. An estimated 800,000 children in the EU and an estimated 2,000,000 children in the Council of Europe region are separated from an imprisoned parent each year. Some may perceive the separation as abandonment by the parent; others can experience anxiety and loss of self-esteem. From the angle of mental health of these children, it is very important to support the development of normal parent-child relationships.

In 2018, the Council of Europe issued new policy guidelines aimed at safeguarding the rights and interests of children of prisoners: Recommendation CM/Rec (2018)5 on Children of imprisoned parents. The Committee of Ministers adopted the Recommendation recalling that children with imprisoned parents are entitled to the same rights as other children, including regular contact with their parents, except if it is considered contrary to the child’s best interests. Maintaining child-parent relations can positively impact not only the child, but also the imprisoned parent, prison staff and environment, and by better preparing prisoners for release and social reintegration, also protect society in general. The prison service should not take responsibility alone for providing opportunities for valuable contact between children and their imprisoned parent. A good cooperation between the prison service with the social network of the parents, and social support organisations inside and outside of a prison, are crucial for success.

The EuroPris expert group, that was established in response to the call of the EuroPris members to support member states in the implementation of the Recommendation, worked jointly on drafting this report to provide guidance in this process.

This report is the result of the joint work of the members of the EuroPris expert group and the experts from COPE that were also a member of the group.

The expert group worked in four subgroups on drafting the four chapters of the report:

Security and normalisation	Pat Dawson, Athena Demetriou, Jan Tutoky
Relationship with NGOs	Maya Wolinder, Marjan Wijn, Angelika Beyer
Engagement with the Justice Family	Gill Robinson, Tibor Zakhar, Ioana Morar
Child’s voice	Justina Dzienko, Kristin Tandberg, Viviane Schekter

EuroPris would like to thank the members of the EuroPris expert group, Children of Prisoners, for their hard and committed work in drafting this report and the two data bases. All if this is of great value to the prison services of the wider EuroPris network, the network of COPE and finally, the children and their parents in prison.

Security and normalisation

The struggle between security and normalisation and the recommendations in the prison environment

1 Aim

The aim of this report is to explore the relationship between security and normalisation in prison systems across Europe, and then assess the impact of this relationship on the implementation of the following recommendations. In providing good examples of managing this relationship with the goal of achieving the Council of Europe's, Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents, it is hoped that this report will encourage Prison Services to do more on implementing the recommendations.

It is clear that respect of human dignity and prompt security risk assessments are key to the implementation of effective security measures that are in balance with human rights and these recommendations.

The underlying values emphasise the following principle in regard to children's rights:

"Children's rights and best interest should be of primary consideration, also bearing in mind that children with imprisoned parents have committed no crime and should not be treated as being in conflict with the law as a result of the actions, or alleged actions, of their parents." (Underlying Values of the Recommendation)

2 Introduction - Current approaches

This report considers the challenges faced by prison administrations to maintain a proper balance between security measures and the human rights-based treatment of prisoners. According to Recommendation CM/Rec(2018)5, in order to run secure and well-ordered prisons with respect to the human dignity of all, the prisoners and their family, particularly their children, should be considered in prison management.

"... it is necessary to protect the child's right to, and need for, an emotional and continuing relationship with their imprisoned parent, who has a duty and right to play their parental role and to promote positive experiences for their children;" (Underlying Values of the Recommendation)

Current security imperatives are often seen as being in conflict with normalisation of the visiting experience and indeed the treatment of the entire range of family contacts within the prison setting. The prison services must evaluate the range of familial access to ensure that contraband is not trafficked, to prevent manipulation or corruption of prison staff and to ensure that the security of the prison is maintained. Article 33 encapsulates the challenges of the 56 recommendations included in Recommendation CM/Rec(2018)5.

Article 33. To ensure child protection and well-being, every effort shall be made to enhance mutual respect and tolerance and prevent potentially harmful behaviour between prisoners, their children and families, prison staff or other persons working in or visiting the prison. Good order, safety and security, in particular dynamic security, underpin all efforts to maintain a friendly and positive atmosphere in prison.

In Cyprus, efforts are being made to recognise the need for staff to communicate effectively with prisoners and develop positive staff-prisoner relationships. Strategies that have been introduced within Cyprus Prisons have provided prisoners with the opportunity to positively change and develop their qualifications, social skills and mental and physical health. The following strategies, including the open-door constructive regime, the increased opportunities of contact with the outside world which allows for ten visits a month, unlimited phone calls between 8:00am and 8:30pm and Skype calls are some good practice measures in regards to maintaining familial bonds for prisoners. Furthermore, the regular participation of staff and prisoners in constructive activities, projects and social and charity events have helped both in accomplishing the security responsibilities and furthering understanding and respect to rights of the family. Additional strategies include a variety of means such as increased contact and opportunities for common participation in events with their families, in line with the support provided to prisoners to strengthen positive child-parent bonds. All these necessary strategies promote and facilitate the positive development and healthy functioning of the child-parent relationship and have the added benefit of contributing to prison security by keeping prisoners engaged, active and away from any criminal activity. In this context, prison authorities encourage creativity and innovation in prisons. Many prisoners launch projects of their own volition with the support of the Prison Administration, enabling them to responsibly develop healthy attitudes and behaviours within the context of active citizenship. All these aspects normalise the conditions of life in prisons, contribute to the personal development of prisoners and facilitate their gradual reintegration into society.

"...Children, family, the child-parent relationship and the imprisoned parent's role in this relationship need support before, during and after detention. All interventions and measures in support of children with a parent in prison and their relationship with that parent should ensure they create no stigma and discrimination against these children;" (Underlying Values of the Recommendation)

In Ireland, the Prison Service has enshrined the goal of family initiatives in its strategy statement. As a result, individual prisons have been able to advance proactive change in their approach to Family Interventions. This has been particularly successful in a context where the local prison director embraced the core idea of intervention measures in support of children with imprisoned parents, and then actively encouraged the success of the local implementation group.

Employing a bespoke initiative like the "Family Links Programme" is a step towards such change.

The programme identifies five pillars:

- Visiting facilities
- Staff training

- Development courses
- Communication
- Community follow up

This programme points to a “whole prison” approach which then reports to a national structure. Please see the [Table of Recommendation](#) reflecting the ongoing work being done in each country.

The credibility of any prison system rests on its ability to keep prisoners in custody – in other words, to prevent them from escaping and from committing further crimes while in custody. This is a fundamental activity of prison management as it protects the public from further criminal acts, and contributes to giving the public, media and politicians the confidence in the rule of law and the criminal justice system. In this context, prisoners should be able to benefit from rehabilitation activities provided within the prison system. The consequences of failure in these activities can be severe. There have been instances where prisoners in custody and escaped prisoners have perpetrated acts of terrorism and murder and have seriously injured members of the public and law enforcement or committed other serious criminal activity. This is why the challenge of implementing the recommendations is so great.

In Slovakia, security within the prison environment is viewed as one of the basic preconditions for good treatment of prisoners, and it is also the basis for creating optimal conditions of detention and imprisonment. Pursuant to Slovakian legislation, the purpose of serving a sentence is to protect society and to prevent further criminal activities, but also to develop positive qualities with the aim of resocialising the prisoner. As a member state of the European Union, the Slovak Republic must adopt and implement new ways and procedures in the treatment of prisoners. These new ways and procedures exist in the form of strategic documents produced by the designated ministries. Visits and general contact between the prisoner and the outside world are part of the prisoner treatment programme, and give the prisoner the opportunity to maintain, develop and deepen the relationship between the prisoner and their child. Anecdotally we can say that if this relationship was functional before imprisonment, it was more likely to be maintained during and after imprisonment. Prison authorities should view the child and their best interests as being central to establishing this relationship.

The child-parent relationship can be affected by the following aspects of parental imprisonment:

- The prisoner’s way of thinking about their imprisonment
- The cultural background of the prisoner
- The prisoner’s level of education
- The prisoner’s socio-economic situation/status (poverty in particular presenting an obstacle to this relationship)
- Assistance and cooperation with social care

Within the Slovakian Prison System, contact between a child and their parent in prison is similar to standard methods of outside contact for a prisoner such as telephone calls and receiving mail and parcels. The facility and quality of contact between parent and child has a significant influence on this relationship and is key in supporting the development of a healthy bond.

