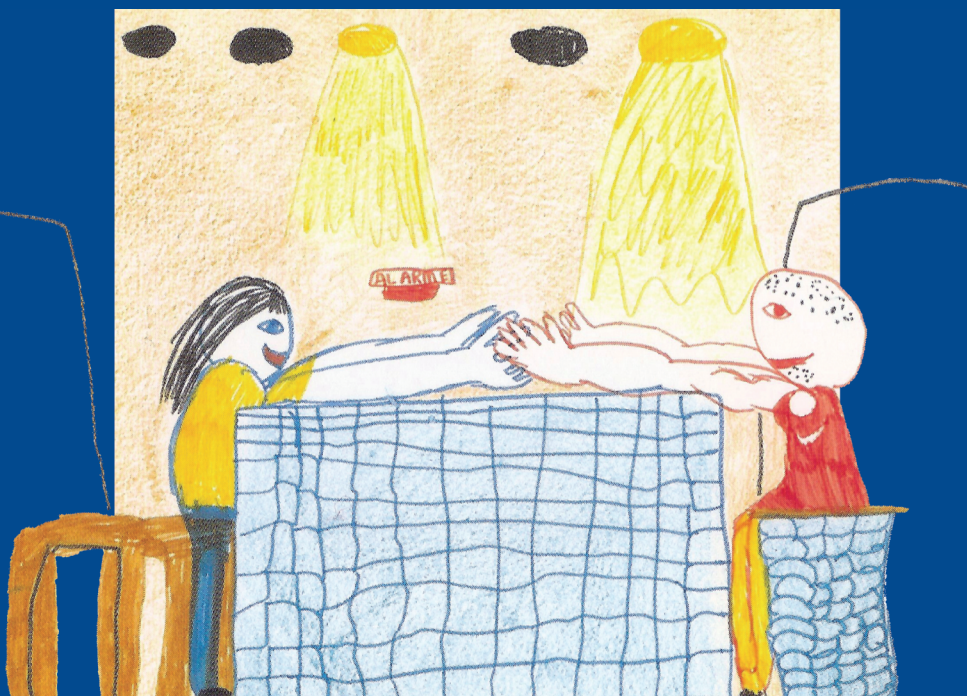


Children of Imprisoned Parents

European Perspectives on Good Practice



This publication, featuring a range of initiatives, expertise and good practice, is designed for professionals, volunteers and decision-makers whose work impacts children with imprisoned parents, either directly (e.g., prison officers) or indirectly (e.g., judges and sentencers). Seeking to promote, expand and inspire good practice and policy change for this group of children, it revolves around seven broad themes:

- The legal framework: international and European conventions, national law, maintaining family ties and the best interests of the child
- The impact of parental imprisonment on children and young people's lives.
- Parenting from prison: support for the imprisoned parent and the child-parent relationship
- How children can maintain contact with an imprisoned parent
- Mothers and young children in prison
- Training, tools and methodologies to help reduce the adverse effects of imprisonment on children
- Advocacy for policy and practice change to support children with imprisoned parents

Each chapter showcases different national approaches and perspectives on current work being carried out across Europe, exploring issues that transcend borders and national judicial and penal policies, rather than providing an exhaustive nation-by-nation approach. As a whole, the publication offers a child-centred guide for ideas and initiatives to bolster the resilience of children whose parents are in prison, protect their emotional, psychological and social development and foster and reinforce family ties.

This updated second edition celebrates the 25th anniversary of the adoption of the UN Convention on the Rights of the Child, a milestone for children's rights, and the launch of Children of Prisoners Europe (formerly Eurochips) in 2014.

Children of Imprisoned Parents: European Perspectives on Good Practice

Paris: Children of Prisoners Europe

ISBN: 2-9526725-0-4

Second edition 2014

Published with the financial support of the Fundamental Rights and Citizenship Programme of the European Union



With the financial support of



the EU Fundamental Rights and Citizenship Programme

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at La Santé Prison, Paris



Children of Imprisoned Parents

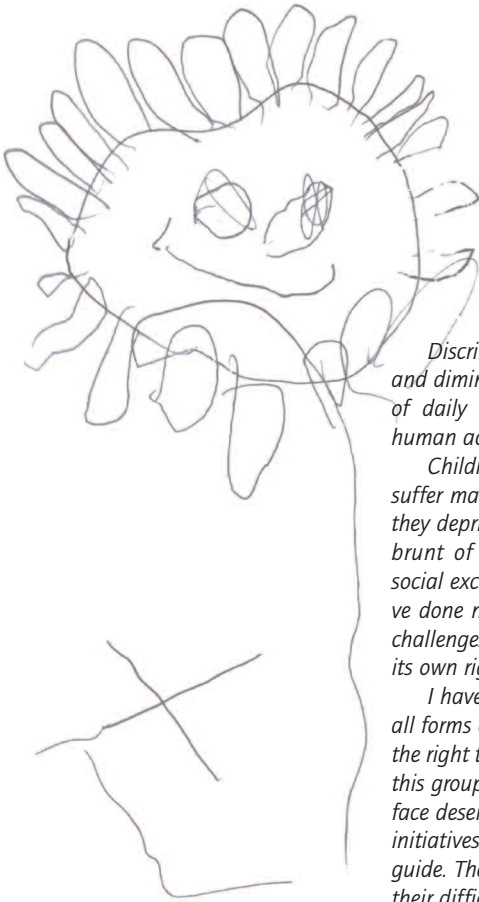
European Perspectives on Good Practice



Second edition 2014

Edited by **Kate Philbrick**, **Liz Ayre** and **Hannah Lynn**





Discrimination is a rope that binds the soul and diminishes its light. Rejection becomes a part of daily life, stifling individual expression and human achievement.

Children with imprisoned parents frequently suffer many forms of discrimination. Not only are they deprived of a parent, but they often bear the brunt of bullying, economic hardship, stigma, social exclusion and shame. Yet these children have done nothing wrong, and despite the multiple challenges they face, are not viewed as a group in its own right.

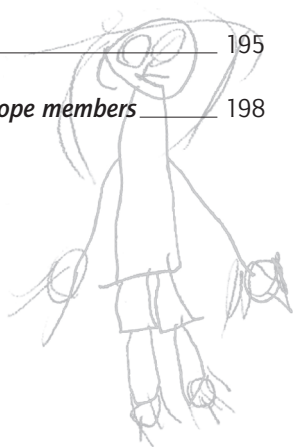
I have spent many years speaking out against all forms of discrimination and actively defending the right to freedom of expression. The existence of this group of children and the discrimination they face deserves recognition, as do the many positive initiatives and ideas explored in this good practice guide. The aim is to help these children surmount their difficulties, gain a solid foothold in existence and move forward into light.

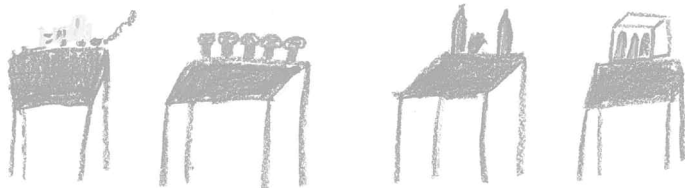
Taslima Nasrin

Novelist, poet, human rights activist

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Acknowledgements

The CHILDREN OF PRISONERS EUROPE network would like to thank the Bernard van Leer Foundation for the support it has offered in creating, developing and promoting the network, as well as DG Justice of the European Union, which has made the publication of this book possible. The views expressed herein can in no way be taken to reflect the official opinion of the European Commission. We would also like to acknowledge all of the practitioners, professionals and experts who participated in the discussions and meetings to prepare the drafting of the various chapters, as well as those who actually contributed to writing this book. Their contribution has been invaluable. For their enthusiasm and commitment to Children of Prisoners Europe and for their willingness to assist in the research for this updated edition, the editors thank the growing and strengthening membership of the organisation across Europe in particular the support of the staff and board, including founder Alain Bouregba and current network President Lucy Gampell, both of whom also contributed significantly to the earlier edition of this book.

This work is fuelled by the inspiration of the children, authors, professionals and others working in the field. Particular thanks are due to Hannah Lynn for her intelligent and careful copy-editing and input, as well as to Marc Stettler and Monica Malone for their help in preparing the publication. Paola Costa instigated my involvement in the updating of the guide and has been a supportive companion throughout, conducting all the French, Italian and Spanish speaking research for this volume. I owe most particular gratitude to Liz Ayre, Director of Children of Prisoners Europe, for her visionary approach, intellectual rigour, understanding and encouragement in producing this book and for her commitment to the network. We hope this that document will prove helpful and that support and understanding for children with imprisoned parents will grow. – *Kate Philbrick*

“Children are not the people of tomorrow, but people now, right now, today. They are entitled to be taken seriously. They have a right to be treated by adults with tenderness and respect, as equals.”

Janusz Korczak (1879 –1942), champion for children’s rights

Avant-propos:

Enfants de parents détenus: perspectives européennes

Le point de vue des droits de l'enfant

«Les droits humains ne s'arrêtent pas aux portes des prisons. Ils s'appliquent à tout individu arrêté ou incarcéré.»¹ Donc aussi aux enfants... et à leurs parents.

Examinée du point de vue des droits de l'enfant, la douloureuse situation d'enfants de parents détenus revient à souligner une injustice: le(s) parent(s) est(sont) privé(s) de liberté et l'enfant est puni de cette punition, puisqu'il est à son tour privé de son (ses) parent(s).

Cette question ne fait pas l'objet d'une disposition particulière de la Convention des Nations Unies relative aux droits de l'enfant de 1989 (CDE), mais l'on peut aisément la relier à diverses dispositions de ce traité, en commençant par rappeler que la famille est considérée dans la Convention comme la cellule de base²:

«...Convaincus que la famille, unité fondamentale de la société et milieu naturel pour la croissance et le bien-être de tous ses membres et en particulier des enfants, doit recevoir la protection et l'assistance dont elle a besoin pour pouvoir jouer pleinement son rôle dans la communauté...».

Dès lors, il est nécessaire de permettre à tout enfant, quelle que soit sa situation, de maintenir le plus étroitement possible des relations avec sa famille, particulièrement avec son/ses parents.

Examinant de manière plus spécifique le dispositif mis en place par la CDE, il paraît clair que lorsque l'enfant est dépourvu partiellement/totalement de son encadrement familial, il a droit à une protection spéciale; l'art 20 dispose que *«Tout enfant qui est temporairement ou définitivement privé de son milieu familial, ou qui dans son propre intérêt ne peut être laissé dans ce milieu, a droit à une protection et une aide spéciales de l'État»*. On mentionnera en outre l'art 9, qui prévoit à son par. 3, le principe du droit de l'enfant de maintenir des relations avec ses deux parents. A l'évidence, cette disposition s'applique au droit d'un enfant dont l'un des deux parents (parfois les deux) sont privés de liberté d'entretenir des relations (notamment des visites) avec son parent emprisonné.

Cette disposition a été confirmée par les recommandations faites par le Comité lors de la Journée de Débat général de 2011 du Comité des droits de l'enfant:

Pour les enfants séparés de leur parent par l'incarcération

38. Le Comité souligne que ces enfants ont le droit à des visites régulières avec leur(s) parent(s), si celles-ci s'incrivent dans l'intérêt

supérieur de l'enfant. Dès lors, le Comité recommande que des mesures soient prises afin d'assurer que le contexte de la visite respecte la dignité de l'enfant et son droit à la vie privée.³

De plus, n'oublions pas de faire référence à l'art. 5 qui reconnaît les droits et devoirs des parents de guider l'éducation de leurs enfants et à l'art. 18 qui institue le principe que la responsabilité d'élever l'enfant et d'assurer son développement incombe au premier chef aux parents.

En plus, les principes généraux de la CDE devraient dicter l'application des droits de l'enfant. Nous pensons évidemment au droit de l'enfant de voir son intérêt supérieur être pris en compte comme une considération particulière (art. 3 par. 1) et le droit de l'enfant de pouvoir être entendu dans toute décision qui le concerne, son opinion devant être dûment prise en compte en relation avec son âge et son degré de maturité.

Combien de décisions prises à l'égard de parents condamnés à une peine privative de liberté sont-elles examinées à l'aune de l'intérêt de l'enfant à maintenir des relations régulières avec son/ses parents?

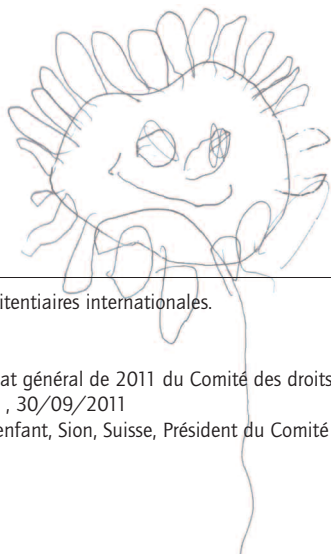
Voire de renoncer à la privation de liberté pour privilégier la vie familiale? Combien d'enfants sont-ils entendus par l'autorité sur cette question?

Très peu souvent; trop peu souvent!

Je pense que les États auraient tout intérêt à impliquer dans leurs décisions, de manière effective, la donne « droits de l'enfant », notamment à se poser la question de savoir si une privation de liberté ne risque pas de déséquilibrer complètement des situations familiales, qui sont souvent très précaires et de porter préjudice sérieusement au développement harmonieux des enfants, but ultime de la CDE (art. 6)?

Ce guide de bonnes pratiques devrait contribuer à susciter ce débat fondamental et renforcer la position des enfants dans cette situation fort douloureuse, pour eux, comme pour leurs parents.

Jean Zermatten⁴



¹Pratique de la Prison. Du bon usage des règles pénitentiaires internationales.

Penal Reform International, réédition 2005

²Préambule de la CDE

³Rapport et recommandations de la Journée de Débat général de 2011 du Comité des droits de l'enfant sur « les enfants des parents incarcérés », 30/09/2011

⁴Directeur de l'Institut international des droits de l'enfant, Sion, Suisse, Président du Comité des droits de l'enfant (2011-2013)

Preface:

Children of prisoners: European perspectives

The child rights perspective

"Human rights are not left behind at the prison gate: they apply to any individual arrested or incarcerated."⁵ So, therefore, also to children... and to their parents.

When examined from a child rights perspective, the painful situation of children with imprisoned parents highlights an injustice: the parent(s) is (are) deprived of freedom and the child is punished as a result of this punishment, since they in turn are deprived of their parent(s) in prison.

This issue is covered by a specific requirement in the 1989 United Nations Convention on the Rights of the Child (UNCRC), but we can easily relate it to various provisions within this treaty, starting by reminding ourselves that, in the Convention, the family is considered as the fundamental nucleus (or cell) in society:

"... Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community..."⁶

Therefore, it is necessary to allow any child, whatever their situa-

tion, to maintain as close a relationship and contact with his family as possible, particularly with his or her parents.

When this provision in the UN-CRC is examined in more detail, it seems clear that when a child is partially or totally deprived of their family structure, he or she has the right to special protection; Article 20 outlines that *"A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State"*. We should also look at Article 9, paragraph 3, which outlines the principle of the child's right to maintain relationships with both parents. Clearly, this provision can be applied to the rights of a child who is separated from an imprisoned parent (sometimes both parents) to maintain relations (in particular, visits) with the imprisoned parent.

This point of view was confirmed by the recommendations made during the United Nations Committee on the Rights of the Child Day of General Discussion, 2011:

For children left outside when their parent is incarcerated

38. The Committee emphasises that children have the right to regularly visit their parent(s), if this is in their best interests. In this context, the Committee recommends that meas-

ures be taken to ensure that the visit context is respectful to the child's dignity and right to privacy.⁷

Moreover, let us not forget to refer to Article 5 which recognises the rights and duties of parents to guide the education of their children and to Article 18 which establishes the principle that the responsibility of raising a child and ensuring their development lies, first and foremost, with the parents.

Furthermore, the general principles of the UNCRC should dictate the application of the rights of the child. We are, of course, thinking about the right of the child to see his or her best interests taken into account as a primary consideration (Article 3, paragraph 1) and the right of the child to be heard in any decision that affects them; their views being given due weight in accordance with the age and maturity of the child.

How many decisions regarding parents sentenced to prison are examined in light of the interests of

the child to maintain a normal relationship and normal contact with their parents? Indeed, how often are prison sentences rejected in favour of family life? How many children's opinions are heard by the relevant authority in relation to this question?

Very few; too few!

In my opinion, states have every interest in effectively applying the "child rights" agenda in their decisions, notably in asking themselves whether removing a person's freedom may risk completely unbalancing the family situation which is often very precarious, as well as seriously harming the children's balanced and safe development, which Article 6 of the UNCRC ultimately seeks to protect?

This good practice guide should help to invigorate this fundamental debate and strengthen the position of children in a situation which is very painful both for them and for their parents.

Jean Zermatten⁸



⁷Prison practice. Good use of the international prison rules. Penal Reform International, 2nd edition, 2005. (Pratique de la Prison. Du bon usage des règles pénitentiaires internationales. Penal Reform International, réédition 2005)

⁸Preamble of the CRC

⁷Report and Recommendations of the Day of General Discussion on "Children of Incarcerated Parents", 30/09/2011, United Nations Committee on the Rights of the Child

⁸Director of the International Institute for the Rights of the Child (IIRC), Sion, Switzerland, Chairperson of the UN Committee for the Rights of the Child (2011-2013)

Chapter one: **Introduction**

This new edition of Children of Imprisoned Parents – European Perspectives on Good Practice reflects welcome change in awareness, knowledge and practice with respect to what is being done, and what can be done, to support the needs and rights of children with imprisoned parents!

The year 2014 also provides an opportunity to celebrate the twenty-fifth anniversary of the UN Convention on the Rights of the Child, which the UN General Assembly adopted and opened for signature in 1989. This farsighted convention made provision for the rights of children generally which are applicable to children affected by parental incarceration; Article 9 specifically relates to children separated from their parents, which include children of prisoners. Since then, at a European level—largely through the efforts of the Children of Prisoners Europe network (formerly Eurochips) and its members—the visibility of this group of children has increased, and changes in policy and practice have been implemented across Europe. A significant landmark in this progress was the UN Committee on the Rights of the Child Day of General Discussion, held in 2011, which, along with supporting workshops organised by the Quaker United Nations Office, gen-

erated the first international debate among NGOs and policymakers around the issue of children of prisoners, as well as the first international group of recommendations.¹¹ Progress has not stood still there, and in 2011 and 2012 respectively, the launch of *Children of Imprisoned Parents*, a study spearheaded by the Danish Institute of Human Rights, and the *Children of Prisoners: Interventions and Mitigations to Strengthen Mental Health* (Coping) study have pushed the limits further, opening up new avenues of activity in Europe and beyond.¹²

The original edition of this publication was a Tower of Babel, a melting pot of knowledge, experience and ideas by authors from a variety of professions and backgrounds across Europe, with chapters and passages translated from the French, German, Italian, Norwegian, Swedish and Spanish, or written directly in English. The linguistic and cultural medley of the original volume is retained here, updated and expanded: rights-based, psychological, sociological and other theoretical approaches versus concrete; conceptual versus hands-on; abstract versus applied, highlighting obstacles versus good practice options in working on behalf of children of prisoners. It is this heterogeneity itself which provides the book's uniqueness and richness as it attempts to bridge linguistic and cultural gaps and open up new ways of acting and interacting with

children of imprisoned parents.

