



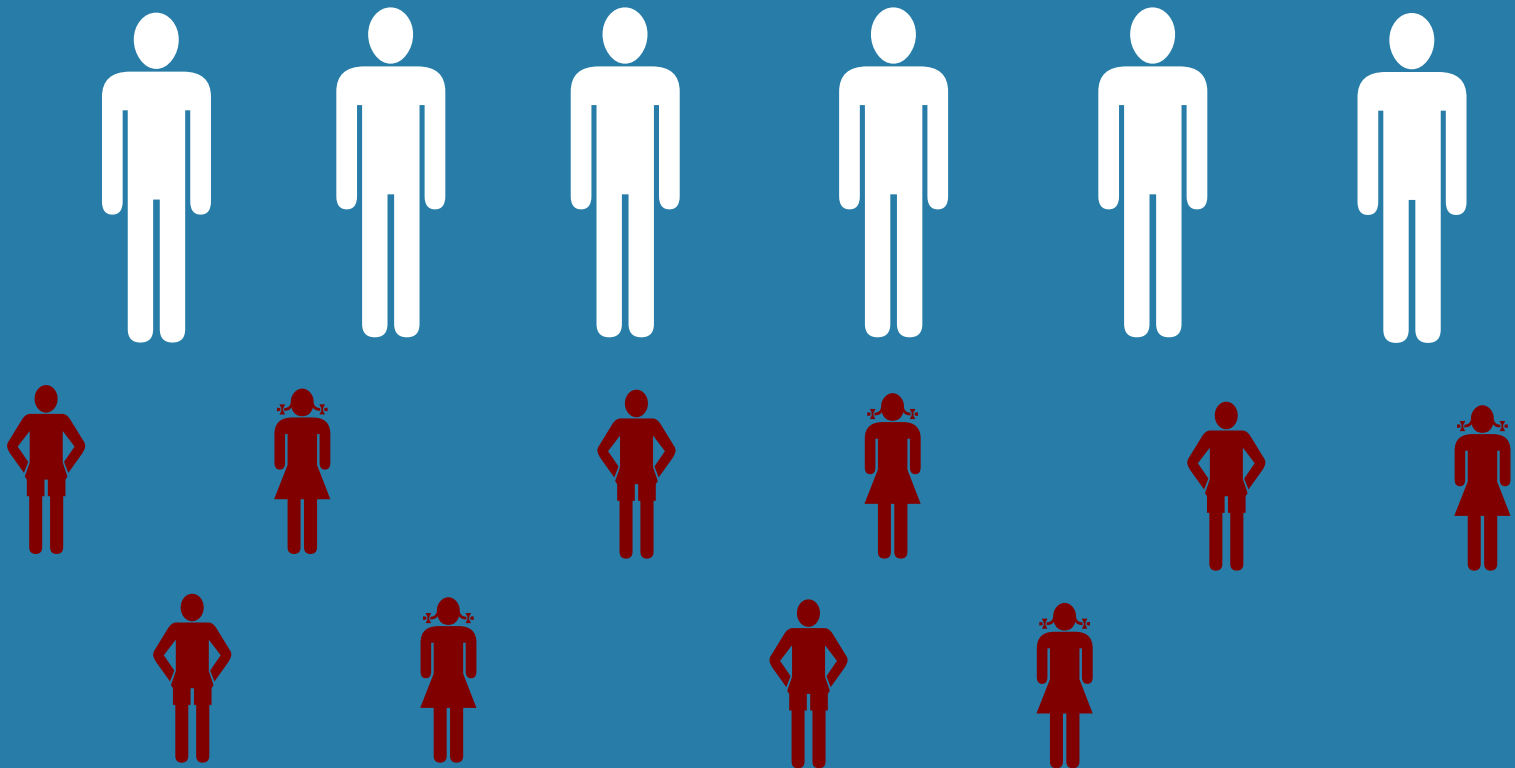
Children of Prisoners

Final report of the
German expert group of the Federal States (Länder)

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Mecklenburg-Western Pomerania

6 prisoners, but 10 children

Germany: 60.000 prisoners → 100.000 children



Germany

Facts

- comprises an area of **357.385 km²**
- has a population of **82.521.653**
- has **64.223 prisoners** and **prisoners on remand** (2017)
- has around **180.000 offenders under probation**
- 16 federal states = **16 „Länder“**
 - own state constitution & autonomic justice system