The Slovakian Prison System provides that:

According to the law, each prisoner has the right to receive visits. The invitation form stipulating a determined date and time of the visit and the list of the invited persons is sent by the prison to invited persons. The invited persons must have an invitation to visit upon entry. During the visit it is forbidden to give or receive any objects, including, for example, money or correspondence; this does not apply to a change of clothing, underwear or footwear, however. The challenge is then to promote the child's voice and right of access in such a regulated environment.

2.1 Response to security incidents during visits

While accepting that a balance between normalisation and security is central to the discussion regarding the recommendations, the reaction to such incidents is important. All countries have a set of rules regarding visits and most have detailed operational procedures for visitation access and control. What are the common responses then to incidents?

In Ireland, when a security incident occurs, the visit is terminated and the prisoner and visitors are removed from the area. Due care is given to the well-being of any child involved in such an incident. The Irish Prison Service has a child protection policy, and also has a Designated Liaison Person (DLP) in each prison who will make a statutory statement to the Child Protection Agency (TUSLA) when necessary. The prisoner is informed that a child safety report will be made when the security of the child is compromised by activities during visits. This has led to between eight to ten actual reports from Cork Prison in a year. Further sanctions may include the suspension of visits or "screened visits" for a period. Access by the child is not curtailed as another adult may bring the child to the prison.

While the increased use of video calls during the current pandemic is welcome, this trend should be carefully monitored to ensure that video calls do not replace physical visits. The child's right of access to an incarcerated parent is a central recommendation that cannot be replaced entirely by virtual contact.

3 Implementation suggestions

The use of a front of house specially trained unit is potentially a model of best practice similar to what Ireland provides; this is potentially a model of best practice through using trained officers that work at the entrance of prisons during visits, and incorporate practices based on customer service principles to create a more welcoming environment for families and children. Most countries employ such a method where bespoke and targeted training is provided to staff in dealing with families in general and with children in particular. The work of Invisible Walls Wales is an exemplar of a whole of prison approach to allowing quality family access while also maintaining the security of the prison. The concentration in Wales is on intelligence-based responses by knowing the visitors and the prisoners to the greatest extent, thus enabling a reduction of risk. This approach is also apparent in Ireland, where a specific unit titled the "Operational Support Group" provides front of house screening and also an intelligence-gathering function which helps to mitigate potential risks.

This report deals with the importance of NGOs in a further chapter. There have been many experiences reported where engagement with justice family actors and expansion of the role played by NGOs has and continues to be limited by security measures. The design of such engagements must be aware of the normalisation versus security dilemma.

"...it is necessary to protect the child's right to, and need for, an emotional and continuing relationship with their imprisoned parent, who has a duty and right to play their parental role and to promote positive experiences for their children;" (Underlying Values of the Recommendation)

4 General remarks

The recommendations track the prisoner's journey from police custody all the way through imprisonment and release planning.

"Preserving child-parent and family relations is also of utmost importance for a successful social reintegration of former prisoners and for their future desistance from crime." (Underlying Values of the Recommendation)

The recommendations require that we place this relationship at the core of our work. This requires the whole of the prison and indeed the whole of society in creating an approach which understands the conflict between security and safety and the needs of both the child and society.

"...awareness-raising, cultural change and social integration are necessary to Overcome prejudices and discrimination arising from the imprisonment of a parent." (Underlying Values of the Recommendation)

These values identify the need for cultural change in the organisation of prisons, and it is hoped that this paper provides some insight into the progress being made across the participating countries.

Relationship with NGOs

Recommendations concerning the relationship between NGOs and prison authorities: general observations and challenges (CM/Rec (2018)5)

1 Aim

The aim of this chapter is to explore the relationship that prison authorities have with NGOs and discuss the possibility of achieving the requirements of Council of Europe Recommendation CM/Rec(2018)5 concerning children with imprisoned parents through this relationship. In providing good examples of cooperation with NGOs, it is hoped that this paper will encourage greater cooperation as a way to implement the articles of the Recommendation.

2 Introduction - Current approaches

Firstly, why is cooperation between Prison Services and NGOs needed? In many countries, NGOs play an important role in making contact with and giving support to the family, especially children with imprisoned parents. By understanding their needs and wishes, NGOs have been able to help Prison Services to improve the situation of these children. Despite the efforts that Prison Services make to improve the situation of children who have a parent in prison, the primary target group remains the prisoner, not their family. Cooperation with other ministries and civil society organisations is needed to integrate knowledge around the needs and wishes of these families. Many Prison Services rely on their relationship with NGOs to maintain relations between prisoners and their family members. The cooperation between NGOs and Prison Services varies greatly, from organising events to more formalised cooperation based on social contracts. It seems absolutely necessary to make clear who works for whom: NGOs can work directly with children, without having any power on decisions made by the parents. NGOs have their own role, but they also have the potential to provide the additional support necessary to bridge contact between the inside of prison and the outside world, particularly the prisoner's family and children. This type of cooperation with clear roles creates space for an interdisciplinary approach to prison management, as it relates to not only the needs of the prisoner, but also the needs of the prisoner's family and children. This cooperation needs to be carefully regulated in terms of security aspects, and the NGOs involved must comply with the security rules of the Prison Service.

The benefit of this cooperation is that the Prison Service, whose primary target of care relates to the prisoners, and the NGOs, whose primary target of care relates to the children in this way, can complete and fulfil the respective needs of all parties through a collaborative relationship. Furthermore, the NGO is in a position to continue supporting the entire family after the sentence. The NGOs can also contribute by lobbying for educational work to be done within and outside of prisons to raise awareness about the consequences that imprisonment can have on affected families.

The following articles from Recommendation CM/Rec(2018)5 are relevant to the possibility of achieving the requirements of the Recommendation through the relationship with NGOs.

Articles 6, 7, 19, 27, 28, 41, 42, 43, 44, 49 and 51

3 Implementation suggestions

Examples of good cooperation with NGOs

3.1 Funding NGOs is a prerequisite for good cooperation

Article 6. National authorities shall endeavour to provide sufficient resources to State agencies and civil society organisations with imprisoned parents and their families to enable them to deal effectively with their particular situation and specific needs, including offering logistic and financial support, where necessary, in order to maintain contact.

This report highlights the importance of financial support for relatives. Financial support may be necessary to enable visits and maintain the child's contact with their parent in prison. The financial burden of imprisonment is significant for many relatives, making financial support for relatives imperative to maintaining family, and importantly children's, relationships with a parent experiencing detention. NGOs can improve restoring these relationships, and this will have a positive effect on the contact between parent and child, and in the end on the future of children with imprisoned parents.

Article 7. Appropriate training on child-related policies, practices and procedures shall be provided for all staff in contact with children and their imprisoned parents.

To develop appropriate training, staff must have access to the right information and partners, like NGOs which can provide knowledge-centred or service-centred ideas and practices to prisons. It is important to develop training on a level that is appropriate to the daily work of the employee; appropriate training means that training has to support the individual staff member in prison in his or her daily job. Therefore, it is necessary to gather enough knowledge about children and their needs, and the impact that the behaviour of staff and parents can have on the children involved; this should always be understood as being connected to each staff member's daily work with families and children. One staff member will need awareness of the child perspective in general—for example, how to meet children when visiting—while another staff member will need much more engagement or involvement (e.g., child officers or supporters of imprisoned mothers/fathers).

Good practices:

- In Sweden, staff training on child-related practices is designed with support from NGOs who have years of experience working with children with imprisoned parents. In addition, guidelines on child-related policies and practices have been written with NGOs as references.

- In the Netherlands, several NGOs (e.g., the Centre of Expertise K I N D –“kind” meaning “child”) are helping to develop a toolkit for professionals and specific training for prisons. The Centre of Expertise K I N D develops and supports training programmes, produces developmental courses to social work students about children with imprisoned parents and provides one-to-one advice to professionals and family.

3.2 Keeping children connected

Article 19. In cases where the current caregiver is not available to accompany a child's visit, alternative solutions should be sought, such as accompanying by a qualified professional or representative of an organisation working in this field or another person as appropriate.