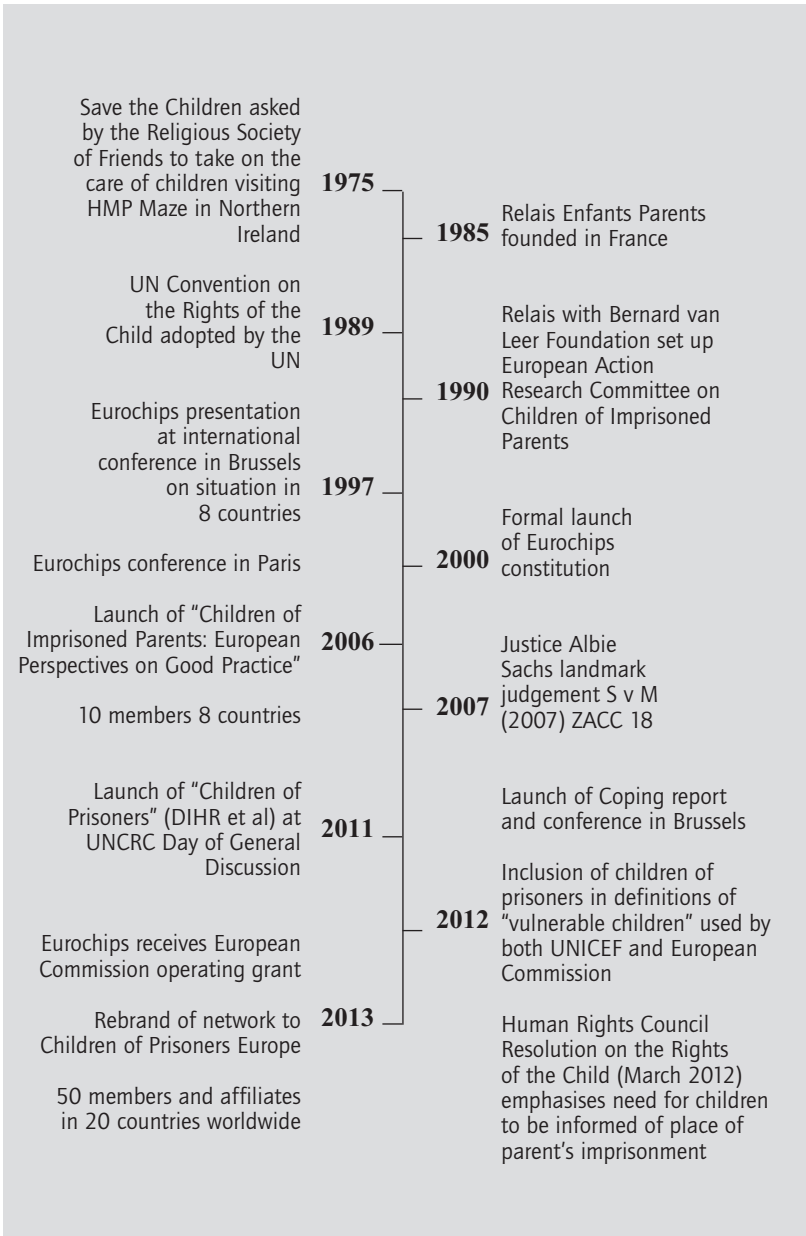
In this revision, the Children of Prisoners Europe (COPE) network, known as Eurochips until December 2013, has sought to capture glimpses of how children of prisoners fare and are supported by its members throughout Europe. The network was created as an informal action research committee in 1990, on the initiative of the French organisation Relais Enfant Parents and the Bernard van Leer Foundation, to provide a voice for children of prisoners and to explore innovative, child-centred approaches to maintaining the child-parent bond in different European countries. The initial multidisciplinary team of experts working in prison-related or child welfare fields had grown by 2013 to embrace fourteen full member organisations and a further seven applicant members from fourteen European countries, as well as affiliates from farther afield in Europe and the world. Content of this

publication is geared toward professionals, practitioners and policy-makers, as well as for students and anyone else interested in learning more about the topic. The book looks at the legal background, the impact of imprisonment on children, parenting from prison, children living with imprisoned mothers, training needed for professionals and others whose actions impact children affected by incarceration and the growing advocacy for children with imprisoned parents. It is a cause for celebration that there is much more support and recognition for this formerly marginalised group of children and their multiple and complex issues and needs, more than this volume can possibly encompass.

Children of Prisoners Europe will continue to work on behalf of children with imprisoned parents at the national, pan-European and international level in the future.



Children of Prisoners Europe timeline^v:



COPE recognises that each individual is unique, and that there are many pathways by which parental incarceration may affect a child's well-being. Each situation is different, and ideally, support for children affected by parental incarceration should be individualised according to each child's best interests. Yet what exactly are the child's "best interests" and how can they be assessed and determined? The authors, contributors, interviewees and reviewing editors of this volume acknowledge these limitations, presenting here a consensus and guidelines on how to support children dealing with parental incarceration to form the best possible relationship with the imprisoned parent, and ultimately with themselves. This involves efforts to safeguard family ties and to foster an internal sense within the child of what John Bowlby called a "secure base".^v

Our vision includes:

Recognition of the rights of children with imprisoned parents

The framework of the 1989 UN Convention on the Rights of the Child, and, in particular, Articles 1, 2, 3, 6, 8, 9, 12, 20 and 30, underpins these concerns. Article 3(1) reads: *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall*

be a primary consideration." Article 9(3) commits states to *"respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests"*. According to Article 12, children have the right to have opinions in all matters affecting them, and those views should be given due weight *"in accordance with the age and maturity of the child"*—in other words, children have a right to be heard and to have their views taken seriously, including in any judicial or administrative proceedings affecting them.

On a European level, under the Lisbon Treaty, the 2000 Charter of Fundamental Rights of the European Union became binding when EU law is implemented. The rights of the child are enshrined in Article 24. The Charter of Fundamental Rights, the UNCRC, the European Convention on Human Rights and other treaties in which the rights of children with imprisoned parents are enshrined are explored further in Chapter 2 of this book.

Recognition that considerable numbers of children are affected by their parent's imprisonment throughout Europe

Despite the acknowledgment of children of prisoners as rights-holders, their numbers remain uncertain and few statistical records are kept on the parental status of prisoners.

There is a great need to develop systems for collecting information on parental status and in turn, to systematise this information on a national level. Yet the COPE network extrapolates that over one million children in the European Union are separated from an imprisoned parent at some point in a given year. This extrapolation uses a demographic “parenting rate” of 1.3 offspring per offender, based on the results of a 1999 study conducted by France’s national statistics institute INSEE as part of a national census, which included seventeen hundred male offenders.^{vi} Other methods of assessing numbers have been used. A 2012 Justice Ministry survey in England and Wales^{vii} used a rate of 1.14 children per prisoner, corresponding roughly with Murray and Farrington’s estimates that imprisoned men have an average of 1.15 children while the average for women is 1.36.^{viii} The Center for the Children of Imprisoned Parents in the United States uses formulae based on findings from various studies that determined the average percentages of imprisoned men and women with dependent children, and the mean number of dependent children per imprisoned mother and per imprisoned father: # male offenders $\times 0.56 \times 2$ and # female offenders $\times 0.67 \times 2.4$.^{ix} Estimates of the number of children impacted by parental imprisonment need to specify whether numbers refer to the “stock” prison population

(numbers of children with a parent in prison at a single point in time) or to the “flow” population (numbers at some point in a given year). Overall, the figures are far from conclusive, but give a rough idea of the number of children concerned. The Parliamentary Assembly of the Council of Europe calls on member states to record the number, age and location of a prisoner’s children upon entry to the prison.^x

Children of Prisoners Europe is currently working with the Brussels-based NGO Europris to explore expanding personal data collection by EU member state prison services to include information on parental status and numbers of children per prisoner, despite the intrinsic limitations of this method.^{xi} As a final note, this publication focusses on the children of imprisoned parents, whereas all children with a family member in prison—siblings, grandchildren, cousins, etc.—may also experience repercussions of the incarceration, particularly with respect to stigma. They are not quantified in the sampling of countries that appears on the following page, showing rough extrapolations of “stock” populations based on a COPE rate of 1.3 offspring per prisoner.





Country	Prison population	Prison population rate per 100,000	Number of children separated from an imprisoned father (extrapolation)	Number of children separated from an imprisoned mother (extrapolation)
Belgium	12,126	108	15,763	545
Croatia	4,741	108	6,163	307
Czech Republic	1,6257	154	21,134	1,999
Denmark	4,091	73	5,318	232
Finland	3,134	58	4,074	296
France	62,443	98	81,175	3,134
Germany	64,379	79	8,3692	5,029
Greece	12,479	111	16,222	720
Ireland	4,068	88	5,288	204
Italy	64,835	106	84,285	3,650
Luxembourg	656	122	787	46
Netherlands	13,749	82	17,873	950
Norway	3,649	72	4,743	271
Romania	33,015	155	42,920	1,656
Slovenia	1,357	66	1,764	65
Spain	68,220	147	88,686	6,988
Sweden	6,364	67	8,273	507
Switzerland	6,599	82	8,578	421
United Kingdom				
England/Wales	84,430	148	109,759	5,278
Northern Ireland	1,851	101	2,406	57
Scotland	7,855	147	10,211	583

Source: Children of Prisoners Europe based on International Centre for Prison Studies data: World prison population list (10th edition 2013).

Note: The figures for the prison populations vary with the rate of imprisonment in each nation, and do not therefore correlate with the size of the population at large. Based on figures for the countries in table representing data for 2013 compared with data for 2005. <http://www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/world-prison-population-list-2005.pdf>

Recognition that children of prisoners constitute a group of vulnerable children with special needs

Children separated from imprisoned parents have been referred to as "forgotten children", "collateral victims", "hidden victims of imprisonment" or "orphans of justice". It is only in recent years that this group has been acknowledged as one facing special and often multiple difficulties and predicaments, partly as a result of work by COPE and its members on the European level, and by the Quaker United Nations Office (QUNO) at an international level. Indeed, despite a growing body of research, these children still are frequently overlooked in national policies as comprising a group in their own right with special needs. Research on children with imprisoned parents is by no means complete. Longitudinal studies and more studies that examine children's experiences based on their own accounts are needed to identify and better understand the mechanisms by which parental imprisonment affects children. Progress is being made to provide a research base for the awareness that practitioners working with children have developed. Current knowledge from experience and research is that the impact of imprisonment on families can be severe and long-lasting, particularly for children, who may suffer emotionally, socially, financially and educationally as a result of parental incarceration. Further ro-

bust child-centred research is still needed to inform and refine the development of policy and practice to help mitigate these risks.

In short, as Shaw has seminally highlighted^{xii}, these children constitute a group at risk, and failing to buffer the impact of imprisonment on children can have repercussions on their development. From a sociological point of view, the Coping study considered risks of mental health difficulties as well as strategies for increasing resilience of children of prisoners, interviewing over seven hundred children.^{xiii} The French psychoanalyst Alain Bouregba, who has been highly influential in developing thinking with respect to children of prisoners, points to the risk to a child's socialisation, their emotional maturity and their ability to learn. Some other researchers focus more on studies which demonstrate the risks of the child ultimately reproducing the parent's delinquent behaviour as an adult.^{xiv} Some childhood professionals, however, refute any kind of reductionist approach. The French child psychiatrist Marcel Rufo,^{xv} for example, criticises transgenerational theories as "extremely devastating myths". Boris Cyrulnik,^{xvi} a French neuropsychiatrist who has broad experience with victims of childhood distress, maintains that "nothing is ever played out in advance and [that] many traumatic experiences during childhood can lead to the development of stun-

ningly efficient coping strategies in some subjects." All work with or on behalf of children of prisoners as a collective or as individuals needs to be profoundly thought through to ensure it does not add to their burdens or stigma, but rather empowers them and bolsters their sense of themselves. Their proven sensitivity to the inherent difficulties of imprisonment has led Children of Prisoners Europe to emphasise that the risks to these children constitute a public health issue.

Recognition that professionals and others whose actions or behaviour have an impact on these children's lives can give them a better start in life by considering their needs

It has been increasingly recognised from listening to children with imprisoned parents that potentially adverse effects stemming from the arrest and criminal justice process impact the child well before the parent reaches prison.

Police forces can mitigate trauma by ensuring that an arresting officer has child-specific training—explaining what is happening and taking children into another room to avoid witnessing their parent being handcuffed, for example. Specific relevant police protocols are in place in such countries as the United States (San Francisco), Poland and Denmark.

Judges can take children into account when sentencing their parents, by considering the potential

repercussions for them, for example through the use of child impact statements, based on UNCRC Article 3(1). In the Constitutional Court's groundbreaking decision in South Africa, *S v M* (2007),^{xvii} Justice Albie Sachs created a legal precedent by considering that primary caregivers may in certain cases not be sent to jail, and if they are imprisoned, the court has to take responsibility for what happens to the children. In Slovenia, if both parents are sentenced to prison, it is possible for them to alternate serving their sentences in order to provide continuity for their children.

Prison officers need training to know how to buffer the violence of the harsh prison world. Contact with an imprisoned parent can face systemic hurdles, such as a lack of appropriate visits facilities. While most prisoners in Norway and Sweden have private visits, the majority of countries have more restricted communal facilities. Yet some prisons manage to foster quality contact, e.g., Spazio Giallo^{xviii}; and the trillieux run in Belgium (see Chapter 5), which offer physical and emotional contact in an ameliorated setting. Child-friendly prison design, visits facilities, regulations and arrangements sensitive to children's ages and needs help children and parents reconnect. There has been some progress in the use of IT to allow spontaneous exchanges about meaningful events, pilot projects using Skype in Norway and limited

cell phone use by prisoners, for example in some prisons in England and Slovenia.

School teachers sensitised to what a child is experiencing will be better equipped to provide support. Families Outside in Scotland has a programme to raise awareness amongst teachers. FFP Norway sensitises both teachers and students through role-playing initiatives in schools.

Media can hound a prisoner's family particularly during the trial period. Protection of the child from the media is a crucial element of this support.

Volunteers and other workers with children can help to provide a secure base.

As Baroness Hale, UK Supreme Court Judge, said: *"Everyone who plays a part—either in the criminal justice system or in the parenting and education of the children involved—needs to recognise the needs of these children and make proper provision for them."*^{xxix}

Recognition of the importance of promoting initiatives that protect and support the child-parent bond

Specific initiatives in several European countries actively support the child separated from an imprisoned parent, to help mitigate traumatic experiences and protect child development. Initiatives range from promoting child-friendly visits areas in prisons to volunteer schemes for accompanying children to visit im-

prisoned parents. Prison visits can be a source of anxiety for children. One way of alleviating anxiety is through open communication, which has been highlighted by studies as a protective factor for children's resilience.

There are many ways in which volunteers can provide a "secure base".

The presence of a volunteer accompanying the child can provide a secure base, as the volunteer gradually becomes associated with the child's home, continuity and security (volunteers in many prison visits schemes pick up children from their homes and accompany them to prison visits on a regular basis, thus providing a sense of continuity for the child). Ideally, the volunteer accompanies the child into the prison setting and provides support for both the child and the imprisoned parent—fostering emotional communication and helping the imprisoned parent be attuned to the child's signals. The volunteer can neutralise situations in a sensitive manner. What to do with a child's distress when the parent is the source of distress? The volunteer plays a key role. If an imprisoned parent uses the child to obtain information about the partner, for example, the child, feeling uncomfortable about being placed in this role, tends to speak to the volunteer about this conflict, not to either parent/caregiver. If there is conflict between the two parents, the child

can feel torn, and tends to speak not to either parent or carer, but to the volunteer. These are just some of the many ways in which volunteers can provide a secure base.

Some initiatives also support imprisoned parents. Imprisonment inevitably involves a loss of freedom; it should not exacerbate the exclusion and emotional isolation of the offender, but go hand in hand with a well-defined approach to combating exclusion. Prisoner-parent support initiatives can help reaffirm a sense of parenthood, support the child-parent relationship, and enable parents better to help their children. Remaining aware of what is happening in their children's lives, being consulted on decisions concerning the child, and being able to exercise parental authority can further empower offenders, particularly within a context in which responsibility is taken away and decisions are made by others. Allowing the parent to maintain family ties supports the resettlement process. A 1972 study of California prisoners^{xx} found that offenders who had regular, ongoing visits were six times less likely to reenter prison during their first year following release than those who had no visitors; this has been borne out by recent research.^{xxi} The 1972 researchers suggest that "it might be well to view the inmate's family as the prime treatment agent and family contacts as a major correctional technique". And 2011 Minnesota research^{xxii}

emphasises how "revising prison visitation policies to make them more 'visitor friendly' can yield public safety benefits by helping offenders establish a continuum of social support from prison to the community". The ethical issue of using children as levers in the rehabilitation agenda is one which NGOs across Europe are increasingly aware of; yet in some European countries where rehabilitation is seen as key, NGOs find this is still the strongest argument for triggering child-friendly change from prison authorities. The need for prisons to retain some control whilst respecting the children's need for good visits is problematic if the prisoner's behaviour causes concern. Children of Prisoners Europe emphasises that a child's right to maintain contact with an imprisoned parent is inviolable, when contact is in the child's best interests. A child's right to maintain contact with an imprisoned parent must not be reduced to a disciplinary measure. Security concerns must not prevail over children's well-being but instead be made compatible with this right.

Recognition that children themselves need to be at the heart of the work and be consulted and involved

Children need to participate in order to exert agency; rather than "being done to", they can "act on", finding meaning for themselves and better assisting in assessing their needs. In Norway, advisory groups

of young people with a parent in prison are consulted to describe their needs, give advice and suggestions and contribute to CRC shadow reports. The research design of the Coping study incorporated child participation into its methodology. Children can be consulted less formally to ensure that their voices are heard, as in the EU-level Coping conference^{xxiii} where young people from Sweden and the UK gave presentations, and as two young people from the UK did at the UN Day of General Discussion in 2011. A good practice example of involving children informally is the approach adopted by Relais Enfants Parents Romands in Switzerland^{xxiv}, which works to foster agency in the child during support sessions by allowing an interplay of the child's own imaginary world with the reality of the encounter with the parent.

Although prison populations fluctuate by country, there has been an overall rise in Europe of both men and women in prison since 2005, many of whom are mothers and fathers.^{xxv} The numbers of non-national prisoners is also increasing, bringing further difficulties of communication with families abroad. The economic crisis and cuts to services and funding also present challenges to many of those working on behalf of children with imprisoned parents. Yet the resilience and commitment of those supporting prisoners' children remains high despite these challenges, as demonstrated

by the examples of good practice in this book. In embracing the themes outlined above, the following chapters reflect insights gleaned from European exchanges generated by the Children of Prisoners Europe network. It is an ongoing process of reflection, assimilation and adaptation, to ensure that our good practice is made even better as our experience and knowledge grow. As network founder Alain Bouregba has said:

Childhood is a time for flight, for a carefree exploration of the surrounding world. It must be protected and preserved from obligations that adversity may bring about. A sense of responsibility should not be rooted in constraint, but in unrestricted interaction with one's environment.

Children who have to deal with parental incarceration risk losing their innocence in the process. Their difficulties are real but invisible. Highlighting these difficulties is the primary objective of the members of the COPE network. Their action not only supports the children, but also reinforces the human values on which civilisation itself is based.

Good intentions alone are not enough to make action appropriate, however. To translate good intentions into right action, they need to be well-in-

formed and enlightened—a process requiring rigorous critical analysis of one's action on a regular basis.

The quality and depth of reflection on support initiatives for children demonstrate the ability of COPE network members to develop right action based on their good intentions.

This good practice guide is a fine illustration of this ability.

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¹¹ Robertson, O. (2012). *Collateral Convicts: Children of incarcerated parents. Recommendations and good practice from the UN Committee on the Rights of the Child Day of General Discussion* - 2011. Geneva: Quaker United Nations Office.

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¹⁵ Cassan, F. (2002). *L'histoire familiale des hommes détenus* (Vol. 59). INSEE. Available online at: http://www.insee.fr/fr/ffc/docs_ffc/ip706.pdf

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^{ix} See Gabel, K. and Johnston, D. (eds) (1995). *Children of Incarcerated Parents*. New York: Lexington Books.

^x Parliamentary Assembly of the Council of Europe (2009). *Women in Prison*. COE Parliamentary Assembly Resolution 1663, 28 April 2009, pt 3.

^{xi} Obstacles include self-reporting by parents, some of whom are wary that their child may be taken into care.

^{xii} Shaw, R. (Ed) (1992). *Prisoners' Children: What are the issues?* Routledge: London.

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^{xvi} Cyrulnik, B. (1993). *Les nourritures affectives*. Odile Jacob: Paris.

^{xvii} Justice Albie Sachs on The Rights of the Children of Prisoners. (2009). This is a transcription of a lecture delivered in Edinburgh by Justice Albie Sachs on S v M [2007] ZACC 18.