UN- Convention on the
Rights of the Child

Council of Europe
Recommendation

Decision of the
Conference of
Ministers of Justice

23.11.2021

Frühjahrskonferenz
6. und 7. Juni 2018

Beschluss

TOP II.25 Kinder inhaftierter Eltern

Berichterstattung: Mecklenburg-Vorpommern,
Nordrhein-Westfalen, Saarland

16 : 0

1. ...state the importance of studying the situation of CoP in relation to the implementation of the UN-CRC and the recommendation CM/Rec(2018)5
2. ...ask the Conference of Directors General of Prison Service to examine the relevant recommendations, describe best-practice and submit implementation proposals

89. Konferenz der
Justizministerinnen
und Justizminister
2018 | Thüringen

Baden-Württemberg
Bayern
Berlin
Brandenburg
Bremen
Hamburg
Hessen
Mecklenburg-Vorpommern
Niedersachsen
Nordrhein-Westfalen
Rheinland-Pfalz
Saarland
Sachsen
Sachsen-Anhalt
Schleswig-Holstein
Thüringen

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MAIN PART
-
Example

Nr. 15: Die Justizvollzugsanstalt leistet hinsichtlich der Kontakt- und Besuchsmodalitäten, Verfahren und internen Regelungen so weit wie möglich Unterstützung und stellt Informationen hierüber zur Verfügung, und zwar in kindgerechter Art und Weise und erforderlichenfalls in verschiedenen Sprachen und Formaten.

Kinder bedürfen spezieller altersgerechter Unterstützung (Besuche außerhalb der Unterrichtszeiten, an Wochenenden und Feiertagen, kindgerecht gestaltete Besuchs- und Wartebereiche, unkomplizierte Kommunikation über Telefonie, Briefe etc.) bei der Kontaktaufnahme zu ihren Eltern in Haft. Für die Kinder sind altersgerechte Informationen über die bestehenden Kontaktmöglichkeiten und deren Ausgestaltung in verschiedenen Sprachen bereitzuhalten.

Best Practice

Durch einen freien Träger erstellter Film über die Besuchsdurchführung läuft im Wartebereich des Besuches einer JVA bzw. ist von den Internetseiten der Anstalten verlinkt

Verlinkung eines Beitrags der Sendung mit der Maus über Gefängnisse

Kinderseiten auf den Homepages der jeweiligen Anstalten

Kindgerechte Fotobücher über die Anstalt

Hefte in einfacher Sprache, Bildersprache auf Homepages

Möglichkeiten der Kontaktaufnahme zur Anstalt durch Kinder mittels Postkarten
Puppenhaus „Wo lebt mein Papa“ und Kinderbücher „Besuch bei Papa“, „Da lebt Papa“

Plakate im Besuchs- und Wartebereiche mit kindgerechter Darstellung der Personenkontrolle


Vorschläge zur weiteren Umsetzung:

Über die genannten Beispiele hinaus, wurde die Programmierung einer Besuchs-App angedacht/diskutiert.

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Principle



The **organizational structure** of imprisonment needs to take the **rights, needs and welfare** of the children of prisoners into careful consideration. **All regulations** and **organizational measures** must be adjusted accordingly. This includes and prioritizes appropriate common visiting areas, age-appropriate information about means of communication, visiting procedures and up-to-standard safety measures.

Lodging / data collection / planning imprisonment



Prisoners should be incarcerated within a **reasonable proximity** to their children.

Systematic **data collection** concerning the children of prisoners must be executed for **statistical** and **scientific** purposes, as well as for the purpose of **planning imprisonment** accordingly. Data about the amount of children, their age range and their main caretakers is particularly relevant.