In all countries participating in the expert group, volunteers, religious organisations or organisations from the justice family are helping children to visit their imprisoned parents and accompany them if the current caregiver is not available or cannot afford to drive to the prison. In the Netherlands, there are also adult children of prisoners who work as volunteers who support children of prisoners. NGOs have chat possibilities for families and children, advice hotlines, individual support and father-child workshops to support fathers in learning about the focus on children, etc. It is generally recommended when initiating parent-child contact to start with asking if children want to visit their parent, or if they have other wishes or questions. Always make sure to evaluate the best interests of the child and listen to their voices: this must be done regularly, as children's points of view may change with time. What children say could also be interesting and important with respect to tracking the child's response to visits and providing feedback on these visits.

Article 27. Arrangements should be made to facilitate an imprisoned parent, who wishes to do so, to participate effectively in the parenting of their children, including communicating with school, health and welfare services and taking decisions in this respect, except in cases where it is not in the child's best interests.

Trained staff use reintegration facilities in prisons to create possibilities for (selected) internet access for prisoners to have contact with teachers, and other important people in their child's life, as well as teaching prison staff how to best support the prisoner during these moments.

Good practice:

- In the Netherlands, the Family Approach started as a pilot in two prisons to provide incentive for imprisoned fathers to take their role as a father more seriously. Now it is common practice in prisons, and a manual has been made for further roll-out in other Dutch prisons. The aims of the family approach or “father project” are to prevent and minimise the harmful effects of imprisonment on fathers, their partners and especially on the children involved, as well as improving post-detention and reintegration conditions. Fathers who are seriously motivated towards maintaining and improving family bonds are granted access to facilities that allow them to live in a special ward and have access to a private family room for visits, Skype facilities and training courses to improve educational skills. These practices also function as incentives for fathers to participate in this family approach. NGOs

play an important role in the activities which are offered, e.g., training courses such as “My child and I” and workshops like “Raising my child”.

Article 28. *Child-parent activities should include extended prison visits for special occasions (Mother's Day, Father's Day, end of year holidays, etc.) and other visits to further the child-parent relationship, in addition to regular visits. Consideration on such occasions should be given to prison and other staff in visiting areas being dressed less formally, in an effort to normalise the atmosphere.*

In all countries participating in the expert group, extended visits for special occasions are organised. The prison must have a general awareness of children and their needs. The uniform is one element to consider, but it is also important to make sure that staff are aware of their “normal”, human behaviour.

3.3 Planning sentences and getting ready to leave prison

Article 41. *In order to promote positive parenting, consideration shall be given in sentence planning to include programmes and other interventions that support and develop a positive child-parent relationship. Specific support and learning objectives include preserving, and exercising as far as possible, their parental role during imprisonment, minimising the impact of imprisonment on their children, developing and strengthening constructive child-parent relationships, and preparing them and their children for family life after release.*

To connect parent and child, the relationship must be supported, and measures to facilitate making connections must be provided as is mentioned in the good practice examples provided in this chapter. The next step should be to work restoratively on the relationship.

Article 42. *In order to enhance child-parent relationships, prison authorities shall utilise options such as home leave, open prisons, halfway houses, electronic monitoring and community-based programmes and services to the maximum possible extent, to ease transition from prison to liberty, to reduce stigma, to re-establish contact with families at the earliest possible stage and to minimise the impact of a parent's imprisonment on children.*

Good practice:

- In Sweden, the Prison and Probation Services (SPPS) have parental education programmes in prisons that work in collaboration with the NGO BUFFF. The programme is called “For the Children’s Sake”. The aim of the programme is to support and emphasise the parental role in promoting the child’s positive development, as well as educating parents about children’s development and what separation from the parent can mean to the child. This programme is being adapted in Switzerland as well, as it corresponds to parental needs. Also in Sweden, the SPPS have a special prison in Gruvberget that functions at a security level 3 (open), where prisoners can live in more open conditions for a week or two and participate in different courses. The prisoner’s family can also participate in some courses, and some of these parenting courses are implemented by NGOs.

- In the Netherlands, the NGO Exodus is operating transition houses where (ex) detainees can stay for up to six months to approximately one year¹ in a protected environment that allows them to get used to life after detention. In one transition house for women, it is possible to stay with children under the age of 12. In addition to the transition house, Exodus also offers “ambulant support”, which can also be given by mothers and older children². Ambulant support is professional support provided at home to aid the ex-detainee in successful social reintegration. Volunteers may also work together with professionals to bolster the support offered to those enrolled in these programmes. Former detainees and older children can also become volunteers, for example by giving support and information based on personal experience.
- In Austria, training for imprisoned fathers is offered. There is training available from external experts concerning “back to family” strategies and resuming daily routines, all carried out in cooperation with NGOs. Also in Austria, judicial institutions are asked to promote electronic house arrest and inform inmates of the possibility of electronic house arrest, as well as assist inmates in applying for such sentences.

3.4 Leaving prison – the need of a multi-agency approach

Article 44. In order to promote healthy child development and to help former prisoners reintegrate with their children and families, support and care shall be provided by prison, probation or other agencies specialising in assisting prisoners, as appropriate. Prison authorities, in cooperation with probation authorities and/or social welfare services, local community groups and civil society organisations, shall design and implement pre- and post-release reintegration programmes, which take into account the specific needs of prisoners resuming their parental role in the community.

Article 49. The relevant national authorities should adopt a multi-agency and cross-sectoral approach in order to effectively promote, support and protect the rights of children with imprisoned parents, including their best interests. This involves cooperation with probation services, local communities, schools, health and child welfare services, the police, the children’s ombudsperson or other officials with responsibility for protecting children’s rights, as well as other relevant agencies, including civil society organisations offering support to children and their families.

When parents leave prison, the community is important in helping them to be positive and active parents for their children. Sentence planning and preparation for release is an important issue that requires cooperation between NGOs and Prison Services. The inclusion of parenting work in resettlement planning becomes more effective with NGOs alongside prison staff. Such initiatives can include courses on parenting skills or other projects that foster the bond between the prisoner, child, extended family and the broader community.

A stable framework is necessary to organise the cooperation between these different partners, preferably formalised in social contracts.

¹ https://www.exodus.nl/sites/default/files/exodus_informatieboekje_definitief.pdf

² https://www.exodus.nl/sites/default/files/2018_jun_-_flyer_-_ambulant.pdf

Good practice:

- In the Netherlands, cooperation between the Prison Service and NGOs is often based on social contracts. In 2010, the Dutch Prison Service signed an agreement with the NGO Exodus to implement child-friendly visits in every prison. This is currently available in all prisons and is supported by other NGOs. Networks have been built with relevant partners to encourage positive post-detention reintegration. NGOs are part of the networks, supporting (ex) detainees and their families, but also organise training programmes, interventions and child-parent activities in prisons.
- In Austria, the Austrian Prison Service organises training on release preparation in tandem with the Probation Service. The idea is to use this existing platform to amend all the relevant challenges with respect to family issues. All prisons have to carry out “network meetings” with regional partners and NGOs, including child welfare, family and probation services and healthcare facilities, to uphold quality management concerning release preparation.
- In Sweden, the service with the primary responsibility for working with children and families is Social Services. Naturally, there is a great deal of collaboration and cooperation between Social Services and the Prison Service with some close NGO partners working in this domain.

Article 51. Multi-disciplinary and multi-agency expert groups, involving children with imprisoned parents, should be established in order to assess how children experience parental imprisonment, contact and relations with their imprisoned parent and to suggest improvement to current policies and practices.

For research and evaluation of child-friendly practices and policies, an independent organisation is preferred. In the Netherlands, the Centre of Expertise K I N D was established in November 2018. This Centre groups together professionals, experts in the field and relevant networks to provide information, advice and training to the family and broader social networks of children impacted by parental imprisonment. This includes teachers, social workers and prison staff. They provide a multi-agency cross-sectoral approach to the issue of children’s rights and are often consulted by prison authorities. K I N D has reported that a coherent network is partly missing and that bridging the school and care system with the prison system has been noted as a significant obstacle. More information and knowledge is needed by professionals participating in supporting children and families to better safeguard the rights and interests of children with an imprisoned parent. Research has highlighted that family bonds have a positive effect on both the child and parent experiencing detention. However, there has been little research on the national level about children with imprisoned parents, so the knowledge base to address the needs and conditions of these children is limited. There is a child safeguarding policy on child abuse and violence at home. However, this does not address prevention of harm caused by interventions made by the state such as the detention of a parent and its impact on the well-being of the family and child. Furthermore, in schools rarely is there a focus on children with imprisoned parents, so teachers and social workers don’t have specialised knowledge on these children and their specific needs. In prisons there also seems to be limited knowledge about working with children with imprisoned parents. Their needs are outlined by the Child Ombudsman and by children of prisoners themselves (2017, “Zie je mij wel”). They mention that professionals as well as families are missing

out on having proper information, and that professionals are lacking skills because of inadequate education on family support with a parent in prison or returning from prison.