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Additional information concerning the case S v M [2007] ZACC 18 available online at: <http://www.saflii.org/za/cases/ZACC/2007/18.html>

^{xviii} Further information about Spazio Giallo available online at: <http://www.bambinisenzasbarre.org/>

^{xix} Hale, Baroness. (2013). *Conference Outcome Report*. In: *Coping with a Parent in Prison: An agenda for policy reform*, COPE Special Edition Newsletter. p. 2. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/ConferenceOutcome.pdf>

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^{xxiii} Conference Outcome Report. (2013) op. cit. Available online at:

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^{xxiv} Schekter, V. and L. Bornand, (2013). *Relais Enfants Parents Romands (REPR): Our Values*. In: *Prison Visits & Families: Impacts, Successes & Struggle*, COPE Special Edition Newsletter. p. 6-7. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonVisitsNewsletter4Site.pdf>

^{xxv} Walmsley, R. (2005). *World prison population list* (sixth edition). King's College London: International Centre for Prison Studies. Based on figures for the countries in the table representing data for 2013 compared with data for 2005. Available online at:

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Chapter two: ***The historical and legal background***

Over the last forty years, European organisations have acted on humanitarian concerns to support children with parents in prison in Europe. The type of support has varied; the core issue of attempting to reach up to the children and minimise the damage done to them by parental incarceration is shared.

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In the UK, the first prison visitor centre opened in Birmingham in 1969, and an early discussion of provision for children visiting prison arose in 1975 from a request by the Quakers to Save the Children to oversee the care of the children at the politically riven Maze prison during the Troubles in Northern Ireland.¹ Humanitarian approaches developed further in the UK with widespread visitor centres and a growing number of supervised play areas inside prisons, pragmatic responses to the visible hardships of children and families visiting penal establishments. The 1980s saw the development in France of the Relais Enfants Parents movement, based on psychoanalytic principles and the rights of imprisoned parents to see their children, providing specially trained volunteers to accompany children to visit parents in prison. This approach, which also supports

parenting groups in prison, has been adopted across France, and in Switzerland, Belgium, Italy and Luxembourg. In Scandinavia and Germany, concerns arose in the 1990s placing greater emphasis on a child's rights approach to how children should be considered, with the UN Convention on the Rights of the Child (UNCRC) being adopted in Norwegian law in 1992 and rights being preminent in the Swedish approach. Since a major European conference on the issue organised by Children of Prisoners Europe (then Eurochips) in 2006, interest has grown across Western and Eastern Europe with respect to the issue of children of prisoners, with a significant development of support for them and greater awareness of their needs.¹¹

The importance of ensuring that children see their parents and the extent to which the concept of keeping families together is considered important varies from country to country, as does the value placed on parental contact. In the UK, for example, the extent to which social services place children in care early on because of deemed unsatisfactory parenting has reached a new level.¹² The underlying logic is that children will suffer less from going and coming out of care when their parents repeatedly fail them; this has an impact on the effort made to ensure these children and others in foster care see their prisoner-parents. Norway, where the majority of

the population come from small tightly knit communities, promotes inclusion of all, resulting in generally less stigmatisation and greater support for each family, though less so in cities. In Italy, the notion of community support is less developed, with far more focus on family support. The concept of family is so strong in Poland that it made a reservation regarding the rights of the child by connecting the implementation of the UNCRC to respect for the rights of parents and carers and to Polish culture and traditions regarding the position of the child in the family and society.^{iv}

This balance of the rights of children with those of their parents indeed forms a large part of the difficulty in creating support for these children's rights, when it is their parent who is enmeshed in the criminal justice system.

"Until quite recently, the issue of children affected by parental incarceration has not been regarded as a children's rights issue—but it surely is a children's rights issue. Article 8 of the European Convention of Human Rights guarantees to 'everyone' the right to respect for their private and family lives. 'Everyone' includes children as well as grown-ups. The prevention of a disorder or crime is of course the legitimate aim of the interference, but the question remains whether the seriousness of the crime is such as to justify the seriousness of the interference of the child's rights. The European Court of Justice is clear

that the European Convention must be interpreted in the light of other international instruments; Article 8, in particular, has to be interpreted in light of the UN Convention on the Rights of the Child. Article 3 of the UNCRC states that in all actions concerning children, the best interests of the child shall be a primary consideration, not the paramount, not even the primary consideration, but still a primary consideration, which has always to be taken into account. Article 24(2) of the European Union Charter of Fundamental Rights is to exactly the same effect. Article 9(3) of the UNCRC requires that States Parties 'respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests'. Article 24(3) of the European Union Charter of Fundamental Rights says exactly the same. Article 9(4) of the UNCRC states that if a parent is imprisoned, 'States Parties shall provide essential information concerning the whereabouts of the parent unless the provision of the information would be detrimental to the well-being of the child'— not the well-being of the system. The legal systems of our countries should therefore also be recognising and respecting the rights of these children."

—The Right Hon the Baroness Hale
of Richmond, 2012^v

European case law on maintaining contact between children and imprisoned parents has evolved considerably, according to Smit and Snacken: "Where the EComHR accepted restrictions on the possibilities for children to visit their imprisoned parent, justified by the concern for their health and morals, the ECtHR has stated more recently that children are part of the family of the prisoner and their visits are therefore protected by Article 8 of the ECHR."^{vi}

For the European Court of Human Rights (ECtHR), the right to protection of family life enshrined in Article 8 involves the right for parents and children to meet and to correspond, and for the parents to exercise parental rights over their children. Parents who are imprisoned must not summarily lose their parental rights, and the best interests of the child should always prevail.^{vii} According to the Court, an inherent aspect of prisoners' right to family life is that prison authorities support them in maintaining this contact.^{viii}

In addition to the ECHR, the **legal basis for state accountability** can be found in several other human rights treaties: the UNCRC, the Charter of Fundamental Rights of the European Union, the European Prison Rules 2006 and the much-needed Bangkok Rules (United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders,

2010), the latter two providing non-legally binding international guidance.

The legal status of each treaty is different, however, and until processes are clarified, it may appear that there is a "surfeit of rights, lost in complexity."^{ix} The parenthood of people who are arrested or who stand trial is not a major issue in most European criminal legal systems. In many jurisdictions, pre-sentencing reports are required by the court which will have reference to the convicted person's family situation, but they are not decisive in deciding the prisoner's fate. For the public at large, prisoners are individuals who have broken the law, and it is difficult for many people to regard them as fathers and mothers who wish to continue caring for their children. There may be more acceptance by the public at large for the children of the relatively few political prisoners, but these children still experience the difficulties linked to separation.

The children of imprisoned parents are not the only ones to be separated from their parents. However, legally, the position of children of imprisoned parents is rather different, for example, from that of the children of divorced parents, or those who have been taken into public care, although in all cases, the child's own conduct is unrelated to the separation.

In private child law, family life and the bond between parents and

children is protected to a large extent. From a human rights perspective, one could argue that the state is under the same positive obligation to make provisions and facilities to limit the damage caused by the interference with family life resulting from the state's incarceration of the parent. In one case in the UK, the father was serving a long-term prison sentence and applied for indirect contact with his three-year-old son with whom he had no relationship and who had no knowledge of his existence.^x The mother opposed all forms of contact. The court held that it was a fundamental right of the child to grow up with some knowledge and, where possible, contact with his biological father. Further, because the mother's solicitors were willing to pass letters from the father to the child, an order for indirect contact was made. Interestingly, the court recognised the child as possessing rights of his own—the right to know his father even though the latter was in prison. It also raised a practical point to bear in mind when attempting to maintain the relationship between imprisoned parent and child. Indirect contact by way of letters should not be forgotten as a means of developing the relationship, especially if the child displays reluctance in seeing the prisoner-parent.



Relevance and enforcement of treaties concerning children with imprisoned parents

Convention on the Rights of the Child 1989: a landmark instrument

The Convention provides holistically for the care of all children, including children of prisoners.^{xv} We highlight here a few articles of particular relevance to children with imprisoned parents:

Article 2(3)

The right to **protection against discrimination**

States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardian, or family members.

Article 3

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Article 5

States Parties shall **respect the responsibilities, rights and duties of parents** or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities



of the child, appropriate direction and guidance in the exercise by the child of the rights recognised in the present Convention.

Article 9

The right to “ensure that a child shall not be separated from his or her parents against their will”.

9(3) State Parties shall respect **the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents** on a regular basis, except if it is contrary to the child’s best interest.

Article 12

The right to an opinion and for it to be listened to and taken seriously.

12(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.

12(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.

Article 20

The right to special protection and help if children cannot live with their parents.

Article 31

The right to play and relax by doing

things like sport, music and drama.

The UN Committee on the Rights of the Child (CRC) states that in case of any conflict in legislation, predominance should always be given to the UNCRC in light of Article 27 of the Vienna Convention on the Law of Treaties.

The UNCRC is almost universally ratified, with the exception of the United States and Somalia.

It is one of the major human rights conventions of the United Nations. By ratifying the UNCRC (even without further domestic legislation), state parties have committed themselves to its implementation. Each national state presents a report on the implementation of the Convention two years after ratification and then every five years. Non-governmental organisations can try to influence the judgements of the Committee, by producing shadow reports, for example. This has been used effectively by many organisations. Families Outside of Scotland, for instance, put items of concern to children of prisoners in the national report; governments can do likewise, as France did, in its state party report to the CRC chronicling the evolution of initiatives that respect relevant UNCRC articles.^{xiii} The UN Committee on the Rights of the Child reviews the reports and formulates principles and guidelines for the interpretation and judgements of the state reports. For ex-

ample, the Human Rights Council Resolution on the Rights of the Child, adopted in March 2012, emphasised the need to ensure that children outside prison or their legal guardians are also kept informed of the place of their parent's imprisonment.^{xiii} In particular, the Committee's guidelines on initial reports require states to provide information on the measures taken to harmonise national law and policy with the UNCRC, as well as information on "legislative, judicial, administrative and other measures" taken to further implementation at national level. It is noted that where states engage with the Committee in its review process in a constructive manner, it can and does lead to reform of law and policy, as well as improvements in practice.



There are varying degrees of UNCRC implementation into domestic law in European countries, direct, indirect and sectoral^{xiv}:

sectoral incorporation	indirect incorporation	direct incorporation
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- Direct incorporation: UNCRC fully transformed into domestic law at legislative or constitutional level
- Indirect incorporation: other legal mechanisms (e.g., Welsh ministers' duty to have due regard to UNCRC when developing new legislation or policy, or reviewing/changing existing law or policy, since 2012^{xv})
- Sectoral incorporation: transposing relevant provisions of the UNCRC into relevant sectoral laws, (e.g., laws relating to education or family).

Where national law has fully incorporated the UNCRC, as for example in Spain, Belgium, Norway and Cyprus, national courts can rely directly on its provisions to uphold children's rights. Specifically, the Convention applies as Norwegian law and will have precedence if any conflict should arise between the Convention and other statutory law.^{xvi} It is for this reason that incorporation is one of the main thrusts of advocacy for Bryggan, an NGO in Sweden: They believe that this would be the single most important

action to further the interests of children of prisoners in Sweden. Where it is not incorporated into domestic law, it is of persuasive influence only in national courts.^{xvii}

The Committee on the Rights of the Child has recognised the importance of national human rights institutions in promoting and protecting the rights of the child at the national level and assisting in implementation. In most European countries, offices of Children's Ombudspersons have been established. (Norway was the first country to set up a structure entirely devoted to the rights of the child as early as 1981.) Some have a mandate to visit prisons, and monitor and report on prison conditions, which might be important for the children of imprisoned parents.^{xviii} Children's Ombudspersons in some European countries play a role in terms of approaching custody as a whole child and family issue and not just from the perspective of a criminal sanction on the offender; as a form of awareness-raising, this has been very effective in countries such as Croatia and Cyprus (see Chapter 8 on advocacy). In addition, Ombudspersons can take up individual cases. In Norway, for example, a father—the sole caretaker of the offspring—who was to serve a prison sentence, sought out the backing of the Children's Ombudsperson for Norway and succeeded in delaying the execution of his sentence until the paternal grandfather could take

charge of the boy. If sentencing had not been delayed, the child would have been placed in foster care.

The European Network of Ombudspersons for Children (ENOC) is growing stronger and more influential in supporting individual and collective lobbying for children's rights and interests to Europe-wide and international bodies (e.g., the European Union, Council of Europe and its European Strategy for Children, Committee on the Rights of the Child). Their focus on topics such as parental incarceration promotes and extends good practice amongst all such commissioners.^{xxx} There are however some surprising absentees from the list of ENOC members, such as Germany, Portugal and Switzerland. Advocacy must continue on a national level, whilst at the same time keeping abreast of European developments and working to put the rights of prisoners' children on European agendas.

Another key driver in the implementation of the UNCRC is the voluntary sector. In addition to raising awareness of the existence and needs of children affected by parental incarceration internationally, the Quaker United Nations Office has influenced the direction of the UN Committee on the Rights of the Child by raising the issue in various ways, leading to the Day of General Discussion on Children of Prisoners in 2011.^{xx}

According to the holistic approach of human rights in the UN-

CRC, children's rights should be regarded not only from a (restricted) psychological view on family life, but also from a social, economic and communitarian (cultural) view.^{xxi} All rights are complementary to one another and essential for the full and harmonious development of the individual; they are inherent in giving human dignity to the child. In his landmark judgement in *S v M* (2007), Justice Albie Sachs of the Constitutional Court of South Africa said: "Every child has his or her own dignity. If a child is to be constitutionally imagined as an individual with a distinctive personality, and not merely as a miniature adult waiting to reach full size, he or she cannot be treated as a mere extension of his or her parents, umbilically destined to sink or swim with them. The sins and traumas of fathers and mothers should not be visited on their children."^{xxii} Treating children as individuals—not merely as offspring dependent on their parents or on professional assistance—also gives them the space and opportunity to explore survival and empowerment strategies themselves and with their peer group.

Even if parental family rights are taken into account, where there are criminal charges against a parent, the state, at first sight, has to operate within conflicting obligations: the protection of the family rights and privacy of the prisoner, but also the safety of society and the gravity of the offence. But by

taking "the best interests of the child" as a basic premise: the state, the parents and the child seem to have a common interest in the development of institutions, facilities and services for the care of children (Art. 18 §2 UNCRC).^{xxiii} The UNCRC in general and in specific articles obligates states to support parents in caring for and raising their children, and this includes making adequate provision for this to be possible.

In line with the judgement in South Africa noted above, there have been moves to develop the impact of Article 12 to take into account the views of children in considering a parent's custodial sentence, particularly in Scotland. This has been suggested as requiring a child impact statement to be offered to the court so that they can consider both the likely impact of the sentence on the child and the child's views. This is not in force anywhere in Europe, although Norway is currently working to make it legally binding to include children in discussions. This same legislation requires "child ambassadors" in each prison to oversee their best interests.

In a growing number of cases in different countries, the role of the parent as a primary caregiver is taken into consideration. In Serbia, the fact that a defendant is a parent can be used by the court as an extenuating circumstance, which could lead to the mitigation of the

penalty. In England, part of the sentencing guidelines allows for offender mitigation, which includes considering the welfare of their children. In practice, this has been taken account of in some notable cases. Recently, it was ruled in England and confirmed by the court of appeal that a child's rights have to be considered a balancing exercise. Whether the courts do balance the interests of the state and the child is moot.^{xxiv} In this case where the needs of a disabled child were tragically overlooked, the onus was placed on the court to enquire about them.

"The existence of children cannot of course keep a person out of prison who should properly be sent to prison, but a sentencing court needs to be able to bear in mind what the effect on the children will be, and, if there are children and if the court does not have the information it needs in order to assess the effect of the parent's imprisonment on them, then the court must make enquiries so that it is properly informed. Those enquiries were not made in this case."^{xxv}

Along with developments in national laws and cases, a new mechanism for a children's report to the CRC was introduced in 2014, although not all countries have yet ratified it.^{xxvi} The Optional Protocol, set to enter into force in April 2014, allows children from states that have ratified the UNCRC to bring complaints about violations of their

rights directly to the CRC if a solution has not been found at national level. It remains to be seen how this will be used to protect children's rights and those of children of prisoners.

European Convention on Human Rights: A more in-depth look

Article 8 European Convention on Human Rights

8(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

8(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

Treaty provisions which are already directly applicable, such as Article 8 of the European Convention on Human Rights (ECHR), however, may be strengthened by having regard to provisions in the Convention on the Rights of the Child and other treaties, guidelines and recommendations based on these treaties. Article 53 of the ECHR makes express provision for this.

In 1989, for example, the Euro-

pean Court of Human Rights found a violation of the ECHR in a case where the applicant had been refused the return of her daughter after her release from prison because the state had failed to take the positive measures required to ensure that mother and child could be reunited in a manner which respected the rights of both individuals.^{xxvii}

As discussed above, Article 8 of the Convention requires respect for an individual's family life, private life, home and correspondence. It is not an absolute right and can be qualified under Art 8(2).^{xxix} It is the article of most importance to parents and children. Article 8 not only compels states to protect individuals from interference but it also places them under a positive obligation to take action to secure respect for the rights in the article. This notion of positive obligation can be a means for applying pressure on the state to ensure that they effectively cater to the needs of children who have parents in prison.

In Western societies, the separation of marriage from sexuality and procreation, and the growing number of divorces have had a major impact on the concept of "family" and on family law. Not only conflicts within the state's provisions and legislation, but also conflicting rights between the parents themselves have been brought to court. Although in practice in many cases the child-rearing function alone proves to be too small a basis to

keep the family together, in general the family still seems to be seen as the ideal environment for raising a child, based on traditional middle-class family ideals.

A large number of cases decided by the ECtHR have been brought by prisoners, and in a few cases, the right of prisoners and their children to maintain family life has been considered. The separate rights of the child and the "best interests" of the child have not yet been examined exhaustively within the context of Article 8 of the ECHR.^{xxix} The European Court has frequently referred to the best interests of the child under Article 8(2) by insisting that the justification for the interference being necessary "for the protection of health or morals, or for the protection of the rights and freedoms of others" takes into account the best interests of the child. Yet, the "balancing" of a parent's rights and those of the child and other considerations continues case by case, because of different circumstances and contexts, and the balance frequently comes down in favour of the parent's rights; this area of law is still to be developed because there have only been a few cases brought by children (or by people on their behalf who were not their parents). A growing body of immigration law has explicitly considered children's rights to family life based on Article 8, and in some cases has prevented parents from being deported in order to respect

the children's rights. The best interests of the child are a consideration in immigration cases in both English law and Swedish law, though interests in other factors in Article 8(2), such as the interests of national security or the prevention of disorder and crime, tend to take precedence. However, a landmark judgement by Baroness Hale in the UK stated the principle:

The best interests of children had to be a primary consideration when considering whether removal of a parent was proportionate under Article 8. A child's British nationality was of particular importance. It was not enough to say that a young child might readily adapt to life in another country, particularly when they had lived in Britain all their lives and were being expected to move to a country they did not know. The children had rights which they would not be able to exercise if they moved to another country.^{xxx}

Charter of Fundamental Rights of the European Union: working towards relevant EU legislation

Under the Lisbon Treaty, the 2000 Charter of Fundamental Rights of the European Union becomes binding when EU law is implemented. The rights of the child are enshrined in Article 24. However, the treaty specifically recognises states' fundamental functions and

constitutional structures nationally, regionally and locally.