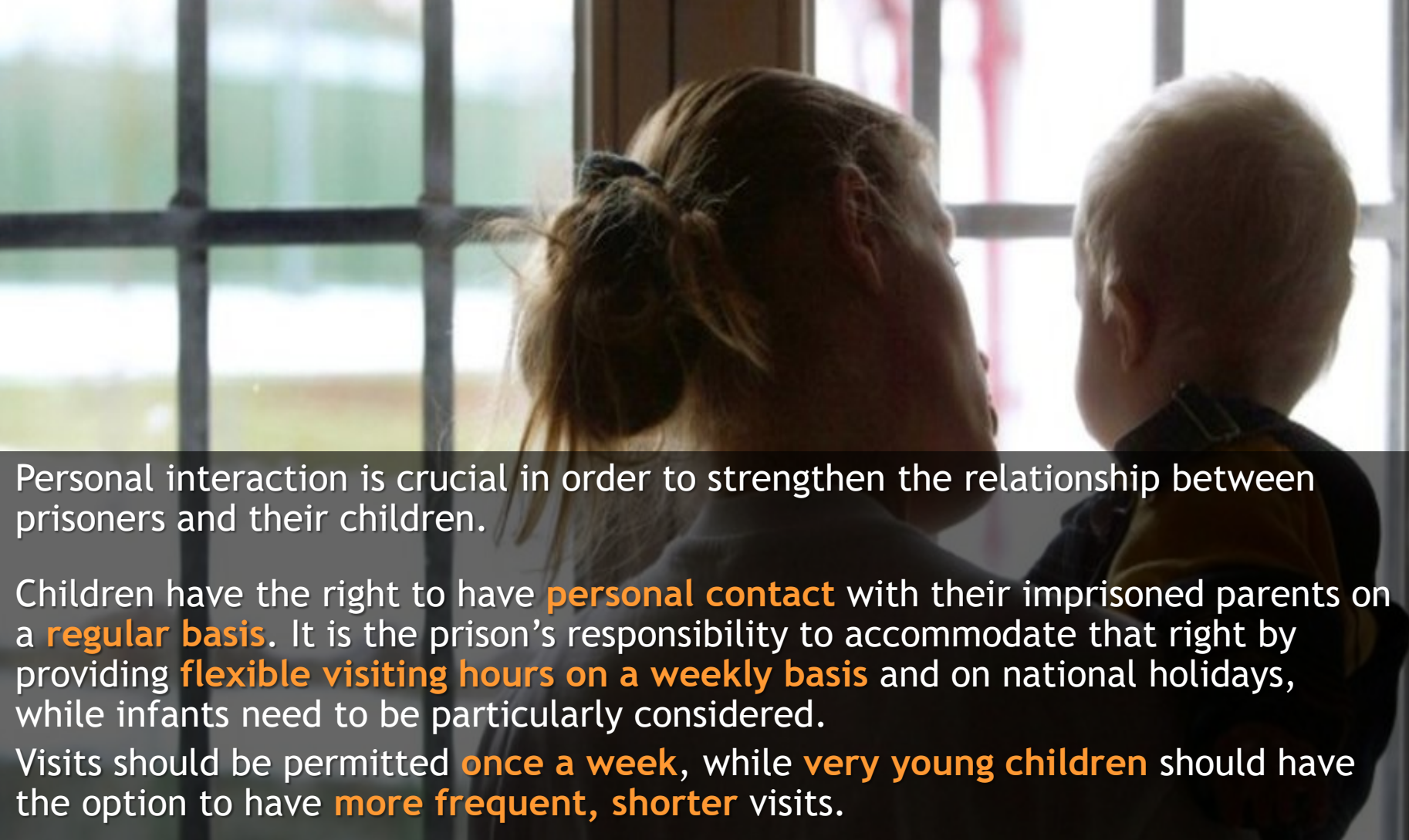
Within the framework of **planning** an individuals **imprisonment**, it is crucial to consider and strengthen the **parent-child relationship** - also by free providers.

Child-appropriate information

The children of prisoners often overestimate the negative severity of their parent's imprisonment conditions. Prisons shall provide information and educate children through **different formats, languages and channels of information** about **contact- and visiting options**. **Child-appropriate information material** should be provided on site and online to help children obtain a realistic idea of how their parent's day-to-day life works in prison.