4 General remarks

This paper shows that many Prison Services rely on their relationship with NGOs to support and maintain relationships between prisoners and their family members. It also shows that some of the recommendations can be achieved through good cooperation with NGOs. The benefit of this cooperation is that the Prison Service (primary target the prisoners) and the NGOs (primary target children) therefore complement each other. Furthermore, the NGO can continue to be a support for the entire family after the sentence. The NGOs can also contribute by lobbying and providing educational work to raise awareness on the consequences that imprisonment can have for affected families.

As mentioned, when parents leave prison, the community is important to help them be positive and active parents for their children. Sentence planning and preparation for release is an important issue in the cooperation between NGOs and Prison Services. The inclusion of parenting work in resettlement planning becomes more effective with NGOs alongside prison staff. Such initiatives can include courses on parenting skills, or other projects that foster the bond between the prisoner, child and extended family (community).

There are challenges to this collaboration. NGOs are non-profit organisations and rarely have permanent funding despite their commitment, yet very often NGOs are the main support for children with imprisoned parents.

Prison Services are aware of the need for a multi-agency approach to assisting families with imprisoned loved ones. In our opinion, the road to success requires better infrastructure for organising cooperation among the various partners. Cooperation based on social contracts with sufficient resources have proven to be a good tool. According to the Council of Europe standards, many authorities and organisations that have contact with children of formerly imprisoned parents need a more coherent set of guiding principles. Most importantly, it should not be forgotten that the NGOs, in representing the children, are able to highlight the children's rights and to let them know that these rights are important and that their views and feelings matter. According to Article 1 of the Council of Europe standards, *children with imprisoned parents must be treated with respect for their rights under the UN Convention on the Rights of the Child.*

Engagement with the Justice Family

Engagement with the Justice Family and exploring structures to enable the recommendations to be considered in a whole-of-government approach

1 Aim

The Justice Family is a network of agencies and government institutions that collaborate on initiatives with prisons and prison staff who play a key role in this agenda. The aim of this chapter is to consider structures and relationships within the Justice Family in three countries, and any factors that may assist in addressing the Council of Europe Recommendation to the Committee of Ministers CM/Rec(2018)5 concerning children with imprisoned parents through a whole-of-government approach.

2 Introduction – Current approaches

Why is engagement within the Justice Family necessary to address the Recommendation? Many of the articles of Recommendation CM/Rec(2018)5 fall within the responsibilities of national prison authorities. However, the implementation of a few of these articles depends upon particular legislation or national policies being in place (for example, in relation to communications and IT, Articles 25 and 26), where action within the government may be necessary to address the Recommendation. Other articles (for example 2, 8 and 10) relate to the arrest, prosecution and sentencing of the individual which are the responsibilities of police, prosecution authorities and judges operating within their independent fields. However, a significant number depend upon partnerships between prison authorities and local or central government agencies, for example social work, health and education. This chapter considers ways of addressing broader implementation strategies for this last group in particular.

What are the prerequisites for involvement of the wider Justice Family to address the Recommendation? Before the wider Justice Family can be involved in this agenda, there needs to be awareness of the recommendations made by the Council of Europe across government bodies and a shared commitment to act together in the interests of these children.

There is also the need for a structure to enable different parts of the Justice Family to work to achieve common goals. Each country has different structures, policies and legal frameworks within which collaboration may occur. Each will therefore take a different approach to involving the wider Justice Family in order to develop a shared understanding and support for the principles and intentions of the Recommendation, thus ensuring that each individual article is appropriately addressed.

The following articles are relevant to the theme of engagement within the Justice Family:

3 Implementation suggestions

Examples of involvement of the wider Justice Family to address the needs of children with imprisoned parents

3.1 Approaches to achieving shared understanding and structures for collaboration across the Justice Family with the aim of addressing the Recommendation.

This section describes some examples of how whole-of-government policy commitment is being achieved, with attention as to how shared understandings, as well as collaborative structures and strategies, are being established to address those articles that require the involvement of the wider Justice Family.

Good practice:

- In Hungary, the Prison Service has started to inform its partner authorities, law-enforcement agencies and prosecutors responsible for prison affairs about these recommendations. It has been requested by the Prison Service that prosecutors consider the Recommendation in their practice and legislative work.

The Prison Service has an extensive, wide-range system of cooperation. In order to ensure the safety/security of detention, close cooperation is established with partner law-enforcement agencies, such as police and disaster management. Within the framework of this cooperation, regular meetings and training sessions are organised. The goal shall be to unify at least on the basic principles for reform; unified practice can follow afterwards.

- In Romania, the framework of collaboration is in place, involving the National Administration of Penitentiaries (NAP) and other public partner institutions including the Probation Directorate, Ministries of Education and Labour, the national authority for the rights of persons with disabilities, children and adoption, and NGOs. The NAP has taken specific actions to disseminate the Recommendation within this framework of collaboration. The partnership operates through working meetings and specific projects.

As a result of implementing the National Strategy for Inmates' Social Reintegration 2015-2019, a new national strategy for inmates' social reintegration has been developed for the period 2020 – 2024. The Social Reintegration Strategy 2020 – 2024, approved by a Government Decision, includes an inter-institutional approach to the children with imprisoned parents. Thus, the Strategy also covers activities designed for maintaining the relationship between the children and their imprisoned parents. These activities involve the Ministry of Education and the Ministry of Labour. Consequently, social services work with the person in custody and support the family in particular cases.

- In Scotland, the Scottish Government’s policy priorities for children, outlined in the ‘Getting it Right for Every Child’ initiative, places responsibilities on all public services, including the Scottish Prison Service, to consider and address the needs and rights of children. There is broad alignment between this whole-of-government approach and the intentions of the Recommendation. This alignment is illustrated in the following response by the Cabinet Secretary for Justice in Parliament in February 2019:

‘The Council of Europe’s non-binding guidelines provide an important framework and context within which to support the well-being of children who have a parent in custody and the Scottish Government is absolutely committed to tackling any adversity that might impact on the healthy development and wellbeing of children and young people. The Scottish Government [is] committed ... to enhance[ing] support for children affected by parental imprisonment’ (Response to Parliamentary Question S5W-21251).

Subsequently a Bill was introduced in the Scottish Parliament to incorporate the UNCRC into Scottish law. Once enacted, this legislation will place requirements on a range of organisations and services to ensure compliance with the relevant articles of the UNCRC, including specific rights for the children of imprisoned parents. Alongside this, there is a recognition that it is important to consider the impact on children when a parent is taken into custody (Article 2). The Scottish Sentencing Council has published a report on the sentencing of parents with dependent children as part of its role to increase awareness and understanding of all aspects of sentencing. Within the police service there is recognition of the potential for trauma to children when a parent is arrested in their presence.

There is a structure for collaboration between the Scottish Prison Service and the Scottish government, local authorities and health and social work services, including local representation within the Community Justice Partnerships. At the Prison Service level, the Scottish Prison Service’s Family Strategy (2017-22) provides guidance on the work to be done with the children and families of prisoners. Each prison has a Family Strategy Group and a plan to improve how it works with prisoners’ families in collaboration with partners in the Justice Family as well as NGOs.

3.2 Resources and cross-organisational structures

Article 6. National authorities shall endeavour to provide sufficient resources to State agencies and civil society organisations to support children with imprisoned parents and their families to enable them to deal effectively with their particular situation and specific needs, including offering logistic and financial support, where necessary, in order to maintain contact.