Article 24

24(1) Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

24(2) In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

24(3) Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

The Lisbon Treaty's entry into force in 2009 was a watershed in the EU's ability to realise the rights of children, with Article 3 containing the EU's first explicit commitment to protect the rights of the child in EU internal and external actions. As has been stated, "The Lisbon Treaty represents an important milestone in what the European Union can and must do for the rights of the child. It has all the juridical potential to allow the European Union, if it wants, to develop an effective legislative strategy for the protection of the rights of the child. I would like to specify that protection of the rights of the child does not mean only the protection

of the child against criminal acts or abusive behaviours which violent adults can perpetrate towards children. Child protection also means assuring their rights to healthy development, by identifying all the obligations of the people directly involved in their care.^{xxxxi}

The Court of Justice interprets EU law to make sure it is applied in the same way in all EU countries. Furthermore, the Lisbon Treaty expanded the Court of Justice's jurisdiction to issue preliminary rulings in the area of Freedom, Security and Justice (AFSJ) to include police and criminal justice measures adopted before the entry into force of that Treaty. Such jurisdiction would not apply until 1 December 2014, five years after the entry into force of the Lisbon Treaty. It is expected that the full impact on the court will not be felt until after that date, though nineteen member states have already elected to recognise this jurisdiction of the court, and the court has already started to hear cases.^{xxxxii}

National laws

In some countries, national laws protect children of prisoners and their rights to visits. In Norway, for example, the Execution of Sentences Act, which came into effect in 2002, stipulates that "particular importance shall be attached to a child's right of access to his or her parents during the execution of a sanction".... and that "visits should be carried out in a room designed

for this purpose. The prison shall arrange for visits by children to be carried out in a considerate manner." France, too, is developing a national law for these children and requiring courts to consider alternatives to custody for women who are sole carers of children under 16.^{xxxxiii}

Case study

Prisons and children in Italy: laws and regulations

Italy is paying increasing attention to the topic of children and prisons and relevant legislation is evolving. Underpinning the whole penal system, Article 27 of the Constitution of 1947 requires punishment to be used for rehabilitation and resocialisation. Despite significant overcrowding in Italian prisons, the Italian justice minister highlighted the need to "give particular attention to the conditions and way a child is received when visiting his/her parent in prison, to how the meeting happens, to the possibility of spending a playful time with the parent in a proper space. This area, which will be established in all prisons, is generally called 'Yellow Space'". This could be said to contribute to the Italian legislation requirement that the law protect the dignity and human rights of detainees, according to Law n. 354 of 26 July 1975.

As regards family relationships, the system has accepted the principle that penitentiary treatment "should facilitate appropriate con-

tact with the external world and the relationship with the family" (Art. 15), providing for the possibility of work outside the prison (Art. 21). The Gozzini Law (n. 663 of 10 October 1986) was an important step towards the protection of family relationships for imprisoned individuals, thanks to the introduction of alternative measures to detention, accessible even to those not yet held in custody, avoiding the disruption of parent-child relationships. The Simeone-Saraceni Law (n. 165 of 27 May 1998) has made this possibility automatic for prison sentences of a duration of less than four years.

There are at least three possible judicial avenues for children and their parents in Europe to assert their human rights.

First, they may apply for enforcement of their rights as protected by national law in their national courts, for example, under the UK Human Rights Act or the German Basic Law. This may be easier in countries in which UNCRC law has been directly and fully incorporated into national law, such as Norway, Spain and Belgium, although this too depends on the awareness of child rights amongst society and professionals in particular.

Second, if this fails, once they have exhausted domestic remedies, they may proceed in the European Court of Human Rights in Strasbourg.

Third, if the matter is one that falls within the competence of the EU, they may have a claim under EU law, either in their national courts, in the Court of Justice of the European Union or both. In addition, the Children's Ombudsperson can review cases, and NGOs can contribute to the Committee of the Rights of the Child scrutiny process—further described in Chapter 8 on advocacy.

International standards

In addition to the instruments already discussed, there are non-binding persuasive treaties.

European Prison Rules

The European Prison Rules have grown in status since 1987 and were revised and updated in January 2006, based on recent case law of the European Court of Human Rights and standards developed by the Committee for the Prevention of Torture.^{xxxiv} National and European courts, supervising committees and inspecting bodies should all be aware of them. For the time being, the rules remain only of heavy persuasive value. They set out minimum requirements for the treatment and detention conditions of inmates. With respect to family ties, the rules hold that "*arrangements for visits shall be such as to allow prisoners to maintain and develop family relationships in as normal a manner as possible*". The revised rules feature several changes from

those drafted in 1987, including dedicated sections relating to women and foreign prisoners. The section on women states that the psychological, social, vocational and physical needs of women prisoners shall be given particular attention in making decisions about their detention.

Pregnant prisoners shall be allowed to give birth outside the prison; if the birth occurs in the prison, the authorities shall provide all required support. The new rules also underscore the need for special services for women who are victims of mental, physical or sexual abuse. Rule 36 addresses the situation of infants detained with incarcerated parents. For many, the changes do not go far enough: Children of Prisoners Europe (called Eurochips at the time) previously suggested an earlier revision that the rights of prisoners' children be included in the 2006 European Prison Rules and would hope this would be included in any revision. The Quaker Council for European Affairs, a Brussels-based NGO, conducted a study into the conditions of women's imprisonment across Council of Europe member states, and compiled a "Gender Critique" of the rules in 2007, citing recommendations for rules such as protecting female prisoners, provisions for visiting children and the recording of the number, ages and location of the offender's children and the children's caretaker.^{xxxv} While there is no pub-

lished timetable for their revision, the rules are under the scrutiny of the Council for Penological Co-operation (PC-CP) set up by the committee of ministers at the Council of Europe and a revision is expected by 2015.

UN Bangkok Rules 2010 offer new hope for women prisoners and their children

The United Nations has long been concerned with Standard Minimum Rules for the Treatment of Prisoners (1955 and 1977), including their need for visits. The Quaker United Nations Office used its work on women prisoners to promote the gender-specific United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the UN "Bangkok Rules"). The Bangkok Rules were adopted by the UN General Assembly in December 2010 and fill a long-standing lack of standards providing for the specific characteristics and needs of women offenders and prisoners, as well as providing consideration of alternatives to custody for lone carers of children and of the best interests of the child.^{xxxvi} They are discussed in Chapter 6.

Children inside or outside the prison?

When discussing the interests of children of imprisoned parents, a distinction needs to be made between children inside prison—often

babies and toddlers living with imprisoned mothers, considered in Chapter 6 (although young children can live with imprisoned fathers in Denmark under certain conditions)—and children outside prison. Increasingly, the Children's Ombudspersons are suggesting that in modern parenting, similar provision needs to be made for men, although this has not yet occurred.

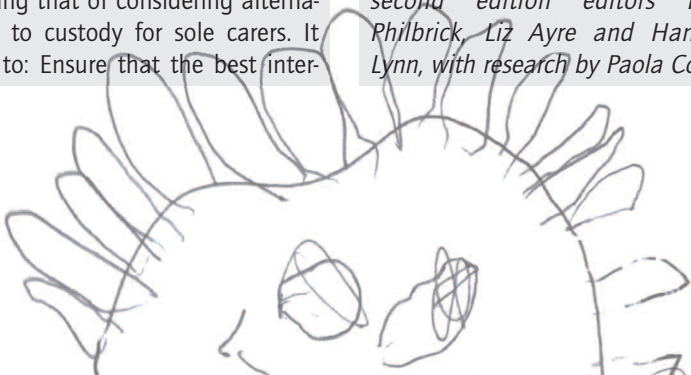
The child rights angle for children of prisoners is developing very slowly in the courts and being more strongly upheld as a persuasive factor by Children's Ombudspersons and NGOs, and issues relating to children and prisons are recognised in international monitoring reports. Insufficient case law means that there is no acknowledgeable shift from prisoners' rights to those of the child of the prisoner in most countries; this is in part because each case arises from its own particular circumstances. Yet, huge progress has been made over the past twenty years.

For example, Recommendation 110.96 of the 2012 Universal Periodic Review for the UK furthers several important areas of rights, including that of considering alternatives to custody for sole carers. It was to: Ensure that the best inter-

ests of the child are taken into account when arresting, detaining, sentencing or considering early release for a sole or primary carer of the child, bearing in mind that visits of a parent in prison are primarily a right of the child rather than a privilege of the prisoner that can be withdrawn as a disciplinary measure. The recommendation enjoys the support of the United Kingdom.^{xxxvii}

Clearly progress still needs to be made to protect these vulnerable children in law. Even if this is achieved, legislation is only part of a jigsaw, because it requires awareness-raising to be invoked, it can only be effective if grounded in good practice, as described in the other chapters of this guide. Cultural change in considering the needs of children of prisoners can influence change in legislation and interpretation of legislation.

Original chapter drafted by Ria Wolleswinkel (Netherlands) in collaboration with Maryam Tabib (Great Britain), with contributions from Caroline Forder (Netherlands) and Gerard de Jonge (Netherlands); second edition editors Kate Philbrick, Liz Ayre and Hannah Lynn, with research by Paola Costa.



ⁱ Prison visitor centre: building or caravan outside the prison security area where children and families can be welcomed and supported by volunteers with refreshments, play and other services before and after prison visits- see Chapter 5

ⁱⁱ Work such as the Daphne project "Raising a child through prison bars" spanned Greece, Bulgaria and Romania. Information on the project and access to their publications available online at: <http://www.mothers-in-prison.eu/>

ⁱⁱⁱ In 2012, local authorities made a record 10,218 applications to take children away from parents. This figure was 11% higher than in 2010-11 and 61.6% higher than in 2007-08, according to Cafcass, which said applications had been rising since the case of Baby P in 2008. Parents should go abroad to avoid family courts. (2014, January 14). *BBC News*. Article available online at: <http://www.bbc.co.uk/news/education-25641247>

^{iv} Scharff-Smith, P., & Gampell, L. (2011). Children of imprisoned parents. *University of Ulster and Bambinisenzasbarre, The Danish Institute for Human Rights, Denmark, European Network for Children of Imprisoned Parents*. p. 190, footnote 9. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/DIHR.pdf>

^v *Conference outcome report*. (2012). Coping with a parent in prison: an agenda for policy reform. Eurochips: Brussels. Available Online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/ConferenceOutcome.pdf>

^{vi} Smit, D. V. Z., & Snacken, S. (2009). *Principles of European prison law and policy*. Oxford University Press. p. 332.

Ostrovar v. Moldova, 13 September 2005 is the case cited by the authors.

^{vii} As demonstrated in: *Sabou and Pircalab v. Romania*, 28 September 2004: "Withdrawal of a father's parental rights as an ancillary penalty in Romania."

^{viii} See, for example, *Messina v. Italy*, 26 February 1993. A brief summary of the case is available online at: <http://sim.law.uu.nl/slm/Caselaw/hof.nsf/bd85b31af932d14bc1256681002b47f0/163f54f895eec1a4c1256640004c205f?OpenDocument>

^{ix} Van de Heyning, C. (2011). *Fundamental Rights lost in complexity: The protection of fundamental rights against violations by the rulemaker in converging national and European legal systems* (Doctoral dissertation, UNIVERSITEIT ANTWERPEN -BELGIUM).

^x *A v. L* [1998] 1 FLR 361. A brief summary of the case is available online at: <http://www.4pb.com/case-detail/a-v-l-contact>

^{xi} See *United Nations Convention on the Rights of the Child*. (1989). United Nations, General Assembly. Available online at: <http://www.ohchr.org/Documents/ProfessionalInterest/crc.pdf>

^{xii} See *Consideration of reports submitted by States Parties under Article 44 of the Convention third and fourth periodic reports of States due in 2007: France*. (2007). Committee on the Rights of the Child, Convention on the Rights of the Child, United Nations.

^{xiii} See *Resolution on the Rights of the Child*. Human Rights Council, 19th session, General Assembly, United Nations, 23 March XIX See the European Network of Ombudspersons for Children (ENOC), online at: <http://www.ombudsnet.org>

^{xiv} Robertson, O. (2012). *Collateral Convicts: Children of incarcerated parents. Recommendations and good practice from the UN Committee on the Rights of the Child Day of General Discussion 2011*. Geneva: Quaker United Nations Office.

^{xv} Epstein, R. (2013). *Mothers in prison: Sentencing and the rights of the child*. In: Police, Judges & Sentencing: Arrests, Trials & Children's Rights, COPE Special edition Newsletter. p. 14-15 Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/JudgesSentencingNewsletter.pdf>

^{xvi} Quote from the judgement on the case: *R (on the application of Amanda Aldous) v Dartford Magistrates' Court* [2011] EWHC 1919 (Admin) in the High Court See also: *R v Bishop* [2011] WL 844007), Court of Appeal. Available online at: http://www.doughtystreet.co.uk/documents/uploaded-documents/110715_R_v_Bishop_



(Wayne_Steven).pdf

R v Petherick [2012] EWCA Crim 2214. A brief summary available online at:
<http://www.1itl.com/news/298>

Quoted by: Epstein, R, Masson, I, and Wise, I. (2011). Imprisonment For Debt: A Case Study.
Coventry University Law Journal, 16(2) p. 56-63. Available online at:
<http://alumni.coventry.ac.uk/Document.Doc?id=114>

^{xxxxvii} Countries in Europe that have ratified the Optional Protocol as of 2014: Albania, Germany, Montenegro, Portugal, Spain, and Slovakia. Additional information is available online at:
<http://www.childrightsconnect.org/index.php/connect-with-the-un-2/op3-crc>

^{xxxxviii} See case: ECHR 22-6-1989 *Eriksson v. Sweden*, Series A, Vol. 156. Available online at:
<http://www.humanrights.is/the-human-rights-project/humanrightscasesandmaterials/cases/regionalcases/europeancourtofhumanrights/nr/489>

It can be argued whether or not the best interests of the child were properly taken into account in this specific case. See for instance the five (partly) dissenting opinions.

^{xxxxix} See case *Kuznetsov v. Ukraine*, for a detailed account of the European Court of Human Rights response to the violation of Article 8 ECHR. Available online at:
[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61060#{"itemid":\["001-61060"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-61060#{) - The full text of Article 8 ECHR is available online at: <http://echr-online.com/art-8-echr/introduction#Text%20Article%208>

^{xxxxx} See Fottrell, D. (2010). The impact of the human rights act on public law children act proceedings: An overview of the first decade. *Family Law Week*.

The article includes a brief description of two court cases *Johansen v Norway* [1996] 23 EHRR 33 and *Yousef v Netherlands* [2003] 1 FLR 210 in which the ECHR directly addressed the rights and best interests of the child relative to their relationship with the parents upholding that the best interests of the child can trump the rights of parents.

^{xxxxxi} See case *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4. Available online at: <http://www.bailii.org/uk/cases/UKSC/2011/4.html>

^{xxxix} See Perillo, E. (2012). The Lisbon Treaty and the Rights of the Child. In C. Clouder, B. Heys, M. Matthes & P. Sullivan (Eds.), *Improving the Quality of Childhood in Europe 2012* (Vol. 3, pp. 194-201). Forest Row: The European Council For Steiner Waldorf Education. Available online at: <http://www.ecswe.com/downloads/publications/QOC-V3/Chapter-7.pdf>

^{xxxiii} List of countries recognising the jurisdiction of The Court of Justice: Austria, Belgium, Cyprus, Czech Republic, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Romania, Slovenia, Spain and Sweden.

^{xxxiii} See Article 145-5 du CPP (issu de la loi n°2002-307 du 4 mars 2002) section 2.2 for a detailed description of the French law outlining criminal procedure for provisional detention of persons in authority of a minor under the age of 16. Available online at: <http://www.vie-publique.fr/documents-vp/circ190302.pdf>

^{xxxiv} See *Recommendation rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules*. (2006). Council of Europe, Committee of Ministers.

^{xxxv} See Wetton, C. (2006). *The European Prison Rules: A gender critique*. Brussels: Quaker Council for European Affairs. Available online at: <http://www.qcea.org/wp-content/uploads/2011/04/resp-wip3-gencritique-en-mar-2006.pdf>

^{xxxvi} See *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the bangkok rules)*. (2010). General Assembly, United Nations.A/C.3/65/L.5. Available online at:
<http://www.ohchr.org/Documents/ProfessionalInterest/BangkokRules.pdf>

^{xxxvii} The United Kingdom's full response to the United Nations Universal Period Review for the UK can be accessed online at: http://www.upr-info.org/IMG/pdf/a_hrc_21_9_uk_annex_e.pdf - Additional information concerning the UK's Universal Periodic Review and Human rights is available online at: <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/universal-periodic-review/>

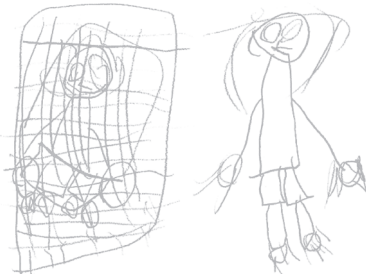
Chapter three: ***The impact of imprisonment on the child***

Since the previous version of this book, various European studies have explored the impact of parental incarceration on children. Children of Prisoners Europe contributed to one which took a rights-based approach, and another which looked at all the stages of the imprisonment process which might affect children and the effects on their mental health and well-being generally as a result of the imprisonment: Further general recommendations which are broadly overlapping were evolved by both these European studies, as they were following the United Nations Committee on the Rights of the Child Day of General Discussion in 2011.ⁱⁱ

Children are affected by their parent's imprisonment, and children themselves have given us their words about how they are affected. We can access their voices through material created by the variety of NGOs working with children whose parents are in prison, through videos and documentaries and through interviews given to researchers.ⁱⁱⁱ

Much of the available research literature on parental incarceration has focussed on the challenges that children and young people face, highlighting the adverse repercussions of imprisonment on them, based primarily on the perspectives of parents and carers and offering few solutions to generate better outcomes for children.^{iv} More recent research has drawn on experiences as reported by children^v, and has taken a less reductionist, more positive psychology approach, emphasising factors that promote resilience and better outcomes for children affected by parental incarceration. As mentioned in the introduction to this book, there are many pathways by which parental incarceration may affect a child's well-being, and consensus in the literature is that its impact on children is conditioned by a wide variety of factors, including possibilities for maintaining quality contact with the imprisoned parent, caregiving arrangements and the response of communities and schools.^{vi} What is essential is incorporating children's perspectives into any narrative that attempts to document the impact of a parent's imprisonment on young people and to highlight solutions for helping strengthen outcomes for them.

Children of Prisoners: Interventions and Mitigations to Strengthen Mental Health, informally known as the Coping study, was the first pan-European study involving a large



sample of children to explore the psychological health needs of children of prisoners, with over 1,500 participating in the research. Despite inherent limitations to the study—drawing on a sample that included only children in contact with their parents, not those with no contact; and difficulties disentangling the impact of incarceration from other risk factors that existed prior to imprisonment, among others—Coping produced robust data on these children on a scale not seen before and provided an evidence base which overwhelmingly corroborates practitioners' experiences across Europe. It also explored some of the more subtle dimensions of parental imprisonment, including the meanings that children attribute to the event, the experience of stigma and social isolation that may follow parental imprisonment, and the family dynamics before, during and after parental imprisonment.

From the early stages of the project, emerging findings suggested similar themes and consistencies regarding children of prisoners throughout the four focus nations. In the causality debate, Coping confirmed the significance of parental imprisonment as a key risk for children of prisoners (in Sweden, UK and Germany, which are comparatively wealthy, as well as in Romania, a relatively poorer nation). When parents have been subject to abusive substances or have been abusive them-

selves, some children can initially be relieved when their parents are imprisoned. The vital relationship between the child and his or her imprisoned parent is discussed in detail in Chapter 4. The quality of that relationship and the relationship between the child and their other parent or caregiver contributes significantly to how a child faces the other obstacles imprisonment throws in their path. Some children cope better with the separation, confusion and loss, although their behaviour may well be affected.

Resilience

Understanding the concept of resilience, positive adaptation to life after adverse events, is helpful in understanding how children deal with stigma, attachment issues and ambiguous loss. Resilience can be seen as a process affected by personality, biological, and environmental factors, and the interaction among all three. Particularly important are environmental aspects termed protective and vulnerability or risk factors.

Children's coping strategies and resilience vary for many reasons, some of which have already been suggested and others are still to be explored. How resilient children of prisoners are may depend on the offence and sentence of their parent. Earlier studies have suggested that these children are more prone to mental health difficulties; the Coping study, using standardised ques-

tionnaires, corroborated this, suggesting that children of prisoners were at a higher risk of mental health problems than the general population of children. (Culturally, the current use of the term "mental health difficulties" in the English-speaking world covers a huge variation of psychological, emotional and mental difficulties rather than implying that children will necessarily become long-term mentally ill.) As with other difficulties, the impact and how it manifests itself can vary between the sexes.