Visits

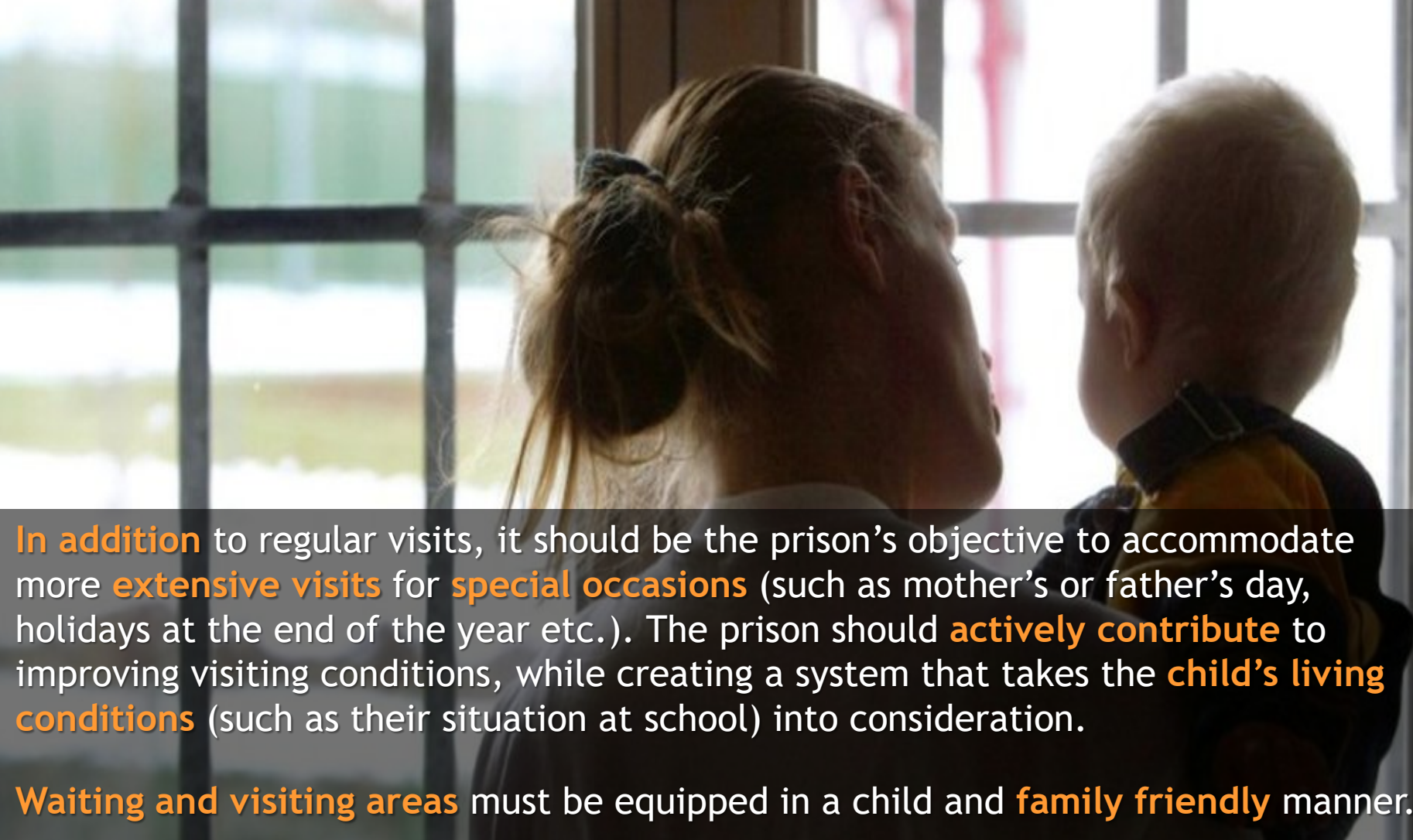
A photograph showing a woman and a young child from behind, looking out a window with a grid pattern. The woman has her hair in a bun, and the child is wearing a dark jacket. The window looks out onto a bright, possibly outdoor area.

Personal interaction is crucial in order to strengthen the relationship between prisoners and their children.

Children have the right to have **personal contact** with their imprisoned parents on a **regular basis**. It is the prison's responsibility to accommodate that right by providing **flexible visiting hours on a weekly basis** and on national holidays, while infants need to be particularly considered.

Visits should be permitted **once a week**, while **very young children** should have the option to have **more frequent, shorter** visits.


Visits

A photograph showing a woman and a young child from behind, looking out a window with a grid pattern. The woman has her hair in a bun, and the child is wearing a dark jacket with a yellow collar. The window looks out onto a bright, possibly outdoor area.

In addition to regular visits, it should be the prison's objective to accommodate more **extensive visits** for **special occasions** (such as mother's or father's day, holidays at the end of the year etc.). The prison should **actively contribute** to improving visiting conditions, while creating a system that takes the **child's living conditions** (such as their situation at school) into consideration.

Waiting and visiting areas must be equipped in a child and **family friendly** manner.

Other channels of contact



In addition to personal visits, prisons should provide other means of communication such as contact via **phone and other technological means**. The timeframe of communication should be flexible to ensure imprisoned parents can receive / personally **respond** to their **children's calls**.

Since regular communication between parents and children constitutes a necessity, **cost should be covered** when needed.

Easing the conditions of imprisonment



Easing of imprisonment helps in transitioning from imprisonment into freedom and helps prisoners maintain a strong relationship with their children. All **legal tools and rights** should be **taken advantage** of within that framework. **Furlough** should be granted for **special occasions** such as the child's birthday, first day of school or hospital visits.