- In Hungary, the National Crime Prevention Council has provided funds for two important initiatives: the Bács-Kiskun County Remand Prison – together with the Balassagyarmat Strict and Medium Regime Prison – secured funds both to organise camping expeditions for children with imprisoned parents and to prepare an information brochure/handout for children that can be distributed nationwide. The documents are prepared with children in mind, published with illustrations and in an easily

understandable form. The topic concerns the rules of entering the prisons, the visiting itself and all the changes and new measures of visitation introduced because of the COVID-19 pandemic.

- In Romania, steps have been taken to adapt criminal legislation to create a more flexible framework for granting the rights of prisoners who are also parents (e.g., prolonged visits, physical interaction, granting leave, visits without a device) and to respect the rights of children with imprisoned parents. The obligations of each of the parties involved in this work are set out in the Collaboration Protocol between the NAP and the National Authority for the Rights of Persons with Disabilities and Children and for Adoption (ANDPDCA). As far as the resources are concerned, the specially dedicated spaces in the 38 prison units have been revamped, being customised for organising child-friendly visits between the children and their imprisoned parents.
- In Scotland, government funding for the costs of visiting a family member in prison is provided, for example, through the Assisted Prison Visits scheme, where the family member is receiving certain benefits or has a health certificate. The Scottish government has provided support for the funding of prison visitor centres.

3.3 Partnerships with public agencies and services to support children during and after their parent's time in custody.

Articles 19, 27, 41-44 set out the kinds of support and measures that need to be in place during and after a parent's time in custody in the best interests of their child or children. The successful implementation of these measures depends largely upon effective multi-agency working, as described in the following strategic-level articles:

Article 49. The relevant national authorities should adopt a multi-agency and cross-sectoral approach in order to effectively promote, support and protect the rights of children with imprisoned parents, including their best interests. This involves cooperation with probation services, local communities, schools, health and child welfare services, the police, the children's ombudsperson or other officials with responsibility for protecting children's rights, as well as other relevant agencies, including civil society organisations offering support to children and their families.

- A Dutch administrative agreement was ratified in July 2019 to strengthen the cooperation between prison service, probation service and the local authorities (youth care, community centres, welfare work, voluntary organisations, etc.). In the Netherlands, local administrations are responsible for childcare and post-detention reintegration. It is the collective social task of the Dutch Custodial Institutions Agency, the municipalities and the aftercare and resettlement organisations to work together to achieve successful reintegration of people formerly in custody and prepare them for their return to society. This is achieved by combining, where possible and necessary, efforts at an early stage as well as throughout their period deprived of liberty, and involving the police, the Public Prosecution Service and social workers in this goal. In its social function, the approach always has an eye for the interests of the victims, the relatives (including children) and society.

- In Hungary, social workers and court-appointed guardians are available to help organise children's visits to prison. Probation officers were also informed about the recommendations and the relevant tasks during their yearly training held in January 2020. Furthermore, plans are in place for preparing official guidelines to include sensitivity training on how to take care of children affected by parental imprisonment.
- In Romania the current partnership between the Ministry of Justice – National Prison Administration and the Ministry of Education and Research is being developed with the aim of monitoring and assisting children with parents in detention through specialists in the educational units. These children should be granted specific care and counselling from their schools. Furthermore, a partnership has been established between the National Administration of Penitentiaries, the National Authority for the Rights of Persons with Disabilities, and Children and Adoption. This partnership, together with other locally agreed partnerships between the detention units and the General Directorates of Social Assistance and Child's Protection, is enabling meetings between institutionalised children and their parents in custody.
- In Scotland, arrangements are in place for local authorities and social workers to contribute, for example, to child protection processes, case conferences (such as those in relation to infants of mothers in custody) and accompanying children to visit their parent or parents in custody in cases where they would not otherwise be able to do so. Family contact officers facilitate liaison with schools and other services. Multi-agency risk management and throughcare arrangements include consideration of the care-giving responsibilities of prisoners leaving custody. Family Strategy meetings are organised in each establishment with improvement plans involving agencies and other local partners who contribute to supporting the wellbeing of these children with parents in or formerly in prison.

3.4 Public awareness and reducing stigmatisation

Article 56. The media, professionals and the general public should be provided with reliable and up-to-date data and good practice examples... to avoid negative stereotyping and stigmatisation of children with imprisoned parents.

Good practice:

- In Romania, research has revealed that one of the factors that influence the mental health and the quality of life of the children who have one or both parents in prison is fear of being judged by friends and by the larger community in terms of the crime committed by their parents. Public awareness campaigns are planned for communities, including schools, as well as activities to raise awareness in communities to avoid stigmatisation of these children within peer groups. This also aids in developing understanding around the issue of social reintegration for persons deprived of liberty.
- In Scotland, important work is done by the NGO Families Outside in order to protect families and children from stigma, especially in creative work with young people to show how it can feel to have an imprisoned

family member. The organisation also works with the media in order to stop the publication of the names and addresses of people arrested.

- In Norway, FFP Norway, through a collaboration with Subject Aid, has disseminated material about children with parents in prison and a fact sheet with assignments for schools throughout Norway. The material is in high demand.

4 General remarks

Countries vary in the extent to which they are working in a whole-of-government approach to address the articles of the Recommendation that require collaboration across the Justice Family. Important factors in a successful whole-of-government approach seem to include the propagation of recommendations across all parts of the Justice Family. This requires alignment between the recommendations and national policy by centring political agendas around children and families affected by imprisonment, implementing protocols and structures which enable changes to take place and providing resources to help address the needs of children with imprisoned parents. Having an agreed upon, widely shared strategy for children with imprisoned parents at national and local levels can provide a useful reference point both for staff within the prison service and partners across the Justice Family. It can spell out individual and collective roles and responsibilities and explain how progress can be monitored.

Article 51 of the Recommendation describes features of good practice in collaboration, which importantly include directly involving people who speak and work for and on behalf of children in order to achieve better outcomes for children with imprisoned parents.

Article 51 Multi-disciplinary and multi-agency expert groups, involving children with imprisoned parents, should be established in order to assess how children experience parental imprisonment, contact and relations with their imprisoned parent and to suggest improvements to current policies and practices.

Group members noted the following areas where action to address the Recommendation still requires cross-government work:

- Having the resources to provide facilities for families, including family centres consistently across all establishments; provision of funds and services to support activities between parents in custody and their children, including to enable children to travel to see their parent or parents experiencing detention (Article 2).
- Addressing existing legislative barriers to data-gathering where collection and sharing of that information would be in the interests of children impacted by parental imprisonment (Article 5).
- Protecting the rights and interests of those children who witness first-hand the arrest of their parent by police (Article 8).

- Having legislation that enables communication and IT systems that take account of the needs of children with a parent in custody (Article 25).
- Having a formalised approach with clear allocation of responsibility at the national level for addressing the needs and rights of children who have a parent in detention, and to mobilise all local public administrative authorities towards improving policies and practices that affect children with an imprisoned parent (Article 51).
- Addressing media awareness around the implications that stigmatisation can have on children through press reporting (Article 55).

Successful collaboration within the Justice Family complements the other essential partnerships that Prison Services have been developing with NGOs whose role is to support children who have a parent in prison and/or provide learning and developmental activities for children. The agenda set out by Recommendation CM/Rec(2018)5 provides an important catalyst to bring about further change in improving the lives of vulnerable children coping with a parent in detention. Fundamentally, what is required is commitment to children's rights across all levels of government and throughout relevant agencies in collaboration with independent organisations, and NGOs who are similarly committed to the wellbeing of children on the regional and state level.

Child's voice

What does engagement with children look like in various countries and how can we allow the child's voice to be heard?

Data collection regarding the numbers of affected children will also be considered

1 Aim

The aim of this chapter is first to provide information about ways to actively involve children in the implementation of Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents, especially by focusing on the point of view of children regarding important decisions. This chapter will also in a second part address the question of data collection, in particular the aim of this data collection, possible ways forward and the impact of our choices. Examples of good practice will be incorporated to motivate every state to consider implementation.

The Council of Europe (CoE) has stressed the importance of these subject areas, making reference to the topic of the child's voice in the first article of the Recommendation, as well as to the issue and use of data collection in Article 5. Some good practice examples are directly taken from the *Implementation Guidance Document* produced by the organisation Children of Prisoners Europe (COPE) in 2019; others come from the final report of a German expert group on behalf of the "Länder" Conference of Justice Ministers and from the direct experiences of the EuroPris expert group on children with imprisoned parents.