Children's first line of support is their caregiving family and their extended family. This can be both positive and negative. If caregiving parents themselves can provide a stable support for the children and have open communication with them, then children often cope better. However, the general levels of physical and psychological well-being for caregiving parents are lower than in the general population; when they are under stress, they are less able to support the children of prisoners, and tension, secrecy and less openness can lead to anger and reduced resilience. Conversely, where children can articulate their feelings, a key coping strategy is to acknowledge and share distress with their caregiving parent, their school, friends and NGOs, helping to strengthen their resilience. "We children are good at imagining when we are not told the truth. The grown-ups always say that they

don't know, but ... they know more than what we do and that is what we want to know." (13-year-old girl^{vii})

Schools are increasingly being recognised as the most important potential resource for children of prisoners, after the family; they can help with academic performance and homework, and can provide emotional support and signposts for counselling.^{viii} However, it is also important to note that some schools are less helpful, even punitive. Children who feel the stress and tension of the situation may have problems at school and at home, requiring specialist care as well as a whole school policy of inclusion and support.

Apart from school, in countries where there are dedicated NGOs, most of the support which children receive (outside prison) is from NGOs; where there are no dedicated NGOs (as in Romania), these children tend to receive no external support and rely more heavily on the family.

While many children are initially traumatised at the point of parental arrest and imprisonment, it seems that a majority of them do adjust, e.g., to prison visits and security.^{ix} A range of possibilities to lessen the obstacles in prisons are discussed in Chapter 5.

As demonstrated by Coping and other studies, good quality contact and open communication with the imprisoned parent are important for

children's resilience. However, disrupted contact, confusion about the situation and uncertainty can impact negatively on children. (See paragraph below on secrets: Children need to know about parental imprisonment from their parents.)

Children may have a veneer of high self-esteem despite the imprisonment^x; this may depend on each nation's different cultural ways of coping with stress by appearing more or less confident. Most Children of Prisoners Europe network members feel they have not found high self-esteem in their experience with children of prisoners, however, many can understand both the parent's and the child's need to appear to be coping well with the imprisonment and therefore not to acknowledge any difficulties with self-esteem. This semblance of resilience can be viewed as a kind of resistance or defence mechanism, a coping strategy. The general premise for most NGOs is that working with children both individually and in groups which affirm them, giving them a voice and the possibility for action, will contribute to higher self-esteem.

In short, children who live in a supportive environment and develop coping strategies become generally more resilient to stress, and this resilience may help reduce the impact of stressors and crisis events.

Therefore, the factors helping children cope with stressful situations are the following:

- A healthy relationship with at least one parent or adult
- Well-developed social skills and problem-solving skills
- At least one coping strategy
- A sense of positive self-esteem and personal responsibility
- Ability to focus attention, special interests and hobbies^{xi}

Stigma

As a child, one can easily be judged for what one's parent has done.^{xii} It has been well recognised by practitioners that children with parents in prison are vulnerable to stigma at school and in their home community. Parental imprisonment can lead to children being labelled as different, as having an undesirable characteristic and being in a category of "them" as opposed to "us". The main emotion connected to stigma is shame. Being stigmatised can have negative mental health effects, related to loss of status and discrimination. Confirming the experience of COPE network members, the Coping study found that stigma is recognised across Europe; self-stigmatisation was particularly pronounced in Germany, where children's coping strategies included dissociation from the guilt of the imprisoned parent; talking to other children of prisoners; and whitewashing, avoiding negative feelings.^{xiii} The latter has been described as "cognitive dissonance reduction", reducing the discomfort of holding contrary emotions. A 14-

year-old girl in Germany said: "My sister and me—we are real masters at suppressing things." A parent commented: "There is stigma, and we women and children suddenly have a flaw, for which we are not responsible. We can't go into public with this flaw. And that's bad. Really bad." Stigma and the shame felt affect children's confidence in telling their peers at school about the imprisonment, and this again impacts their need to keep secrets. Creating a safe space where children can tell their friends and feel their support can be helpful.^{xiv} Bullying by peers at school increases the risk that children will react violently to taunts or experience sadness. The issue of cyberbullying is becoming very prevalent for all vulnerable children. Even greater than physical stigmatisation is self-stigmatisation and shame.^{xv} In Norway, the NGO FFP has developed a way of working with children, looking at many of the difficulties a child may experience to normalise the imprisonment of a parent, described in the booklet *A Collection of Facts about Common Children with Unusual Life Experiences*.^{xvi}

Separation/attachment issues

When a parent is in prison, the normal everyday attachment is inevitably broken and the issue becomes how to maintain the psychological bonds. The concept of attachment refers to the quality of the bond between a parent and child.

Earlier secure attachments can be disrupted when a parent who was trusted is suddenly taken away to prison. And insecure attachments—existing (because of experiences with the parent before imprisonment) or new—can lead to difficulties when the child becomes an adult. Recent research demonstrates this in images of children's brain development where poor attachment inhibits physical growth.^{xvii} The damaging impact of separation can in part be mitigated by the role of caregiving parents.^{xviii} Impacts vary for different ages of children of prisoners and depend crucially on the quality of the relationship with the parent. As psychologist Alain Bouregba confirms, imprisonment need not imply abandonment to the child, and if the prisoner-parent can manage to retain an appropriate parenting capacity despite the physical restraints of imprisonment, the risks to their child are significantly less (see Chapter 4 on parenting and prison).

Confusion over the parent's disappearance/ambiguous loss

For children, facing the long-term confusion over whether the imprisoned parent is in or out of the family means children of prisoners cannot grieve straightforwardly over the absent parent. The consequent uncertainty and feeling of stigma can lead to post-traumatic stress and taking the problems inside

themselves, internalising behaviour and depression, or externalising, antisocial behaviour.^{xx} Families and prisoners who have open communication buffer this problem to some extent.

This type of loss can contribute to disruption of more secure attachment patterns. Ambiguous loss refers to loss where a loved person is physically absent but psychologically present, like divorce, immigration or imprisonment: ambiguous loss is the most stressful kind of loss, because the normal funeral rites are absent and so is mourning that allows normal grief leading to acceptance and closure.^{xx} How children cope and can be resilient when faced with this confusion and loss involves their finding meaning in the separation and discovering hope: "There is no closure in these cases, the challenge is in how to live with the ambiguity." (see Bedford Row case study p53)

Behaviour

Given all the psychological difficulties of confusion, loss and shame, it is not surprising that some children's behaviour changes. Some children become withdrawn and depressed, others externalise their behaviour. In some prison play areas, children have been seen to choose toys more suited to younger children as a form of regression to safety. Some children have nightmares or start bedwetting. In younger children, tantrums can be more fre-

quent. As children become older they may find it hard to concentrate at school, and they may behave antisocially, and sometimes this involves offending behaviour. Some studies have focussed extensively on the risk of intergenerational crime, or whether parental imprisonment increases the risk for children to grow up to commit crimes.^{xxi} Stigma, disruption to attachment, financial and social strain on the family, and poor quality childcare are also associated with later antisocial behaviour. However, positive support from social services and NGOs can mitigate the impact of parental imprisonment on intergenerational crime.^{xxii}

Children of prisoners can be deeply affected by their parent's imprisonment and these theoretical concepts give insights relevant to all work with children of prisoners. Taking a more individual view of each child, we know that the relationship of each child to their parent varies and different sets of circumstances influence that. In an ideal parent-child relationship, as in other relationships, there will be a real meeting when the two people involved can see each other for who they really are, without obstacles and without projecting their own ideas and thoughts on one another. To reach such a relationship is a lifetime journey, and for many adults continues even after the parent has died. Prison will be one obstacle to the possibility of this relationship;

the difficulties it poses are discussed in Chapter 4.

Sociology studies researching a collective group of individuals can make generalised comments, draw statistical conclusions and quote from qualitative research. Studies reported to date have not been able to conclude that prison is the determining factor of consequences for children. Similarly, the effect of imprisonment on children's mental health is difficult to determine. The Coping report states "According to indicator scores on the strengths and difficulties items of the survey questionnaire, children with a parent/carer in prison were found to have a significantly greater risk of mental health problems than children in the general population." This finding is much qualified and is drawn from parents' and carers' observations, who for children under the age of 11, presented a more negative picture than children themselves.^{xxiii} The difficulties they experience point to the need for children of prisoners to be given special consideration within public health policy, as does the finding that in general, both the caregiving parents and children of prisoners enjoy poorer well-being than the general population.^{xxiv}

Children and their imprisoned parents need support: researched recommendations from studies, both sociological and rights-based, can indicate holistic positive measures to be taken at a public policy

level, at a systemic practical level, and support for individuals. Coping recommendations stretch across five broad areas where further action is required to improve the welfare, mental health and quality of life of children of prisoners, both at a pan-European and at a national level^{xxv}; they are similar to those from the EU-funded *Children with Imprisoned Parents* study piloted by the Danish Institute of Human Rights^{xxvi}; and to those which emerged from the United Nations Committee on the Rights of the Child Day of General Discussion and broadly bear out practitioners' experience, giving them all credibility, as quantitatively and qualitatively researched across a significant sample.

The importance of considering the impact on children from arrest, through the court process, remand and convicted imprisonment through to release is now recognised by NGOs working with them, and the recommendations developed by all recent studies and developed good practice do this. The children require crucial community assistance such as being supported at school and by NGOs, as well as arrangements made for the best possible prison visits and additional communication with their parents. The most important factor for children is the quality of their relationships with their parents, both those in prison and outside, as well as the support they derive from the wider family and friends.^{xxvii}

What can be done to buffer the impact of imprisonment on children?

What follows is a very generalised consideration of what is happening in Europe in relation to the broad themes of these recommendations and some indication of the good practice already in place.

Arrest and policing matters

Police officers could be trained and given protocols about how to behave when children are present—and to enquire whether the arrested person has children in the house or elsewhere. Some training of police officers is already in place for example in Denmark and Poland, although in neither country is it consistently available, and often good practice is developed by officers themselves over time and with experience.^{xxviii} In Denmark, there is the option to take in trained social workers if it is known that children are there; in England, there is an option to take in specially trained police officers, and ad hoc training is given to police officers in both England and Scotland.^{xxix} In many countries, there are requirements that if there are “child protection” or domestic abuse issues then the interests of children must be considered; this means that when neglect or abuse of the child is already the issue, police will take special care of them but not necessarily otherwise. For example, the NGO FFP would like to develop training for the police in Norway. A useful tool would

be to use the Norwegian government’s expressed intention in its report on the recommendations made under the periodic review mechanism supporting human rights training for all police officers.^{xxx} Change can also come about as a result of tragedies. In Switzerland, a mother was arrested and was frightened that someone would take her three-year-old daughter into social services care, so she phoned a friend to ask her to look after the child. The person contacted did not understand the coded request, and the child was left alone in the house for three days until she died of thirst. A catalogue of mistakes emerged in the enquiry. At least as a result now people arrested in Geneva are asked whether they have children, although the statistics of the children are not collated. A methodology for how UK police officers could best help children is suggested in a leaflet recently developed by Children of Prisoners Europe with other NGOs.^{xxxi} Such a leaflet is being offered to children involved in criminal proceedings in Hungary.

Considering children at sentencing

There have been significant advances in introducing the requirement of considering the welfare and best interests of the child in court decisions (in line with the UN Convention on the Rights of the Child) which have been discussed in Chapter 2. Apart from those mentioned previously discussed, there are spe-

cific cases in which judges consider the children. For example, children in Sweden who witness domestic violence are considered victims and are therefore eligible for criminal injuries compensation.

There are also more persuasive initiatives, such as the "Left behind" project in the lower level courts developed by the English NGO PACT: posters are left on the benches of London courts to make magistrates aware of the issues concerning the immediate welfare of children and dependents of people being placed in custody.^{xxxii}

There remain considerable deliberations to be made on how children's views can best be incorporated in the parent's trial and sentencing because of the impact it will have on the child. There has been some move to adopt child impact statements to be used in court; another way forward is to include a notice of the children's views in a report for the sentencing judge.^{xxxiii} Here, as in the issue concerning telling the children about arrest and imprisonment, children's rights and needs must be met through a process which focusses primarily on their parent, who also has needs and rights.

The remand and imprisonment phase

To prevent the experience of imprisonment being seen as abandonment where possible, it helps for the child to see their parents. The re-

search indicates that an early visit can allay the child's fears about their parent, particularly if the prisoner is emotionally able to set the tone for the new long-distance relationship. Within the Scandinavian countries this has often proved problematic. Sweden has a record of refusing visits during the pre-trial period, for example, which has been commented on in the Swedish report from the Universal Periodic Review (UPR) committee, the UN mechanism for monitoring human rights across the world.^{xxxiv} (The mechanism for using the UPR is discussed further in Chapter 8 on advocacy.) Apart from different entitlements to visits, the issues around telephones, Skype and visits are largely similar for visits to parents in detention whether untried or convicted. For all issues relating to prison contact with the imprisoned parent, see Chapter 5.

Children need to know about parental imprisonment from their parents

This advice arises from the need for children to hear about why their parents are in prison. For children being supported by some NGOs this is not an issue because the NGO requires that the children know their parents are in prison (e.g., all the Relais Enfants Parents work across the French-speaking world, and Bryggan in Sweden also makes this a requirement for children they work with). However, in many other coun-

tries, there is still a huge issue about the secret of imprisonment which supports earlier findings to this effect. Current experience in Scotland and elsewhere supports earlier findings that there are still a significant number of children who are not aware that their parents are in prison, some being given untruthful explanations and others being given no explanation at all for their parent's absence.^{xxxv} One Romanian mother in the Coping study observed: "It helped that I told the truth, as we started talking more."^{xxxvi} In Spain, one mother said: "It's good ... because she (her five-year-old daughter) is a kid who understands a lot. She sees things very clearly and is really open-minded, so she knows the situation. Now that I'm going out on furlough (home leave) she knows that little by little ... I think it's better that way than if I lied to her. She understands that I'm here as a punishment."^{xxxvii}

The late French psychoanalyst Françoise Dolto, during her discussions with imprisoned mothers at Fleury-Mérogis Prison in France (1987), said: "Children must be told the truth [...] about imprisonment,..." and elsewhere: "Words humanise experience; what's traumatic for a child's future is what goes unsaid." Other experts have written volumes on the deleterious consequences of family secrets on the child's psychological and emotional development. Concealing the truth can impair the healthy development

of mental processes in children. It is difficult to predict the impact of lying on a child's development. What happens when a parent is imprisoned is part of a much larger context, and the impact of separation on a child due to a parent's imprisonment is contingent upon the child's age, the length of the prison sentence, the family dynamic and other key variables. Yet a child often feels responsible for the parent's departure; feelings of guilt can arise. Studies have shown that they feel reassured when they know where the parent is—they know that the parent is alive—and when told of why the parent is in prison—it can help alleviate the child's guilt.^{xxxviii} *"Children are in a perfect position to understand what a law is. Their own lives are marked with what is authorised and what is taboo. So they fully understand those grown-ups have laws to respect as well, or they'll be punished, just as they would be. And they must be told that prison imposes limits in terms of the law, but not in terms of love. The key is that the children know that their parents still love them."*

— Marie-France Blanco, founder,
Relais Enfants Parents (France)

How does the child react if he feels that the truth is being concealed? How should children be told and what should they be told? These are key questions. Adults must explain using language that is

accessible to the child and child-appropriate. A surfeit of information can result in little or no information being processed by the child. For those supporting the child it is equally important to listen to the child, and to know how to provide the opportunity for the child to speak; responding to the child's feelings of uncertainty about their parents may be more helpful than telling them their parent is in prison both neuropsychologically and because the parent needs to retain their parental responsibility to tell the child themselves. It is a complicated and delicate matter.^{xxxix} The truth children need is their prisoner-parent's own story to tell and they need support to do this. On the impact of telling children the truth, Alain Bouregba has offered several subtle insights: "Children and parents alike should not be forced to know or to tell the truth. One should help parents find the best possible way to answer the child's question and respond to the child's behaviour in a responsible and loving manner. And the truth, particularly when communicated in a blunt manner, is not always the best option for the child. It may be couched in an acceptable and less hurtful way, but in doing so one should recognise the child's *need for truth*. The need for truth induces children to grow up and evolve as persons. This makes it different from the truth itself which, when put bluntly and "cruelly", may hurt the child."^{xl}

Many countries now have booklets and DVDs (such as Bryggan's powerful animation *Emilia*) or video links to support parents telling children about the imprisonment.^{xli}

Once children and parents can talk openly about the imprisonment between themselves, parents can support children in developing their strategy as to who else to tell. The reality of stigma discussed above may mean that, however hard, it is wiser for children sometimes not to tell their peers about the imprisonment if this will lead to further rejection. This does lead to children developing skills of suppression. Similarly, even if the imprisoned parent is unable to take responsibility for their own offence and its consequences, support from the caregiver can help protect the child from taking responsibility for them and so reduce their need to take on the parental role for the prisoner. The importance of the role of the imprisoned parent is discussed extensively in Chapter 4.

Caregivers need support: a key protective factor in children's resilience

Intuitively, practitioners have long known that often the best support for children is support for parents, both imprisoned parents and caregiver parents. As in cases of bereavement through death, if the caregiving parent is able to support the child so much the better. However, immediately after arrest and during the remand stage, the care-

giving parent will themselves be struggling to come to terms with this family change and their emotional well-being will generally be below that of the whole population.^{xlii}

Coupled with the parents themselves, where there is a strong family network, grandparents and siblings also provide effective buffers. When mothers are imprisoned, grandparents often take on the caring role, and where this is successful the impact of imprisonment is significantly reduced. Conversely, the effect on children of being taken into state care, more likely when a mother is imprisoned, can be damaging.^{xliii}

In addition to support specifically for children, support from NGOs for families of prisoners as a whole is relatively widespread. In many European countries, NGOs offer specific support to caregivers through drop-in centres, groups and telephone helplines. The integrated family support scheme that operates in England, and, slightly differently, elsewhere in the UK, allows for much coordination between prisons and support for families at home.^{xliv}

Often, families require emotional support in addressing the facts of imprisonment and how best to support the children. All prison-specific NGOs are skilled in referring families for more in-depth help to deal with the multiplicity of difficulties they face such as debt counselling,

help with housing and benefits, etc. In poorer countries, the financial impact of imprisonment can be significant.^{xlv} In some cases, state provision is stacked against them. For example, in Norway, parents on their own as a result of imprisonment receive no lone parent benefit. Visitor centres such as those that exist in many European countries described in Chapter 5 on visits can provide effective support at the entrance to the prison before the visitors pass through the security gates.

Case study: Ireland Bedford Row Family Project

Bedford Row Family Project in Limerick, Ireland, runs a prison visitor centre offering refreshments and emotional support to the community of prison visitors.^{xlvi} One of its strengths is that it involves volunteers, staff and board members who have been prisoners themselves or know first-hand the experience of having a family member in prison. This means that people who came looking for help become change agents in their own communities. There is a synergy in combining direct experience of prisons and the important boundaries needed in this work.

Bedford Row Family Project believes that the best and most effective way to address the difficult issue of family involvement in crime and the inevitable subsequent involvement in imprisonment and all the distress that that

entails is to facilitate responsible, compassionate, and caring people from the communities most affected by imprisonment to utilise their wisdom, insight, and strength to bring about long-term change in such families and “break the cycle”. Imprisonment brings anger and loss to families, and our workers can help in a restorative way to draw the anger out of the parents’ relationships.

Bedford Row has developed a particular Family Support and Crisis Intervention Course to offer workers the skills to equip and to support family members and work with families for long-term change (see Chapter 7 on training).

Once in the door, Bedford Row also offers support to children. If imprisonment has broken a loving relationship, children need help to learn a whole new way of relating to their loved ones who are in prison through brief phone calls and prison visits really focussed on containment. Sometimes they become angry from a place of pain, or they withdraw. The emphasis is to be the holding environment for this child who is suffering pain and loss and help them to find meaning in their emotion and loss so they can still relate to their father in the loving way as they always have and help him find a future of possibility and hope—“to be able to be a mechanic and have a nice house and a happy family”.

As one worker said “They are

not looking for the stars, but the odds are stacked against them. We can build a relationship to work with the child and the family to make this possible.”