Expanding the education and training of prison personnel



Prison personnel needs additional **special training** in order to be prepared to **interact** and work **with the children** of prisoners and their **parents** in an appropriate manner.

Resources



Prisons need to ensure appropriate **material and personnel resources** to be prepared for challenges concerning children and families of prisoners. In each prison there should be **“Children’s / family officers”**. Depending on the size and capacity of a prison, forming **additional personnel positions** e.g. in social-service departments might be needed.

Social connection and release / cooperating with third party entities



Caring for the children of prisoners is a challenge and responsibility which concerns **all of society**, since prisons only have limited resources and means. In order to successfully support the children of prisoners it is essential to initiate **networking** and to **connect society organizations, NGOs, state- and social departments** and during and after the imprisonment of parents and rehabilitation back to the family.

Research and evaluation



It is essential to form expert committees in order to **scientifically** assess and find the best practices and **optimized** concepts concerning the treatment of children of prisoners. **Statistics** and **data** should be delivered to State Justice departments and child-protection services in a systematic and **publicly accessible** manner.

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Advice

In addition to the area of prison service, some of the Recommendation Numbers also concern other departments, ministries, authorities and organizations:

-Public prosecutors (Departments of Criminal Law) (No. 2, 4, 9, 10, 12, 17)

-Courts (Department for judicial administration) (No. 2, 9, 10, 17)

-Interior Ministry (No. 8, 12, 49, 50)

-Children Youth Family Ministry (No. 19, 27, 36, 38, 39, 40, 44, 49, 50, 54)

-Social Ministry (No. 16, 19, 27, 36, 38, 39, 40, 44, 49, 50, 54)

-Ministry of Health (No. 34, 37)

-Ministry of Finance (No. 6, 46, 53)

-Other civil society organizations (No. 6, 19, 27, 44, 49)

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Appendix 1 - Overview of family-appropriate measures of the Federal States in Germany

Visits: longterm visits, visiting common areas, visiting timeframe, waiting area, family visits, preparation

Groups: father-child, mother-child, parent-child, education, seminar

Material: flyer, photographs, imprisonment models, books, pamphlets, TV and CD, screens

Communication: phone, video phone, skype, letters, internet

Others: means of communication, counseling afternoons with the family, downtime, special events

Übersicht: Angebote einer familiensensiblen Vollzugsgestaltung

Bundesland: Baden-Württemberg

BL	JVA	Bezeichnung der Maßnahme und kurze Beschreibung des Inhalts	Interner- oder externer Anbieter	
			intern	extern
BW	Landesweit in allen Anstalten	<p>Eltern-Kind-Projekt Chance</p> <p>Die Hilfen umfassen alle Maßnahmen zur Klärung und Förderung einer positiven Eltern-Kind-Beziehung vor, während und nach der Inhaftierung eines Elternteils. Hierbei steht das Wohl des Kindes im Vordergrund. Weitere Ziele sind:</p> <ul style="list-style-type: none"> • Stärkung des Kindes im Umgang mit der besonderen Situation • Hilfestellung bei Besuchskontakten in Haft • Hilfen zur Sicherung der finanziellen Existenz nach Inhaftierung des Elternteils. <p>Zielgruppen:</p> <ul style="list-style-type: none"> • Kinder von Inhaftierten • Partner einer/ eines Inhaftierten • Gefangene in Baden-Württemberg 		X
BW	Adelsheim	<p>Familiengespräche</p> <p>Sozialtherapeutischen Abteilung: Als prognosefördernder Bestandteil des Behandlungskonzeptes institutionalisierte Familiengespräche im Rahmen von Sonderbesuchen, später auch bei vollzugsöffnenden Maßnahmen zur Mitwirkung bei der therapeutischen Arbeit.</p>	X	
		<p>Langzeitbesuch</p> <p>Entsprechend § 17 Abs. 5 JVollzGB IV ist für Kinder von jungen Gefangenen grundsätzlich die Möglichkeit eines Langzeitbesuches vorgesehen. Bei entsprechendem Antrag wird die Zustimmung in der Regel als Einzelfallentscheidung erteilt. Die zuständige Hauskonferenz muss dazu eine Stellungnahme des Jugendamtes erwirken, mit der Feststellung, ob dieser Besuch dem Kindeswohl dient.</p>	X	

Material



Appendix 4 - Child-friendly version of the recommendations - COPE

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Thanks for your
attention.



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