2 Introduction – Current approaches

2.1 Voices of children

Why are the voices of children important? According to Article 12 of the UNCRC, *Children with imprisoned parents must be treated with respect for their rights under the United Nations Convention on the Rights of the Child (UNCRC)*³.

This article states that it is not enough to simply allow children to express their views. States must support children who have difficulty making their views heard. In that sense, the environment in which children express their views is important. For example, places that are inaccessible to children or are not child-friendly prevent

³ **Article 12, UNCRC**

"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. "

children's voices from being heard, and their rights being exercised. In the past, it was thought that correctional facilities should be inaccessible to children. To this day, for example, it is rarely possible for children to see or even visit their fathers' detention rooms. In any case, children must be clearly informed when asked for their point of view, with care being taken in selecting the context in which their voice is heard and the procedure. Efforts to incorporate the child's voice do not mean that the child will be the decision maker or that their decision will stand regarding his or her future, visitation and contact with the parent, or official decisions such as those made by Child Protective Services. But that the focus has been expanded to include the child's perspective. This is a fundamental distinction.

What about children with imprisoned parents? The best interests of the child are emphasised in a number of articles in the Recommendation (Basic principles 1, 2, 4; Conditions of imprisonment 12, 16, 29, 36, 37, 38; Staff 49; Monitoring 50). This means that when possible, the child's point of view must be taken into account.

One relevant principle of the Recommendation is highlighted directly in Basic principle 1:

"These children shall be provided with the opportunity for their views to be heard, directly or indirectly, in relation to decisions which may affect them."

This emphasis includes the possibility to find the best way to hear the child's voice. "Directly" would mean to ask or to confront the child right away in personal contact with a direct question, and then waiting for a direct answer. "Indirectly" would be by an adult representing the child as well as communicating in a child-friendly way. This information would be conveyed through a third person (mediator, representative, pedagogue or psychologist). Talking about a parent in prison, as well as discussing whether or not a child wishes to visit or have phone calls with their imprisoned parent, for example, is very important. A potential slogan to promote this principle could be:

Nothing About Me Without Me.

The importance of the child's perspective is also vital in certain instances, for example with respect to visits or special prison leave. In circumstances like this, the child's point of view is a top priority. If a parent would like to see his or her child on a weekly basis, but this level of contact for the child is too much (e.g., a long trip all day, missing school or specific events in the child's daily life such as football matches or birthdays that mean a lot to the child), the decision must include the child's perspective and strike a clear balance. The entire CoE Recommendation is child oriented. Many of the decisions will suit the parents, and prison authorities as well, but children must never be instrumentalised as rehabilitation tools. When the needs of the child meet the rehabilitation goals, that is perfect, but not necessary. This means involving children when evaluating special festive events and child-friendly days in prison, not only parents and staff.

Authorities should think about ways of getting the direct point of view of children. Children react in different ways when asked about a parent in prison and their relationship. Some may be very open, whilst others will need time to open up and share their views. It is always important to find a designated person with whom the child feels comfortable. This could be through a link with an NGO who could offer understanding, professional skills, and experience in working with children as well as securing a safe place for the child to discuss these topics. This could also be a specialised prison staff member who has the ability to promote the point of view of the child.

2.2 Data collection

Why is data collection about the number of children living separated from a parent in prison important?

An “estimated” 2.1 million children in Europe (or 1 million in the EU) is the statistic which Children of Prisoners Europe (COPE), and its member organisations across Europe use in their advocacy work on behalf of children with imprisoned parents. Yet this figure is not an estimate but an extrapolation, stemming from a chronic lack of robust, systematised data collection on children with imprisoned parents. German publications, for example, report more than 100,000 children in Germany are affected by parental imprisonment without having actually counted them. This extrapolation is based on the respective prison population in the country and the average birth rate. For every six prisoners, there are approximately ten children. So for some 60,000 inmates you count approximately 100,000 children.

This has the effect of producing different statistics from publication to publication, and different extrapolations produce different results. As a result, the actual number of children impacted by a parent’s imprisonment in European countries remains unknown. In this way the lack of systematised data collection allows the number of children affected by a parent’s imprisonment to remain unidentified, and as such the obstacles and problems they face. Most significantly, this data gap hinders efforts to develop effective solutions. No numbers, no problem, no solution.

The principles stated in Article 5 of the Recommendation should be seen as the Recommendation’s main advancement:

“The prison administration shall endeavour to collect and collate relevant information at entry regarding the children of those detained.”

In short, the task of data collection and data presentation is the beginning of a process aiming to protect children’s rights to contact and family life and meeting their needs, while supporting prison administrations to assist incarcerated parents and their children. The work of data collection does more than extract information from families impacted by imprisonment. Data collection is more fundamentally an opportunity to develop long-term, human rights-based initiatives that support both prisons and families impacted by detention.

The benefits of this work compound and multiply: data collection leads to guidelines for good practice, which include taking active measures to treat children with dignity and sensitivity so as to help mitigate trauma by providing support.

For example, the whole process of data collection is advancing in Switzerland. Complete data records do not yet exist, but important steps are being taken. In one prison, the director used to see the work done on parental support as unnecessary until they discovered, by collecting direct data, that more than one-third of the men incarcerated in this prison were fathers. This directly promoted a new vision within the prison administration on the topic of children with imprisoned parents and led to significant developments in parental support.

Support from and for prison administrations in turn helps them to support the child-parent relationship. Close contact between parents and their children allows this relationship to develop more naturally, producing healthier children and making prisoners’ social re-entry easier and more natural. Beyond the benefits of supporting the

child-parent relationship, the economic effects of this support could be innumerable in helping to reduce recidivism, public spending and the costs of security and policing.

Data collection means having information, yet key questions remain open for discussion, including:

- Who produces the information?
- To whom is the information given?
- When in the judicial and penitentiary process is data collected?
- How to ensure data protection (GDPR)?
- How to keep data updated?

It is clear that the implementation of such data collection programmes would represent a significant cultural shift. This cultural shift would mean that a children's rights-focused approach would be meaningfully adopted by all partners, and not only by some NGOs or child protection services. **It is a child rights-based view that would enter the prison world.**

Some data collection has been possible, as for example with respect to children living with their parents in prison. Of course, gathering information about children with imprisoned parents outside the prison is a greater challenge, but it can be done.

The idea of Group 4 is to conduct a short, but precise survey with EuroPris members, in order to gain a clearer picture about the actual situation concerning data collection. This survey has been suspended as a result of Covid-19. In order to complement existing information, COPE members also will be surveyed to ascertain what they know about data collection in the countries in which they are operating and about any notable good practices. Having this information will help all of us, and in particular networks such as EuroPris and COPE to bring their strength and efforts together in the right places. As a first step, it was decided to interview the members of our expert panel. The results of this survey can be found in the matrix of the Appendix below.

3 Implementation suggestions

3.1 Examples of good practice in listening to children's voices

The following articles are the most relevant to the idea of listening to the voices of children; most of the work done around this Recommendation should be inspired by this process.

Articles 1, 12, 15, 16, 17, 18, 20, 21, 25, 28, 30, 41, 50

Article 12. *Prior to, or on admission, individuals with caregiving responsibilities for children shall be enabled to make arrangements for those children, taking into account the best interests of the child.*

Hearing the child's voice is very important here, and it will most likely be necessary to work in partnership with an interdisciplinary team (social workers, child protection services, etc.).

Article 15. *Support and information shall be provided by the prison, as far as possible, about contact and visiting modalities, procedures and internal rules in a child-friendly manner and in different languages and formats as necessary.*

Authorities must make sure the information reaches children, and in an appropriate way. Brochures and booklets are available in many countries. Furthermore, it is always important to test the new material with a group of children in order to make sure the ideas and tools are appropriate and effective.