Children need support from NGOs and other agencies

The support from NGOs for children with imprisoned parents and their families is offered and can help them in many ways—to the caregiver and the family as a whole, for example, rather than the child as described above. Surprisingly little direct community support is provided to children by way of groups for children across Europe. Bryggan in Sweden organises on-going child groups; the articulacy of Swedish children in the Coping study described above may be in part attributable to this. Indeed, Bryggan’s groundbreaking work with children, putting them at the heart of the process, enabled them to develop recommendations with young people which echoed the official Coping recommendations.^{xlvii} Bryggan’s training for those running children’s groups is further explored in Chapter 7 on training. FFP in Norway also offers groups and holidays, as does SAVN in Denmark. In Germany, Treffpunkt e.V. provides counselling to children whose parents are in prison. Play therapy is offered to children of addicts, many of whom are also prisoners, by the Lighthouse Foundation in Scotland.^{xlviii} There are also some useful

websites specifically for children featuring information about imprisonment.^{xlix} Treffpunkt e.V. is also building an online counselling service, with inbuilt safeguards to protect very distressed children. Other family support is available as described below and often children do receive assistance from family support workers, as part of the whole family, and are helped by support given to their parents.

Prison-based projects such as the Service Treffpunkt counselling projects in Luxembourg and play projects in the UK help children derive a sense of companionship and support from being together. Prison visits may be the only time in their lives when they are with other children who also know their parents are in prison and who share the same difficulties talking to "peers" at school and in the community. Other children are not their peers in the sense that they do not have this huge burden of knowledge about their parents' imprisonment. *"I have had to deal with a lot more things in my life than my friends."*^l The ways in which prison visits for children and families can be supported by NGOs are discussed in Chapter 5 on children visiting prisons.

Children of prisoners do not and should not automatically qualify for social work support as a result of their parent's imprisonment. However in some cases where children were in need of support for other reasons, this support continues dur-

ing the imprisonment; despite initial resistance to social service support once it is in place, many families find it helpful.^{li} Training of social services workers in understanding the possible impacts of imprisonment on children is still patchy. In England, a scheme has been developed wherein children of prisoners who exhibit mental health problems can be referred speedily for specialist medical help.

Case study: Switzerland Relais Enfants Parents Romands (REPR)

How support is offered to children is crucial, given the range of emotions and experiences affecting each child. The role of the Swiss charity REPR is to welcome families and relatives on their prison visits and to support children in their relationship with their imprisoned parents. This is based on the following values^{lii}:

1. We do not believe in one unique model of parenting.

When we accompany children on prison visits, it is important that we know how to deal with what takes place: what is said between the child and their parent. We are physically present during all visits (whether it is an individual accompaniment or a Creative Workshop as a group). This requires us to leave behind our own personal notions, that we all have, of how to be a parent, whether it is as par-

ents or with reference to our own personal history and experience as a child. Furthermore, within the prison context there is already a certain pressure on the prisoner and their changed role as a parent: to reflect on how to act and what to say. Leaving aside our own notions of how things should be done relieves some of the pressure from the time the parent and child have together.

Moreover, due to our physical presence as "professionals whose role is to accompany the child", some prisoners may project onto us a parental "savoir être" and ask us for our advice in this way. It is important that we forget any notion of the "perfect parent", while always remaining supportive.

2. We help the child through what they experience during prison visits and we do not systematise/normalise the responses of the child to these visits.

What we have gathered from our exchanges with the children is that we should not aim to find out what a "good" visit consists of, but that we should allow the child to express himself with his parent in whichever way he feels right, be that through joy or through tears or by sulking or not wanting to speak.

It is therefore important that we remain open to the unexpected to be able to offer this precious free-

dom and flexibility to the child and their parent.

It is up to the child to rebuild this link in their own way, based on their own concerns and questions. The important thing is that they are granted the necessary space to do so. In this way, it is important for us to regularly meet the parents on their own, in order to review the situation. We must be there to support the parent during the visit as well, to help them deal with whatever the child may bring to the table.

It is also important to be able to make some compromises in terms of the reality of the prison setting so that it embodies the phrase: "Dad can't come home with you, he isn't allowed to: it is not that he chooses not to."

3. We aim to provide a kind and caring presence appropriate for what plays out between the child and parent, and to be available for them during this process.

We do not approach a situation with any preconceived truths or formulas; instead, we learn from each situation. Indeed, each situation and each moment is unique. We also learn from what we could have done or said differently. Working as a team allows us to constantly rework this perspective and this enriches our experience.

As a starting point, we use the fact that we do not know how a parent used to act towards their

child before his or her imprisonment.

During the Creative Workshops, there is no "correct object to make": the important thing is the way in which each person involved approaches the proposed activity.

4. We have to be able to abandon the idea that an encounter must take place as quickly as possible.

In this way, the main issue at hand is that each child, in his own way, takes hold of the situation using his own experience as a reaction to the situation; using his own imaginary world and the reality of the encounter with his parent.

Thus, the challenge lies in allowing each child to take charge of his own life experience in his own way, based on the interplay of his own imaginary world and the reality of the encounter with the parent.

Case study: Sweden Solrosen ("Sunflower")

Solrosen's main activity is working with age-specific groups of prisoners' children. As there can be a great deal of secrecy surrounding a parent's incarceration, and adults are frequently preoccupied with other problems, children often need support and the opportunity to share their experiences with other children in the same situation. The group therapy method is based on an educational programme created for children with

family members who are substance-dependent (drugs or alcohol). The predictability and group structure provide an alternative method for helping children cope with the chaos and unpredictability stemming from the imprisonment of a parent. Solrosen offers individual and group counselling for both children and adults, camps for children and families and musical activities.

Case study: Norway Foreningen for Fangers Pårørende (FFP)

FFP offers activities for children, with sessions focussing on discussions about feelings at times. The children express that it is a great relief to meet other children in a similar situation. "I feel 100 kilos lighter!" They describe how they feel the others understand them, without having to explain a lot. We have had some "themed evenings" and dialogue meetings at FFP, where we talk about the situation of having an imprisoned parent. Children of various age groups have taken part (some of them accompanied by a family member). Once we invited a young woman who grew up with a father in prison to share her experiences with the children. We also once invited the (national) Ombudsman for children, and at another point child ambassadors from three prisons. Some of the children who usually don't talk a lot began to talk about their situation. Some chil-

dren just listened, and later told their mums that they felt so good about knowing that the others felt just the same way as they do!

The FFP facilitators know about the individual situation of each of the children beforehand. This is important, to make sure staff touch upon issues that are relevant for all the children, to make sure they feel included. (Some might have a violent parent, some have long sentences, some have short sentences, some have a parent who is about to be or who has been deported from Norway after the imprisonment, some might have experienced bullying, and so on.)

NGOs in turn need support

Systemic support for NGOs supporting children of prisoners is in its infancy; in England, there is a Ministry of Justice-supported guidance for local authorities on how to work with children and families of prisoners, and with local NGOs and in some areas this multidisciplinary approach of involving all those who come into contact with children with parents in prison is being developed with "Hidden sentence" training, on the impact of imprisonment on children, being rolled out to health visitors (children's nurses), teachers, police, etc.^{LIII} In its governmental report to the CRC, France uses its grant to Relais Enfants Parents as an indication that it is supporting these children.^{LIV}

Certainly, the sense from an

Irish NGO was that the most effective support any government could give would be to support NGOs who have the flexibility and creativity to provide appropriate, cost-efficient support to families affected by incarceration.

The role of schools: community support available to all children

Children can have many difficulties at school—missing school as a result of prison visits, the uncertainties surrounding the imprisonment, the shame of knowing that their parents have done wrong, for example. Parents need to be encouraged to tell the school about the imprisonment, so that teachers will know. This may mean teachers can be supportive to children and understand changes in behaviour or quite simply understanding that the children want to be treated as normal. Even when parents have spoken openly to their children about the imprisonment, children then have to decide for themselves (ideally with help from their parents too) how much they want to tell their teachers and their classmates.

All children go to school and therefore schools offer a good opportunity to provide support for children without further stigmatising them. In Norway, FFP does extensive work with children in schools raising awareness of the issues of imprisonment for children. DVDs such as the one produced by the Fonds Houtman in Belgium, *For You Bear My*

Name, assist professionals in introducing the topic.^{LV} It is important that schools understand and are sympathetic to children with parents in prison: Families Outside in Scotland is pushing forward support in schools through both training and supplying additional resources for teachers.^{LVI} Systematic advice for teachers is being developed.^{LVII}

Children can be affected by the media and lack of public awareness

The shame children feel is often compounded by their parents' trials being publicised on local and national media. In many countries there are reporting restrictions if the case involves sexual abuse and the child is the direct victim, otherwise covering trials and dramatising information for television is seen as normal behaviour even by reputable media. It appears that controls in Scandinavia over what the media can publish about trials do, to some degree, protect children of those accused. In Sweden, the judge decides if the press can report and then the press self-regulate. In the UK, the Press Complaints Commission will protect people who complain about harassment by journalists, although by this time it may be too late.^{LVIII}

This incident from Ireland is not untypical: after a suicide related to gang activity, one of the quality newspapers published a picture of a child related to the victim "giving the fingers" to a reporter. The media had not taken cognisance of the dif-

ficulties for the families involved and much remains to be done on this issue.

Public awareness-raising has taken a huge leap forward, with mainstream television now taking the families of prisoners into consideration. In the United States, a child, Alex, whose father is in prison, was added to the long-running children's television programme *Sesame Street*, and an article in *The New York Times* featured an article on the topic, highlighting the importance of children's mainstream educational television and tapping into broad audiences in an intelligent way.^{LIX} In Croatia, a mainstream television programme looking at different ways of supporting children of prisoners has been influential in facilitating the efforts of the Children's Ombudsman's Office to increase public awareness.^{LX}

Children of prisoners need to be considered in policy and by the public

Public awareness has been developed in different ways across Europe. For example, in Croatia and Cyprus as a result of the work of the Children's Ombudsman, governments are kept alerted to their needs.^{LXI} This work by Children's Ombudspersons built on work started in Scotland with the report "Not seen. Not heard. Not guilty"; since then the Scottish parliament has developed a cross-party parliamentary group founded with support from

the NGO Families Outside which has thematically considered many of the issues raised here, such as media coverage, consideration of children at sentencing, children of prisoners at school, etc.^{LXII} In government agendas for children, there is a generally increasing recognition of the specific needs of children of prisoners.^{LXIII} Further consideration of this work, which is a main focus of most of the members of Children of Prisoners Europe network—and indeed of the network itself—is developed in Chapter 8 on advocacy.

Public awareness of specific issues such as cyberbullying has been taken up in promotional videos such as the one recently commissioned by Children of Prisoners Europe; such treatment makes children aware they are not the only ones suffering this harsh experience for children and hopefully gives them some support, as well as making others aware of what they may be suffering.^{LXIV}

Consideration of the perspective of children with imprisoned parents for all relevant decision-makers

Children need holistic consideration to cope with the challenges which a parent's imprisonment may bring, and this recommendation reflects this essential broad consideration. Initiatives such as the multi-disciplinary training mentioned above and training for sentencers are discussed in Chapter 7. The recognition as a result of the Cop-

ing study final conference that children of prisoners are to be included among their categories of vulnerable children by both the European Commission and by UNICEF represents a huge stride forward in having children of prisoners taken into consideration at all levels.

Children need to be heard and listened to

Much good practice has been developed in Sweden, with children devising their own wish list for prisons, and their own guidance for parents and indeed recommendations for European policymakers. Further, there is guidance about how to engage children from the Ombuds-person in Sweden, other NGOs, academics and practitioners. In Norway, FFP has developed expertise through supporting the Ombuds-persons expert group on children of prisoners. In relation to children of prisoners, as we have seen in their values listed earlier, REPR in Switzerland bases its work around listening to and being led by the children in how they support them.^{LXV}

This panoply of recommendations, if implemented at both European, national and at a pan-European level, would ensure that children of prisoners' needs were considered at all stages of the process in terms of policy, practice and individual behaviour, and it is to be hoped that this would give them a greater chance of secure futures. Alongside practical recommenda-

tions, it is important to consider how these recommendations are implemented. The requirements of a restorative practice approach to what children of prisoners (and others affected by a crime) need, give a good steer for implementing recommendations on how best to meet their basic needs:

Meaning: Helping develop a sense of purpose and a sense of justice or fairness

Connectedness: Love and the experience

of belonging, the experience of community, and an ability to identify oneself as a member of a community

Security: Economic, spiritual, emotional, as well as physical security

Action: Power, the ability to act and experience a sense of empowerment, personal autonomy, or agency

Recognition: Respect and acknowledgment, appreciation, and basic dignity and self-worth as a human being^{LXVI}



¹Jones, A. D., Gallagher, B., Manby, M., Robertson, O., Schützwohl, M., Berman, A. H., Hirschfield, A., & Ayre, L., Urban, M., Sharratt, K. (2013). A. Jones (Ed.), *Children of Prisoners: Interventions and Mitigations to Strengthen Mental Health*. University of Huddersfield.

<http://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>

See also Scharff-Smith, P., & Gampell, L. (2011). *Children of imprisoned parents*. University of Ulster and Bambinisenzasbarre, The Danish Institute for Human Rights, Denmark, European Network for Children of Imprisoned Parents. <http://childrenofprisoners.eu/wp-content/uploads/2013/12/DIHR.pdf>

¹¹Robertson, O. (2012). *Collateral Convicts: Children of Incarcerated Parents. Recommendations and Good Practice from the UN Committee on the Rights of the Child Day of General Discussion 2011*. eva: Quaker United Nations Office.

¹²For additional material see Children of Prisoners Europe website for access to all network member sites. In particular, an animated Norwegian film titled *It's Up to You* by Kajsa Næss, in which children recount their personal experience of having an imprisoned father. The production firm Mikrofilm AS received the The Norwegian Ministry of Culture's Human Rights Award for the short film.

<http://www.nfi.no/english/norwegianfilms/search/Film?key=112946>

¹³For example, see useful literature review in Robertson, O. (2007). *The Impact of Parental Imprisonment on Children*. Geneva: Quaker United Nations Office.

¹⁴See Boswell, G. (2002). *Imprisoned fathers: The Children's View*. *The Howard Journal of*

Criminal Justice, 41(1), pp.14-26; and The Coping Project Final Report.

^{vi} Codd, H. (2008). In the Shadow of Prison: Families, Imprisonment and Criminal Justice. Willan.

^{vii} Coping Report, op. cit. p.325, "Children's Views"

^{viii} Roberts, S. (2012). The Role of Schools in Supporting Families Affected by Imprisonment. Families Outside.

<http://www.familiesoutside.org.uk/content/uploads/2012/09/The-Role-of-Schools-in-Supporting-Families-Affected-by-Imprisonment-FINAL.pdf>. For additional information see The Coping Project Final Report p330. "Children of Prisoners' and Families' Experiences of Schools."

^{ix} Coping Report, op. cit. p.358 "Meeting the Imprisoned Parent".

^x Ibid. p.25 "Introduction,Continued".

^{xi} The Rights of Children of Incarcerated Parents: Proceedings of the Expert Panel Meeting. Zagreb 2013. The Ombudsperson for Children, Croatia.

http://www.dijete.hr/hr/publikacijeppravobranitelj/a/doc_details/368-the-rights-of-children-of-incarcerated-parents.html p.51

^{xii} Coping Report, op. cit. p.327 "Sharing Information with Friends".

^{xiii} Ibid. p.314 "Children's Resilience and Coping Strategies, continued". This runs against the key role of strong family and school support in Germany

^{xiv} Ibid. p.352 "Stigma and Bullying, continued"

^{xv} Ibid . p.347 "Stigma and Bullying"

^{xvi} See Me Now: A Collection of Facts about Common Children with Unusual Life Experiences.

This booklet was prepared by Lisbeth Nilsen, who has led the collaboration with eleven organizations, all working to highlight children with unusual life experiences. The booklet describes, among other subjects, the situation of prisoners' children, children with mentally ill parents and drug addicts, children in poor families, children at risk of abuse and children from isolated communities.

http://www.ffp.no/no/litteratur/artikler_og_rapporter/Se+meg+n%C3%A5.9UFRnU4Lips

^{xvii} See, Understanding the Effects of Maltreatment on Brain Development. (2009). U.S. Department of Health and Human Services.

https://www.childwelfare.gov/pubs/issue_briefs/brain_development/brain_development.pdf

Additionally see Adverse Childhood Experiences, Attachment and Resiliency

<http://opendoorsnh.blogspot.co.uk/2010/07/adverse-childhood-experiences.html>

And, Oates, J et al. (2012). Developing Brains, Early Childhood in Focus, Bernard van Leer Foundation

^{xviii} Coping Report, op. cit. p.295 "Family Relationship; Family Conflict and Resilience"

^{xix} Bocknek, E., Sanderson, J., & Britner, P. (2009). Ambiguous Loss and Posttraumatic Stress in School-Age Children of Prisoners. *Journal Of Child & Family Studies*, 18(3), 323-333. doi:10.1007/s10826-008-9233-y

^{xx} Ambiguous loss is a phrase coined by Pauline Boss

http://www.ambiguousloss.com/about_ambiguous_loss.php

^{xxi} There have been various studies on this topic such as: Murray, Joseph, Carl-Gunnar Janson, and David P. Farrington (2007). Crime in adult offspring of prisoners: A cross-national comparison of two longitudinal samples. *Criminal Justice and Behavior*. 34:133-149.

And Murray J, Farrington D, Sekol I, Olsen RF. (2009). Effects of parental imprisonment on child antisocial behaviour and mental health: a systematic review. *Campbell Systematic Reviews*:4. - The latter, comparing 16 studies from several European countries and the US, showed that children with imprisoned parents ran twice the risk of antisocial behaviour and poor mental health outcomes compared to children without imprisoned parents.

Additional Information: Williams, K., Papadopoulou, V., & Booth, N. (2012). Prisoners' childhood and family backgrounds: Results from the Surveying Prisoner Crime Reduction (SPCR) longitudinal cohort study of prisoners. London: Ministry of Justice

^{xxii} Coping Report, op. cit. p.63 "Children's Resilience and Coping Strategies" in Sweden positive



support mitigates tendencies towards intergenerational crime

^{xxxxii} Murray J. (2009), op. cit.

^{xxxxv} Coping Report, op. cit. p.523 "Non-Imprisoned Parent/Carer Health Related Quality of Life" For more detail on the impact of imprisonment on carers' health in Norway see: http://www.fpp.no/no/litteratur/artikler_og_rapporter/P%3C%20A5r%3C%20B8rendes+helse+og+livskvalitet.9UFRnSYm.ips

^{xxxxv} Coping Report, op. cit. pp.549-597 "Recommendations"

12 pan-European recommendations, divided into five categories:

1. Policy and Public Awareness: A precondition for change;
2. Child-friendly Criminal Justice Systems: Getting it right from the start;
3. Maintaining Contact with the Imprisoned Parent: What it takes to keep in touch;
4. Advice and Support to Parents and Care-Givers: Getting through the experience
5. The Role of Schools: Friends in a time of need. (There are further detailed recommendations under each heading in the full report)

^{xxxxvi} Scharff-Smith, P., & Gampell, L. (2011), op. cit.

^{xxxxvii} Coping Report, op. cit. p.295 "Family Relationships; Family Conflict and Resilience"

^{xxxxviii} Scharff-Smith, P., & Gampell, L. (2011), op. cit.

^{xxxxx} Rufus, I. (2013). Monitoring the welfare of prisoners and their families. Justice for Children of Prisoners: Prisons across Europe national focuses on protocols relating to children of prisoners, pp.10-11. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonsAcrossEuropeNewsletter.pdf>

Rhod, H. E. (2013). The Danish court system: Q&A. Justice for Children of Prisoners: Police, judges & Sentencing: Arrests, trials & children's rights , pp.23-24. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/JudgesSentencingNewsletter.pdf>

In Scotland a pilot initiative was launched whereby arresting officers gave out information about the support available from NGO Families Outside but this has not been sustained over time.

^{xxxxx} Universal Periodic Review Norway: Mid-term report on the follow-up of the recommendations United Nations Human Rights Council under the Universal Periodic Review mechanism (UPR). (2012) p.20 "Human rights education in the police" Available online at:

http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/NO/Norway_UPRmid-termreview-June2012.doc

^{xxxxxi} Children of prisoners: The impact of witnessing arrest and how police can help. (2013). Children of Prisoners Europe, Fundamental Rights and Citizenship programme of the EU. The full text is reprinted in Chapter 8

^{xxxxxii} Available online at: <http://www.prisonadvice.org.uk/our-services/sup-children-fams/left-behind>

^{xxxxxiii} This discussion has been spearheaded in Scotland with reports such as:

Loureiro, T. (2009). Child and family impact assessments in court: Implications for policy and practice. Families Outside.

Available online at: <http://www.familiesoutside.org.uk/content/uploads/2011/02/child-impact-statements-stage1.pdf>

^{xxxxxiv} Human Rights Report: Sweden (2010), p.2. - Comment on UPR for Sweden available online at: <http://www.state.gov/documents/organization/160216.pdf>

^{xxxxv} Shaw, R. (1987). Children of Imprisoned Fathers. Bungay, Suffolk: Richard Clay Publishing.

^{xxxxvi} Coping Report, op. cit. p.319 "Information Sharing within the Family"

^{xxxxvii} Feintuch, S. (2013). Power, Perceptions, and Incarceration: An Analysis of Spain's New External Units for Imprisoned Mothers and Children (Doctoral dissertation, Central European University).

^{xxxxviii} Christensen, E. (2001). Imprisoned Parents and their Families: What Can We Do to Minimise Harmful Effects to Children?. Journal of Child Centred Practice, 84, 85.

^{xxxxix} Seigel, D. J., & Hartzell, M. (2014). Parenting from the inside out 10th anniversary edition: How a deeper self-understanding can help you raise children. New York: Penguin Group.

For additional information on this topic see: A Scotland for Children: A Consultation on the Children and Young People Bill, available online at:

<http://www.scotland.gov.uk/Publications/2012/07/7181/3>

^{xli} Panel Meeting, Zagreb (2013), op. cit.

^{xlii} See Emilia film along with additional materials to assist telling a child about imprisonment online at: <http://www.riksbryggan.se/material.html>

^{xliii} Information concerning how to support a child through grief is available online at:

http://www.cruse.org.uk/sites/default/files/default_images/pdf/Areas/Northern-Ireland/SupportingChildren1242011.pdf

^{xliii} Blades, R., Hart, D., Lea, J., & Willmott, N. (2011). Care—a stepping stone to custody?. Prison Reform Trust. Available online at:

<http://www.prisonreformtrust.org.uk/ProjectsResearch/Childrenandyoungpeople>

^{xliii} Information on PACT-run programmes supporting prisoners' children and families is available online at: <http://www.prisonadvice.org.uk/our-services/sup-children-fams/>

Information on the Family Links project in Northern Ireland is available online at:

<http://www.niacro.co.uk/our-services/working-with-prisoners-their-families-and-children/projects/16/family-links/>

A review of the Families Outside Family Support Work in Scotland is available online at:

<http://www.familiesoutside.org.uk/content/uploads/2013/08/FSW-Annual-Report-April-2012-March-2013.pdf>

^{xliv} Coping Report, op. cit. Poverty is listed as one of the main challenges for children in Romania

^{xliv} A brief summary on the work of Bedford Row as well as further information on their project is available online at: <http://www.bedfordrow.ie/our-work/>

Additionally, a brief video detailing the project in practice is available online at:

<http://www.youtube.com/watch?v=Zt-cVjVTwqc>

^{xlvii} Conference outcome report. (2012). Coping with a parent in prison: an agenda for policy reform. Eurochips: Brussels. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/ConferenceOutcome.pdf>

^{xlviii} Information on the Lighthouse Foundation in Scotland is available online at:

<http://www.lighthouse-foundation.co.uk/>

^{xlix} Information for children concerning imprisonment is available online at:

<http://www.ontheinside.org.uk/> (from NIACRO Northern Ireland)

ⁱ Coping Report, op. cit. p.310 "Children's Resilience and Coping Strategies, continued"

ⁱⁱ Pugh, G. (2004). Sentenced families: signs of change for children with a parent in prison. Ormiston Children & Families Trust.

ⁱⁱⁱ Bornand, L., & Schekter, V. (2013). Relais enfants parents romands (repr): Our values. Justice for Children of Prisoners: Prison Visits & Families Impacts, Successes & Struggles, pp6-7.

Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonVisitsNewsletter4Site.pdf>

Video created by REPR entitled: Children of the Shadows is available online at:

<http://www.carrefour-prison.ch/Les-Enfants-de-l-ombre-Le>

^{liii} Ministry of Justice, (2011). Working with children and families of offenders: A guide for local authorities and partnerships and reducing reoffending and improving outcomes for children. England: NEPACS and Barefoot Research and Evaluation.

Available online at: http://www.nepacs.co.uk/resources/documents/1306250756children_and_families_guide_2011.pdf

In 2013 this program was in place in Brighton and Hove in England

^{liv} Comité des droits de l'enfant. Examen des rapports présentés par les Etats parties en application de l'article 44 de la Convention. Troisième et quatrième rapports périodiques des États parties devant être soumis en 2007

^{lv} Car tu porteras mon nom (For You Bear My Name), Sébastien Verkindere, Production Agit. Prod. SA. This film is available in French with English subtitles online at: [63](http://www.fonds-</p></div><div data-bbox=)

houtman.be/fr/les-documents-a-telecharger and in DVD format (without subtitles). Please contact Fonds Houtman for the password: CBornauw@fondshoutman.be).

Sloan, D., & Farrelly, J. (2008). It's a tough time for everyone: information for children and young people who have a parent or relative in prison. Action for Prisoners' Families. Available for purchase online at: <http://www.amazon.com/Its-Tough-Time-Everyone-Information/dp/0954859375>

Information on Barnardos's Northern Ireland Parenting Matters programme is available online at: <http://www.barnardos.org.uk/parentingmatters.htm>

^{lvi} Information concerning the school reports published by Families Outside of Scotland is available online at: <http://www.familiesoutside.org.uk/research-publications/schools/>

^{lvii} For example, Education of children with a parent or close relative in prison or at risk of a custodial sentence (2002). Gloucestershire County Council. Available online at: <http://www.gloucestershire.gov.uk/schoolsnet/CHttpHandler.ashx?id=35489&p=0> ; or the leaflet from HMP Parc in Wales for all headteachers about the Invisible Walls project, which also offers a range of initiatives involving prisoners, partners, children and all external agencies—"whole family support".

^{lviii} Information explaining how the PCC helps vulnerable victims is available online at: http://www.pcc.org.uk/assets/111/How_the_PCC_responds_to_a_major_incident_2013.pdf The PCC also has a means of recourse if an individual is concerned about a story that has already been published. Information concerning this process can be accessed online at: <http://www.pcc.org.uk/cop/practice.html>

^{lix} Angier, N. (2013, November 25). The Changing American Family. The New York Times. The article is available online at:

http://www.nytimes.com/2013/11/26/health/families.html?_r=1&

^{lx} Parallels: Children from the shadows [television series episode]. (2013). Hrvatska Radiotelevizija. The programme is available online at: <http://www.hrt.hr/enz/paralele/226299/>

^{lxi} Koursoumba, L. (2013). The rights of children to maintain contact with imprisoned parents. Justice for Children of Prisoners: Looking Forward Impacts, Successes & Obstacles, pp.7-8.

^{lxii} Not seen. not heard. not guilty. the rights and status of the children of prisoners in Scotland. (2011). Edinburgh: Scotland's Commissioner for Children and Young People. Available online at: http://www.sccyp.org.uk/downloads/Adult%20Reports/2011_NSNHNG_report.pdf

^{lxiii} The Scottish Government, (2012). National parenting strategy: Making a positive difference to children and young people through parenting. p9. Available online at: <http://www.scotland.gov.uk/Publications/2012/10/4789/9>

Department for Communities and Local Government, (2012). The troubled families programme: Financial framework for the troubled families programme's payment-by-results scheme for local authorities. London: Crown. Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11469/2117840.pdf

^{lxiv} Children of Prisoners Europe awareness-raising video on cyberbullying. Explainer Studio, 2014. Available online at: http://childrenofprisoners.eu/?page_id=5092

^{lxv} Young speakers—a method for listening to children. (2011). Stockholm: The Ombudsman for Children in Sweden. Available online at:

<http://www.barnombudsmannen.se/Global/Publikationer/young%20speakers.pdf>

The Listening to Prisoners' Children: a Toolkit produced by PACT is available for purchase online at: <http://www.prisonadvice.org.uk/Shop/listening>

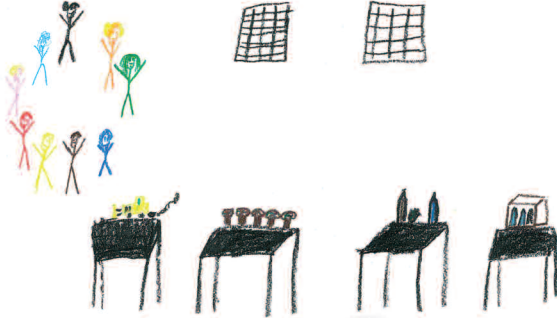
Karlsson, L. (2013). Storycrafting method—to share, participate, tell and listen in practice and research. The European Journal of Social & Behavioural Sciences, pp.1109-1117.

^{lxvi} Newell, T. (2013). A restorative approach: Considering the needs of all those involved. Justice for Children of Prisoners: Prison Visits & Families Impacts, Successes & Struggles, pp.12-13.

Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonVisitsNewsletter4Site.pdf>

Germany

Die Vater Kind Gruppe in der JVA Nürnberg



Vatter-Kind-Gruppe



VATER-GRUPPE DENISE



Ireland

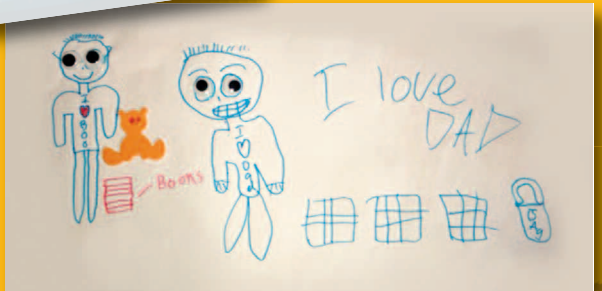


Scotland





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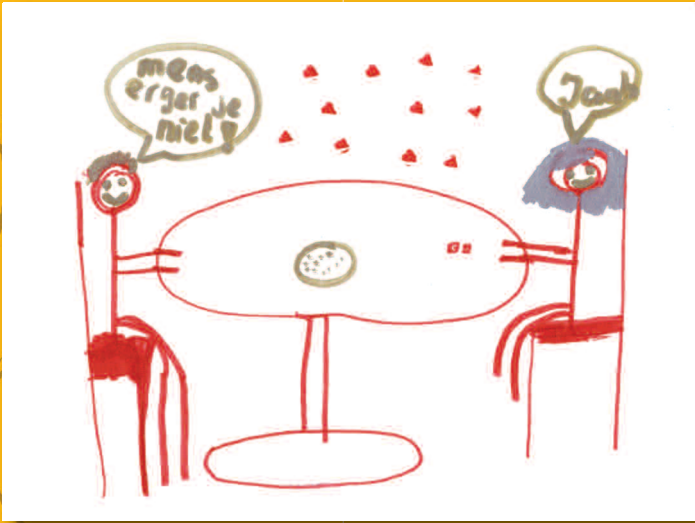
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Netherlands

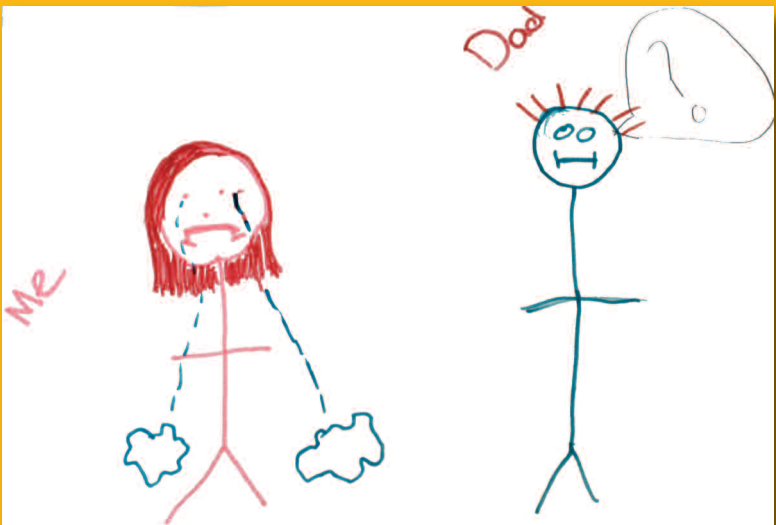


Switzerland





New Zealand



Chapter four:

Parenting and prison

Supporting imprisoned parents involves a two-step process: eliminating factors that undermine the exercise of parental authority—a prisoner's resistance to seeing the child in prison, for example; and helping the parent reconnect with the child. The impact of imprisonment can distort the parent-child relationship; and the relationship may become asymmetric with the child "taking charge" of the parent emotionally. This chapter aims to highlight these and other difficulties that many imprisoned mothers and fathers face in parenting and to describe a few initiatives currently operating in some European countries that help the parent surmount these difficulties and reconnect with the child. The first section lays the foundation for parenting, exploring the parental role, parental authority, and the difficulties inherent in parenting when imprisoned. The second section looks at a few original initiatives, in France, Belgium, Italy and Sweden, that support parenting in prison.

Parenting

Imprisonment hinders a parent's ability to exercise parental authority. The obstacles frequently encountered by imprisoned parents can be social, legal, family-based or psychological. Before looking at the various obstacles to parenting from prison, however, the concept of the parental role in its various dimensions needs to be defined.

The parental role

The parental role is much more than a parent's obligation to raise, nourish and protect the child, all keystones to parental authority. The parental role endures even after a child reaches the age of majority, whereas parental authority ends at that point. The parental role does not necessarily require the physical presence of the parent: witness how transfixed a child can be by a deceased parent's symbolic, imaginary presence; the parental role subsists to a certain extent. The concept of the parental role is two-fold: there is a functional role, as well as a cultural-symbolic one.

The functional role encompasses the offspring's socialisation and gradual understanding of their role as a citizen (child-rearing duties assigned by society). Yet the child's motivation in attachment to the parent involves more than the parent's ability to fulfil child-rearing responsibilities—hence the cultural-symbolic role. The child and parent share a common basic identity. Parental involvement in the identi-



ty-formation process gives parents a pivotal role in transmitting a sense of belonging. The parent has no incentive to play this role. Looking at the parental role from a practical standpoint, it is relevant to evaluate the parent's competence in fulfilling the role; but if you look at the parental role in terms of transmitting a sense of belonging, it is meaningless to ask if the parent is competent. The issue is rather whether the parent is in a psychological and social position which enables a sense of belonging to emerge and the parent-child link to be forged.

Once the distinction between the two roles is made, we can examine the foundations of each role so as to better evaluate the obstacles most likely to have an adverse impact in the case of imprisonment.

The parental role: practical aspects

From a practical point of view, the various components of the parental role entail a series of responsibilities with respect to the child. These responsibilities include:

- Nourishing and supporting the child
- Guarding and protecting the child
- Stimulating and raising the child

Nourishing and supporting the child forms the primary link and is seen by many as one of the major factors in legitimacy as a parent. By restricting a parent's ability to con-

tribute financially to an offspring's upbringing, imprisonment undermines the legitimacy of the parent. The duty to protect the child is also a major mainstay. Through parental protection, the child gains a feeling of inner security, without which his psychological and emotional development and subsequent socialisation are at risk. The mother essentially provides this protection during the first few months of an infant's life; the father plays a role during this period as well, however. The more secure the mother's interpersonal environment, the more effective the mother-child fusion, which enables the mother to act as a membrane, filtering stimuli for the newborn. The father participates by protecting the mother-child dyad, and conditions the quality of the mother-child fusion. Parental protection continues well beyond the first few weeks of the child's life, but how this role is carried out during this key period is instrumental in shaping the child's later development. As a result, careful attention needs to be paid to the mother-father-child triad during these early months. The stability of the triad impacts the stability of the child's sense of security, which provides a basis for the child's interactions with the world around him; it also conditions the parent's long-term stability in assuming responsibility. As an extension of the duty to protect, parents—in most cultures it is the father—are responsible for su-

pervising and protecting the child. Watching over the child includes monitoring health and protection against influences harmful to the development of the child's moral conscience.

The third duty is stimulating and rearing the child. Awakening the child's curiosity, developing the ability to reason in a fun and playful way, and language acquisition skills stem largely from parental participation in stimulating and bringing up the child. Parents contribute to the child's intellectual development in individual and decisive ways. Language acquisition, for example, takes place essentially through contact with the parents, primarily the mother. The mother-child relationship during the early years conditions the child's language acquisition system and relationship to wordplay and other verbal skills. The child's mastery of his mother tongue is basically shaped by the quality of the mother-infant relationship. A depressed or desperate mother is not sufficiently expressive verbally when caring for the child; her speech is perfunctory and functional. The absence of singsong and baby talk in the mother's interactions with the child has a negative impact and can impair the child's oral language skills and, later on, ability to learn to write. The most efficient way for a parent to stimulate the child is through play. The quality of a parent's contribution to the child's upbringing is

largely independent of the parent's teaching skills: a mother who chatters for long periods with her infant lays a much stronger foundation for the acquisition of oral and written skills than a depressed, withdrawn mother—even if the latter is a distinguished grammarian.

Overall, these three aspects of the parental role are closely linked and may overlap to a certain extent. Yet from a practical perspective, it is crucial to distinguish between them, particularly in terms of identifying how the parent is being hindered in fulfilling his or her parental role.

The parental role: cultural-symbolic aspects

The parent-child bond is much more than a series of responsibilities. A parent's attachment to and tenderness for his offspring determine the quality of the child's relationship to the self for the rest of his life. Low self-esteem, self-rejection, inhibition and shyness caused by shame further undermine the child-parent relationship. The influence of child-parent relationships in determining an individual's relationship to the self is based on the bond constituted by the parent and child's shared identity. In this way, the parent transmits several essential components of his own narcissism to the child.¹

It is generally agreed that child-parent relationships play a determining role in the construction of



identity and the security of narcissistic investments. This influence constitutes the very basis of the parental role, no longer construed in practical terms but as a whole, grounding the individual to his cultural community and reaffirming his sense of belonging.

The role of the child-parent bond in the construction of identity revolves around two processes: the affiliation process by which the child identifies with and integrates kinship and community structures; and early attachment experiences. The latter determines whether a child feels sufficiently loved and bolsters unconscious feelings of the right to exist.

Transmission

Before a child can assert any degree of autonomy, he needs to be able to acknowledge his position in life. A child cannot assert his individuality if he does not feel regulated by the position he is subjected to early on in life based on his parents' desires and sociocultural profile. Freedom and psychological independence are not constructed on a *tabula rasa*. As Sartre maintained, the individual is conditioned by his social environment, then turns back upon it to condition it in turn, to a certain degree; for the philosopher, it is this "certain degree"—and nothing else—that constitutes the very essence of freedom. To exist as an individual, we need to have been previously subjected to constraint.

The child is subjected to two clusters of life-determining factors. The first cluster includes the parents' sociocultural profile and identification with the community; the impact on the child's future is obvious. The second cluster is determined by the nature of the mother's and father's desires for the child. Before the child is even born, the parent has a project for his child on both an unconscious and conscious level. This project or desire, which is projected onto the child, conditions an idealised form of self-realisation that the child introjects during the first year of life. The process sets up a kind of internal blueprint for self-realisation that the child comes up against throughout his life. (A parent's projected desires for the child are inextricably linked to the desires his own parents in turn projected; a child's link to his father's and mother's hopes and desires is associated with their own imaginary link to their parents. The link therefore relates back to an unconscious transmission mechanism dating back over two generations and which, to a certain point, is independent of the specific conditions shaping and forging the present parent-child attachment.) The unconscious project for the child determines the parent's hopes and desires for the child, yet differs in part from the parent's desires to have the child close by, in proximity—which is more need-based. Desire for the child (projects, hopes for the future) and the desire

to have the child in close proximity (needs-based) overlap, but are based on entirely different psychic processes. The latter is what activates the attachment-formation mechanisms.