Good practice:

- In some Italian prisons, a programme to “Find Daddy” – “Trovo papa” – helps children to get acquainted with their father’s environment.
- A similar programme has been instituted in some German prisons. There was a letter created to relatives as well as a brochure entitled “Tips for Imprisoned Fathers with Tips for Children with a Dad in Custody”. A film about visits procedures, produced by an independent sponsor, is shown in the waiting area of a prison or is linked on the website pages of the prison institutions. There are children’s pages on each of the homepages of the respective prison institutions’ websites. Posters are also displayed in visiting and waiting areas with a child-friendly presentation of the identity check.
- Many countries, including Sweden and Norway, have developed brochures and materials for children on the topic of prison visits. A good example is a colouring book that describes prison, which a child receives at the beginning of a visit to reduce stress and provide them with information about the prison.

Article 16. *Apart from considerations regarding requirements of administration of justice, safety and security, the allocation of an imprisoned parent to a particular prison, shall, where appropriate, and in the best interests of their child, be done such as to facilitate maintaining child-parent contact, relations and visits without undue burden either financially or geographically.*

The question regarding the child’s wishes for direct contact and physical visits is crucial here. Evaluating the best interests here again means listening to what children say.

Good practice:

- In Switzerland, in the Canton de Vaud, probation officers can be asked by the justice ministry to evaluate the child’s best interests and suggest different types of visits when appropriate. In some regions the NGO REPR can also be asked to evaluate the best interests of the child.
- In Norway the “normality principle” emphasises that a prisoner should serve their prison sentence near their place of residence so that the travel route for the relatives is as short as possible.

Article 17. *Children should normally be allowed to visit an imprisoned parent within a week following the parent’s detention and, on a regular and frequent basis, from then on. Child-friendly visits should be authorised in principle once a week, with shorter, more frequent visits allowed for very young children, as appropriate.*

Children should only visit their parent at a frequency that is in the best interests of the child. Listening to the child and letting the child’s expressed desires be transmitted to the prison by another partner seems crucial. Regardless of this, prisons should always be prepared for frequent and flexible visits from children. Therefore, they should always provide these possibilities and enable the requirements of this article.

Article 18. *Visits shall be organised so as not to interfere with other elements of the child's life, such as school attendance. If weekly visits are not feasible, proportionately longer, less frequent visits allowing for greater child-parent interaction should be facilitated.*

The implementation of this article requires that someone in the child's life has direct information about the child's daily life and activities.

Good practice:

- Some prisons in Germany provide daily visits as well as Sunday and holiday visits. For example, prisons in Germany's Rhineland-Palatinate area organise a weekly "family day".
- Swiss prisons in Geneva, Vaud, and Fribourg organise monthly group visits for children and their parent in prison, with an evaluation of the best interests of the child by the partner NGO REPR, which supports children during the whole visit. Feedback about the needs and feelings of children are brought back to the prison staff and the parents.

Article 20. *A designated children's space shall be provided in prison waiting and visiting rooms (with a bottle warmer, a changing table, toys, books, drawing materials, games, etc.) where children can feel safe, welcome and respected. Prison visits shall provide an environment conducive to play and interaction with the parent. Consideration should also be given to permitting visits to take place in the vicinity of the detention facility, with a view to promoting, maintaining and developing child-parent relationships in as normal a setting as possible.*

Again, the child's voice should be heard regarding the material provided in prison waiting and visiting areas.

What is a normal setting for children with imprisoned parents?

A normal setting could involve the furnishing and designing of rooms to create an environment where a child would feel comfortable and safe. It may be important to ask children to evaluate the designs proposed by prisons.

Good practice:

- Scottish and Irish prisons, as well as some prisons throughout England and Wales, offer Visiting Centre facilities where families can meet with prison employees and volunteer workers to receive information on matters related to imprisonment.
- Children's groups in Sweden and Switzerland have been asked to create a wish list for their visits and these lists have been transmitted to the local authorities.
- In Norway, the Children's Ombudsman established a group of children who gave their recommendations on how visiting rooms should be designed. Their recommendations have been taken into account in the planning of new prisons and the rehabilitation of old ones.

Article 21. *Measures should be taken to ensure that the visit context is respectful to the child's dignity and right to privacy, including facilitating access and visits for children with special needs.*

The child's privacy, dignity and needs should be considered when organising visits in correctional facilities. Therefore, it is also necessary to listen to children's voices and perspectives.

Good practice:

- In Croatia, prison staff help guests with special needs, adapting the environment to allow for accessible prison visits or cooperating with the Association of Deaf and Blind when necessary.
- In Belgium, the website of the Federal Public Service of Justice is accessible to people with a disability. It has obtained an Any Surfer Label, a quality label for accessible websites.
- In Norway, some prisons have their own visitor houses/apartments that are adapted so children and young people can stay overnight. They are also adapted for children and adults with disabilities.

Article 25. *In accordance with national law and practice, the use of information and communication technology (video-conferencing, mobile and other telephone systems, internet, including webcam and chat functions, etc.) shall be facilitated between face-to-face visits and should not involve excessive costs. Imprisoned parents shall be assisted with the costs of communicating with their children if their means do not allow it. These means of communication should never be seen as an alternative which replaces face-to-face contact between children and their imprisoned parents.*

It is important to prepare children for videoconferencing with an imprisoned parent, and children's needs must be taken into account. They must be asked directly, or it may be determined by their caregivers, whether a videoconference is in their best interests. However, virtual contact should never replace face-to-face contact.

Good practice:

- In Northern Ireland, prisoners at HMP Magilligan are allowed access to Skype to keep in contact with their family.
- Initiatives for Skype contact are currently being developed in the Czech Republic and Norway. Imprisoned individuals in Cyprus's prison are allowed full access to Skype for prolonged parts of the day.
- In Sweden, following acceptance of an application, prisoners are allowed fifteen minutes of free calls with an extra five minutes per child each week.
- In Switzerland, the NGO REPR provided a "Guide for Skype with Children from Prison" to all prisons working with this type of technology; this guide is also available to all families.
- In Norway, 800 iPads have been purchased to function as videophones so prisoners can call their children from their prison cell. The scheme is regulated as an uncontrolled visit by family. The scheme is applied in addition to ordinary visits.
- Germany provides free video telephone communication in some federal states (*Länder*) as an alternative or to complement personal visits. Multifunctional devices (room media system - telecommunication with special technical security requirements) in detention rooms are also available in some prisons.

Article 28. *Child-parent activities should include extended prison visits for special occasions (Mother's Day, Father's Day, end of year holidays, etc.) and other visits to further the child-parent relationship, in addition to regular visits. Consideration on such occasions should be given to prison and other staff in visiting areas being dressed less formally, in an effort to normalise the atmosphere.*

These visits must always be evaluated, taking into account the child's voice, before, during and after the special event.

Good practice:

- Relais Enfants Parents offers special visits for children on Mother's Day, Father's Day and Christmas in French prisons.
- Family days, parent-child days and summer festive events are often organised in Germany's prisons. Some also offer special afternoons and Christmas festive events without uniforms. Germany's Schleswig-Holstein prison holds special events for prisoners and their children such as: Christmas baking in the prison bakery, puppet theatre, magic shows, etc.
- Swiss prisons in Geneva, Vaud and Fribourg organise special summer holiday visits and Christmas visits with the NGO REPR.

Article 30. Special measures shall be taken to encourage and enable imprisoned parents to maintain regular and meaningful contact and relations with their children, thus safeguarding their development. Restrictions imposed on contact between prisoners and their children shall be implemented only exceptionally, for the shortest period possible, in order to alleviate the negative impact the restriction might have on children and to protect their right to an emotional and continuing bond with their imprisoned parent.

The child must be listened to prior to any visits in special contexts in order to evaluate any potential negative effects. Every situation is individual. Parental support should be offered to all parents in prison willing to participate.

Good practice:

- The Swedish Prison and Probation Service imposes visitation restrictions in cases where the parent has a history of abusive behaviour. These restrictions may be lifted after the prisoner participates in initiatives such as the Integrated Domestic Abuse Programme, shows progress and is eventually able to demonstrate that they understand the consequences of their actions.
- Some *Länder* in Germany offer weekend excursions, weekly seminars, guided parent discussion groups, guided parent-child groups, father-child seminars, communal and social-spatial standard offers of family support and parental education (support in parenting skills through municipalities). Instructed handling of new media, online games, and social networks by parents and children have been installed, as well as preparation and follow-up of visits from family groups, and a workshop series for mothers/fathers to strengthen their parenting skills. There is also a prison which offers a project to reinforce the parent-child competencies of radicalised parents.
- A specific parental support programme exists in Sweden, run by the NGO BUFFF and the prison authorities. This good practice has been extended to Denmark and Switzerland.

Article 41. In order to promote positive parenting, consideration shall be given in sentence planning to include programmes and other interventions that support and develop a positive child-parent relationship. Specific support and learning objectives include preserving, and exercising as far as possible, their parental role during imprisonment, minimising the impact of imprisonment on their children, developing and strengthening constructive child-parent relationships, and preparing them and their children for family life after release.

Children with imprisoned parents should never be involved in parenting initiatives or programmes without having carefully verified directly with the child that they are comfortable participating; the decision of participation can

then be made with regard to his or her best interests. The child's voice is important in this article specifically regarding the post-release period. Work towards planning positive conditions after release should be developed with the voice of the child in mind as well as to avoid building an entire release plan without evaluating the best interests of the child.

The following examples are connected to sentence planning.

Good practice:

- Swedish prisons offer a programme called “study circles” where detainees in groups facilitated by prison staff and former prisoners can discuss their experiences as a parent. This is connected to sentence planning.
- In Spain, the NGO Niños sin Barreras offers legal workshops which cover the law as it relates to the parenting function and the rights of the child, including input from jurists.
- Relais Enfants Parents France and the Italian association Bambinisenzasbarre run support groups for imprisoned mothers and fathers. These information groups are staffed by psychologists, judges, social workers and representatives of institutions to raise awareness on the different aspects of the child-parent relationship and the importance of the parental roles. The groups also help reinforce parenting skills.
- In Geneva's prison in Switzerland, parental support groups follow the Swedish BUFFF model and are run by the NGO REPR. The focus is on the needs of the child, and the voice of the child is at the centre of their training for parents.
- In Norway, prisons offer a programme called “Daddy in prison” where groups of prisoners participate in a parental guidance programme. In addition, the state has created a national strategy for parental support that will in turn provide safety for children in their communities.

Article 50. The competent ministries, as well as children's ombudspersons or other national human rights bodies with responsibility for protecting children's rights, shall monitor, report regularly on and take any appropriate measures regarding the recognition and implementation of the rights and interests of children with imprisoned parents, including infant children living in prison with their parent.

Such a role, which is performed by the above-mentioned responsible persons, naturally implies hearing the voice of children before, during and after developing suitable measures. It is important to ensure that any measures addressing the situation of children with a parent in prison are taken in a pedagogically appropriate manner (child-friendly, didactic, education or scientifically based).

Good practice:

- The Croatian Ombudsman's Office team regularly visits prisons to monitor visiting facilities for children and to meet with prison staff.

3.2 Examples of good practice on data collection

The following articles are the most relevant to the challenge of collecting data:

Articles 5, 13, 52, 56

Article 13. At admission, the prison administration should record the number of children a prisoner has, their ages, and their current primary caregiver, and shall endeavour to keep this information up-to-date.

Regarding the implementation of Article 13, this report finds there is a need for measures to be taken both at the level of the prison authorities as well as on the national level concerning statistics and data collection.

On the prison level, one important step is to think about who should ask about the children; it might be appropriate for the imprisoned parent him or herself to be questioned, but that supposes a couple of precautions/preconditions:

- A minimum of confidence must be there in order to talk about the children. The main focus must be on gathering information in order **to answer questions surrounding the needs of the child**, and not for the prison to use this information with other goals in mind.
- It is not important to have the absolute reality: it is too often left over because some information could be false. For example, at some point in the detention process, some prisoners may prefer not to tell the authorities they have children in order to protect the child, so no one informs them of the parent's situation. This also happens in cases where the family members may be in the country without a visa or official documentation. Therefore, the parent in prison hides this situation in order to protect his family from detainment and deportation. Nevertheless, it should be possible for information **to be anonymously reported**, so that prisons and states have an idea of the number of children impacted by imprisonment, and the number of parents in need of potential support in maintaining their role and obligations to their child.
- Giving **a meaning and a goal to this data collection** is absolutely necessary for all staff. Emphasising the purpose of data collection is imperative to successfully obtain data and accurately produce records as opposed to this information remaining blank in questionnaires or entry reports.

It is also essential to discuss who is collecting this data. The idea of a child officer or a child coordinator seems necessary. This would mean that a member of the prison staff, specially trained for having interactions with children, could be the one asking the prisoner these questions. This could bring confidence to the prisoner and help ensure quality explanations about why these inquiries are being made. It is likely that this specialist keeps in contact with an interdisciplinary network including the family, child protection services, the social workers and others in and around the child's life if necessary. It is important that this task be carried out as part of the everyday work of these specialised child coordinators as hiring more staff is not always realistic in most prison systems. Furthermore, the Recommendation makes clear that this information must be regularly updated.

Another point to consider is also what should be asked. The Recommendation makes clear that the following data should be reported:

- The number of children one has (biological and social children)
- The ages of all the children
- Who the current primary caregiver is

On top of these practical questions for implementation, a second level of questioning should be considered relating to national measures where general statistics would be helpful. Articles 52 and 56 are aimed, in addition to prisons, at child protection organisations. They should make best practice around data collection available to experts and to society in general. This also has the added benefit of increasing social awareness and research possibilities around children impacted by parental imprisonment.

Article 52. Statistical data from prison and child welfare sources should be systematically collected and published together with information on children with imprisoned parents and inventories of good practice.

Article 56. The media, professionals and the general public should be provided with reliable and up-to-date data and good practice examples to increase their awareness regarding the numbers of children affected and the impact of parental imprisonment, and to avoid negative stereotyping and stigmatisation of children with imprisoned parents.

Each country has a system for recording numbers and information about prisoners. Adding three questions about children to this annual survey referencing the number, age and primary caregiver could encourage each prison to seek out this information and keep it updated. Of course, the data should be collected in a manner that ensures that the statistics can be evaluated. Using the existing system rather than implementing an additional survey to answer these important questions will most likely be a more realistic and feasible option for prison authorities.

Good practice:

- In 2017, approximately one-third of European prison administrations took an active role in collecting demographic information and data concerning children with incarcerated parents.
- Some information in 2020 is included in the matrix considering European countries which is in the Appendix below.

4 General remarks

This paper shows that making decisions for children is an important process, and making decisions *with* children has the potential to improve this process. ***Nothing About Me Without Me.***

It is often assumed by adults and by authorities that all children have the same needs and the same views. In reality, this is not the case. Some children will have a strong desire to see their parents and will be relieved if they can do so every week, while other children would prefer less contact, and need time to live their lives outside the prison regime. There could be children in the same family who have different opinions, and the child's desired contact may change during or after sentencing. Assumptions are traps into which authorities must try not to fall. Listening to children implies having some awareness of their needs and desires so as to pursue a plan with their best interests in mind. This also means that some prison staff must be trained appropriately, or that actions taken

concerning children with imprisoned parents must be done in coordination with an external NGO. Listening to children is always a challenge, requiring ethical considerations and relational skills.

Regarding data collection, this paper shows the complexity associated with obtaining relatively simple numbers. It implies the need for more work to be done, therefore requiring resources towards building up more accurate, and ethical data collection processes, including data protection considerations. In order for prisons to get organised for better data collection, there needs to be a clear understanding of the aim of collecting data. The motivation for implementing broader data collection can be raised by outlining the benefits of such data collection. This can have impacts on the children, their families, their loved ones in prison, on their loved one's release plan, and on society as a whole. In particular, data collection can have an impact on:

- Measures to treat children with dignity and sensitivity
- Preventing and mitigating trauma for children
- Motivational possibilities during incarceration
- Resocialisation measures after prison
- Reduction of recidivism

Furthermore, data collection only makes sense and is useful if it is regularly updated, and that presents a challenge for all member states at this time.

In conclusion, bringing children out of the shadow of their parents in prison, presenting clear figures with accurate statistics and giving these children a voice in every decision concerning them will pose a great but necessary challenge for prison authorities to overcome, requiring a cultural shift from within prison systems. These cultural shifts are necessary to ensure children's rights are respected, according to CoE Standards, and it is also a powerful way of showing children impacted by parental imprisonment that they have a place in our society, regardless of the situation of their parents. Their views and feelings matter.

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