Attachment

The stability of the narcissistic dimension of personal identity is largely dependent on the quality of parental attachment. Until relatively recently, much of the focus has been on mother-infant attachment. A consensus exists among developmental psychology schools that the infant bases his feeling of omnipotence, on which his primary narcissism rests, on his mother's attention; this consensus also exists with respect to the rate of development of object relations. The child will overcome early experiences of frustration and separation through the permanent psychic presence of the maternal image. Several authors have highlighted correlations between the role of maternal attachment and the formation of self-image in children. The importance of paternal attachment should not be underestimated, however. The child has a need to feel the father's attachment for him. Why? Paternal attachment plays a lesser role in narcissistic development in comparison to maternal attachment; yet it would be hazardous to omit it: an adult bases a large part of his feelings of legitimacy on the experience of having been loved by his father.

Conversely, the fear of not having been desired by the father can lead to inner conflicts stemming from a lack of legitimacy or recognition. A father's recognition is pivotal to narcissism and acts on an unconscious level. In addition, during the Oedipal phase, the child is able to resolve the eternal father-son conflict if the father has displayed tenderness and affection; this is much more difficult if the father is violent or absent.

Obstacles that undermine the parental role

Once the distinction between the two dimensions of the parental role has been made, it becomes possible to understand the kinds of obstacles that can limit an imprisoned parent's ability to fulfil the parental role. Eight kinds of obstacles have been identified. For each one, we will focus on the specific impact on the various dimensions of the parental role.

Absence of visits

The greatest difficulty in terms of the parental role arises in those cases when the child does not visit the imprisoned parent. Both dimensions of the parental role are negatively impacted when there is no contact between an imprisoned parent and a child. This situation precludes any opportunity to contribute to the child's awakening process. Even in situations in which the parent maintains the ability to

act during occasional visits or at least remains informed of the child's development and can contribute financially to meeting the child's needs, the parent's child-rearing role is diminished. The only way to allow the parent to establish a relationship that includes play and contributes to stimulating the child's imagination, existence, and socialisation is through regular contact. The impairment of the parental role due to lack of contact not only affects the child-rearing role but also the nature of the parent-child attachment, as well as the quality of the parent's role in the offspring's identity-formation process.

The intensity of the desire to see the child causes some parents to reduce their attachment to a more needs-based pattern—to *their* need for the child; the feeling that their child needs them grows less acute. If attachment is reduced to an exclusively egocentric dimension, the relationship that ultimately could be developed fails to reach its full potential. A more immediate consequence is a loss of the sense of legitimacy as a parent.

To feel legitimate in the parental role, parents need to feel that they place greater emphasis on their own responsibility rather than on any emotional gratification gained from the relationship with the child. If the parent does not give precedence to his sense of responsibility, the legitimacy of the symbolic position of parent is diminished.

This loss undermines the quality of the bond as well as the parent's contribution in transmitting a sense of belonging to the child. To transmit a sense of belonging, the parent must be psychologically prepared to link the child to someone other than himself. In other words, he must be capable of renouncing possession of his offspring in order to foster the child's sense of belonging to the familial community—of which the parent is just one member among many others. This psychological process of affiliation enables the parent to play the role of guide. When a parent is imprisoned, a lack of contact intensifies the need to have the child all to oneself, sometimes at the expense of the psychic understanding of the need to link the child to others.

We can measure the degree to which the absence of contact between an imprisoned parent and his child impairs the quality of parenting. The nature of this impairment varies, and depends on several factors:

- The length of the absence of contact.
- The nature of the parent-child relationship prior to incarceration.
- The psychological facility with which parents legitimise their parental position.
- The parent's desire to link the child to the other parent, to his own parents, to his community and the world.

The latter factor weighs heavily when the child's failure to visit is due to family conflict. Visits may not occur for several reasons (see Chapter 5), each differing in degree of influence. The leading cause of a breakdown in contact is conflict between the offender and family members acting as primary caretakers. These conflicts can reveal the degree to which the imprisoned parent's desire to link the child to his kin becomes diminished and how the parent can be blocked from exercising his role in the parent-child transmission of belonging. Another problem is an imprisoned parent's refusal to meet with the child in prison. This is a common occurrence when the parent is serving a short sentence, or under the impression of doing so. In such cases, the parent commonly refuses to have the child enter the prison, and even refuses to inform the child of their imprisonment. Parents often refuse such visits because they are ashamed with respect to the child. They also resort to lying by omission and all-out lies about the parent's whereabouts ("your parent is in hospital, at work, abroad on a mission, etc.") Shame frequently leads to reality avoidance in imprisoned parents—refusal to see or be seen, to listen or to speak, lying and avoidance behaviours through lies are just some of the psychological mechanisms produced by shame. Shame vis à vis the child is associated with a loss of self-esteem. Shame is rarely ex-

pressed; it triggers a reluctance to express things in words. Outwardly, the offender displays self-confidence and self-assurance, yet is riddled with what can be at times violent shame. The parent's shame reveals a loss of legitimacy, and his role as a parent is adversely affected. These two causes are more psychological in nature and are linked to internal conflicts. Two other causes are more external in nature, and their influence should not be underestimated: they include financial difficulties and legal and administrative constraints to visits.

These two external causes need to be recognised and surmounted through initiatives that foster family contact, whether on an administrative level or through financial support. The parent may point to these external causes when complaining about not seeing the child, yet NGOs have observed that it is rarely due to these reasons alone that the parent does not see the child. It is merely easier for the imprisoned parent and the family to blame these causes than the internal ones. This is why a holistic or global approach must be used—taking into account reasons explicitly evoked by the parent, as well as those reasons that are not expressed. Taking both sets of motivations into account is the only way to help diminish the negative impact of detention on the prisoner's parental role.



Lack of contact in a child-friendly setting

In many prisons, children's visits do not take place in a child-friendly environment. Some visits areas are unsuitable for children and their special needs and for quality contact between parents and children; this has an impact upon the parental role. The more suitable the environment for relationships involving play between child and parent, the better the parent's opportunity to play a role as a catalyst in awakening the child. Conversely, when conditions grant parents little opportunity to engage in play activities with the child, they do not help the parent learn how to bring up the child. Exchanges between children and parents in settings that foster play and nonverbal contact are as vital to the parent as they are to the child. A lack of child-friendly settings for prison visits also has a negative impact on the nature of the child-parent attachment. The more hostile the setting with respect to the child, the more the parent feels that he or she is forcing the child to do something when asking him to come. During visits in such settings, the parent often tells himself that his child would be better off elsewhere. The feeling that bringing the child into the prison is harmful to the child hinders the display of attachment to the child; it also results in the parent feeling that his need for the child is greater than the child's need for him. Grati-

fication of the parent's needs prevails over gratification of the child's needs and the quality of parental attachment risks being undermined.

Lack of suitable physical environment for family visits

It is difficult to feel like a parent on one's own. The father becomes a parent by adjusting his behaviour to the expectations he perceives the mother to have of him as a father. Likewise, the mother needs to feel reinforced by the father's attitude toward her; he sees her as the mother he intended to provide for his child. Each parent's expectations of the other determine the ease or difficulty with which the parental role is carried out. Triangular interactions between mother, father and child are crucial in underscoring the legitimacy of each parent and in this interplay of expectations. The lack of sufficient family-friendly prison visits areas offering privacy for mothers, fathers and children places a major restriction on the conditions necessary to allow the parents to adjust their behaviour to the expectations of their loved ones. The lack of this type of intrafamilial setting can disrupt parent-child attachment formation.

Family conflict

Family conflict frequently explains why an imprisoned parent does not receive visits from a child. These conflicts are not all triggered by the imprisonment; in many cases,

they existed prior to incarceration. Whatever their origin, they appear as a major obstacle to carrying out the parental role. Family conflict makes it difficult for the imprisoned parent to exercise his or her duty to watch over the child. Without harmonious communication with caretakers, the imprisoned parent cannot be kept up to date with the child's progress. In addition, as previously mentioned, these conflicts reduce or eliminate visits of children to imprisoned parents. The lack of physical contact between parent and offspring diminishes the parent's skills in awakening the child to the wonders of the world.

Conflict between the imprisoned parent and the carer parent not only undermines the child-rearing role but also predisposes a major risk of dysfunction in the relationships between the child and each parent. Conflict between parents frequently triggers expressions and behaviour linked to "appropriating" the child, whereas in order to feel a sense of parental responsibility, the parent needs to move psychologically toward disappropriation.

The impact of imprisonment on the legal rights and status of parents

Imprisonment rarely has an impact on the legal rights and status of parents, although occasionally this does occur. Even family oriented Italian legislation, for example, allows a judicial authority to put a child up for adoption if it is not pos-

sible for his or her imprisoned parents to take care of him while he is a minor. In France, parental authority can be revoked when a parent is imprisoned for having abused one of his children, making the child eligible for adoption by another relative. Such cases are rare, yet must receive special attention, given the importance of the ethical and developmental issues they raise. Less rare than the revocation of parental authority are cases in which imprisonment can undermine the responsibilities and rights associated with parental status. This weakening is often due to the parents' ignorance of their rights and duties. It is helpful to facilitate their access to this kind of information on parental rights and responsibilities. This information can reinforce the parental role on every level.

The impact of imprisonment on self-esteem and social image

Imprisonment can be likened to a narcissistic test in that it undermines self-esteem. Far too frequently, public opinion equates the imprisoned parent with someone who is unworthy of being a parent. This double impairment results in the parent feeling disqualified, which can be extremely painful and leads to a decrease in the self-assurance required for carrying out this symbolic role. Many imprisoned parents experience a sense of illegitimacy, for example, when they remind their child that there are rules on how to



behave. There is a great need to re-qualify the parent so that he or she feels fully legitimate in the parental role.

The impact of imprisonment distorts the parent-child relationship and affects the parent's behaviour on release

Imprisonment exposes the parent-child relationship to risks of major difficulties. The relationship may become asymmetric, with the child "taking charge" of the parent emotionally. This disruption and dysfunctional relationship can cause the prisoner-parent on release either to become violent towards their children or to withdraw from their children's lives. It is therefore the *relationship* itself which needs to be the primary focus of support, and not the child. When people are aware that this is a potential problem, and indeed if the problem is articulated to prisoner parents, this alone reduces the risk of their withdrawal from the children or violence towards them. (This is similar to warning bereaved people that they may become depressed; by naming the possibility, the risk is lessened). This therefore needs to be the subject of training for prison staff and other professionals working with prisoners and their families both in prison and the community, as well as other awareness-raising training to ensure that prisoners and their families know about the risks of dysfunctional parent-child relationships.

Inadequate income

The inability to contribute financially to a child's upbringing can be extremely important to an imprisoned parent. This lack of contribution is sometimes seen as abandonment, and often a loss of legitimacy. In many cultures, the financial contribution of fathers in caring for the child is the keystone to their legitimacy. This impairment of paternal legitimacy is partially lifted when the offender sends part of the income earned in prison to the family. Yet the lack of sufficient work available in prisons limits this option. In a few cases, prison not only restricts the parent's ability to contribute financially to family life, but also puts a substantial financial burden on the family. Many families, particularly during the remand period, must cover the offender's expenses and legal fees. For cultural reasons, the inability to support the family financially has a greater impact on imprisoned fathers than mothers. This is not to say that imprisoned mothers are not deeply affected by difficulties in supporting the child financially, but this seems to have less of a negative impact on the parent's sense of legitimacy as a parent. This phenomenon involves only parents who supported their children financially prior to incarceration. In light of this, it is strongly recommended that prison services maximise a parent's opportunity to work during imprisonment and contribute to supporting the family fi-

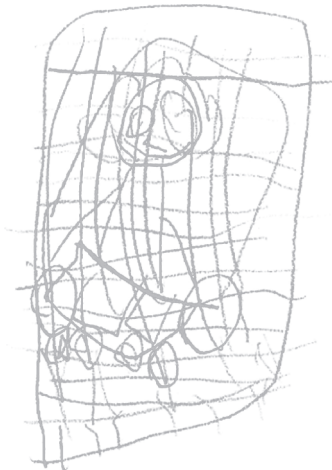
nancially.

It is incorrect and dangerous to predict that children and their development will suffer from the moment a parent is imprisoned. The experience of separation from a parent often brings with it sadness and pain, but these need not be seen as or become an illness. Facing up to adversity is not in itself a mental health difficulty. However, even if we should not predict problems for a child because a parent has been sent to prison, we must not neglect the possible effects of imprisonment on the quality of the relationship which links the child and parent. The impact on the way in which the relationship is carried out is sometimes long lasting and often persists beyond the period of imprisonment. This is why it is key to seek to understand children and their relationships with their parents and to act carefully.

It is important to mitigate the

adverse effects of imprisonment on prisoners' abilities to act as parents and to strive to preserve the quality of their relationship with their child. We need to refrain from any kind of reductionist approach to predicting psychological and emotional disturbances in the child following the incarceration of the parent; yet the adverse effects of imprisonment on the quality of the relationship linking the child and the parent need to be considered. The impact of imprisonment on the ways in which relationships are established can be long-lasting, going well beyond the length of the prison sentence. Hence it is necessary to understand and be vigilant towards these adverse effects.

Support initiatives must aim to mitigate the adverse effects of imprisonment on carrying out the parental function, ultimately safeguarding the quality of the relationship with the child.



Other problems in the child parent relationship

Removing the obstacles to exercising parental role: supporting parents in prison

Several initiatives have been carried out in Europe to support imprisoned parents in their various roles. The initiatives target all of the aforementioned obstacles except for one: an imprisoned parent's insufficient income with respect to supporting the child. This kind of obstacle can only be overcome by prison service initiatives to provide work opportunities for offenders. This chapter focusses on a selection of prison-based initiatives by highlighting four of them:

- Craft workshops in which imprisoned parents create objects for their children, such as those run by Relais Enfants Parents associations (France, Belgium)
- Legal workshops (Spain)
- Support groups and individual counselling, such as those initiatives run by Bambinisenzasbarre (Italy)
- "Study circles" for imprisoned parents (Sweden, Italy and Croatia)

There are, of course, many other parenting initiatives, such as parenting courses, family learning and family support in various countries.¹¹

Croatia is planning to introduce a series of workshops for prisoners based on psychological principles to

enable participants to gain a better understanding of fatherhood.¹² Below are some considerations from Croatia's approach of what parents need to learn about how to support their children:

Prisoner-parent's support for a child

In spite of the limited circumstances of communication between imprisoned parents and their children, such communication is decisively important with regard to its consequences for a child. Sometimes a prison visit may be the first opportunity for a child to talk to his or her parent and ask all the questions he or she wants. Letters are yet another form of communication between prisoner-parents and their children. Some of them prefer this way of expressing their thoughts and feelings. However, children often need help and support of other family members when communicating with their parents through letters.

Children also need their support in what they do, what they occupy themselves with and how they lead their lives. For this reason, a parent who is incarcerated should send out more than just letters: trivial prison-made gifts, photographs, school magazines, duplicate degree certificates a child can boast of, etc.

A prisoner-parent may support a child through writing by doing the following¹⁴:

- Writing frequently and regularly
- Making reading easier for a

child by writing in a way that child can understand (using capital letters, for example), enclosing pictures that may serve as illustrations, and making drawings. Creating games for a child to play with or unfinished drawings for a child to complete and send back

- Enquiring about the child's daily routine and showing interest in every aspect of his or her life
- Suggesting that they both read the same book and later discuss it
- Encouraging a child to send them all kinds of pictures, letters, postcards
- Refraining from criticising the child's letters and creations
- Writing letters even if a child does not write back so as to make the child aware that a parent is thinking of him or her and would like to stay in touch

It is not always easy for an imprisoned parent to give support to a child. Just as a child is concerned about the outcome of a visit, so is a parent. A parent can best provide support if he listens to what a child has to say. Here are some tips that might be useful to a parent giving support to a child^v:

- Do not be afraid to ask questions about the child's daily routine. If the parent does not ask, a child might think that he or she simply does not care.
- Keep in mind that a child wants

and is entitled to privacy and that a child may keep many things secret or reveal them only gradually.

- Encourage a child to engage in "shared activities", although separated: read the same book, develop common interests (e.g., sports scores, historical events, TV shows, magazines etc.).
- Take an interest in seemingly trivial everyday events of the child's life.
- Play a game with the child during visits (e.g., a social game), if circumstances permit. Try to get more involved in the child's upbringing by inquiring about child's feelings regarding certain family or school rules. However, the child will lose interest if each visit comes down to "moralising and preaching", especially if the parent draws comparisons with his or her offence. A parent must distinguish between their own conduct and that of their child.
- Do not make unrealistic promises for the future. A child needs support now.

In England, short courses such as Time to Connect^{vi} have been developed to improve relationships, in particular using play as a bond between parents and children.

The four half-day workshops cover the following topics:

- The impact of a parent's imprison



onment on their children

- The importance of keeping connected
- The role of mother or father and being a good parent from prison
- “What is play?” and “The role of play”
- The different stages of child development

The fourth and final workshop is devoted to the offenders’ planning and preparing for the child-centred visit, which is held approximately two weeks after the workshops. This includes choosing activities that they would like to do with their child at the visit. Approximately four weeks after the child-centred visit, a booster session is held for the group of offenders to share experiences since the original workshops, to recap and consolidate their learning. Following this session, it is hoped that an informal lunch will be held to which parents and carers will be invited again and certificates will be presented to those who have completed the course successfully.

Child and family visits are explored in Chapter 5, and there is also overlap between parenting initiatives and training, which are explored in Chapter 7.

Craft workshops for children

Since its creation in 1985, Relais Enfants Parents (REP) has pioneered two initiatives for maintaining ties between children and im-

prisoned parents: a service whereby volunteers (with the support of professionals) accompany the child to see an imprisoned parent when families or caregivers do not do so. This service is aimed at imprisoned parents who would not be receiving visits from their children if the association did not pick up the children from their place of residence, drive them to the prison to meet the parent and bring them back home. Following the launch of the first REP in France, craft workshops for imprisoned parents were integrated into the project.

These weekly workshops run by two members of the association in both women’s and men’s prisons are usually attended by a dozen imprisoned parents. For convenience, the crafts usually are made of fabric; wood, cardboard and scrap metal have also been used. The workshop allows parents to send something to their child as a symbol of their attachment to the child—“proof” of the parent’s affection and reassurance that he or she has not been abandoned by the parent. Workshops also foster dialogue between parents and staff running the workshops, providing a positive forum for reinforcing the offender’s identity as a parent and for discussion of various issues—difficulties in connecting with the child, the pain of separation or of feeling inept as a parent, concerns about the child’s future, etc. The workshops serve as support groups for imprisoned par-

ents and help “requalify” the parent.

This requalification process takes place on various levels:

- The personal investment under taken in crafting an object for the child helps restore a parent’s self-esteem.
- Discussions allow some imprisoned parents to understand how their refusal to see the child in prison or tell the child the truth can be detrimental to the child-parent relationship. The other imprisoned parents who do see their children can provide positive reinforcement.
- The exchanges serve to inform imprisoned parents about parental responsibilities in bringing up the child, expanding their knowledge about the child and child-related issues, his needs and the major milestones in child development.
- They give imprisoned parents the opportunity to ask the staff members to inquire about the child’s future and to get in touch with those taking care of the child.

Over 800 imprisoned parents in France benefited from this initiative in 2013.

Legal workshops

Niños sin Barreras offers structured workshops in two prisons in Spain, in one to a mixed group of male and female prisoners; and in another, a remand prison, to two

groups of women. The prison service asks them to run from one to three sessions. These sessions cover the law as it relates to the parenting function, and the rights of the child, and include input from jurists. For prisoners who have been subject to legal processes and been imprisoned, learning about the law is completely new and very popular, even when they cannot exercise their parental function adequately from within prison.

Support groups and individual counselling

In addition to crafts workshops similar to those run by REP, the Italian association Bambinisenzasbarre runs 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 parental roles. The groups also help reinforce parenting skills. Bambinisenzasbarre also offers individual counselling sessions for parents, providing psychological support. Information and support groups and individual counselling are the most effective tools in helping requalify parents and improve parenting skills. Yet as Bambinisenzasbarre has demonstrated, both require the intervention of professionals, which can be costly.

Parental “study circles”: a case study

Sweden’s Prison and Probation Service launched a pilot programme fifteen years ago aimed at training prison personnel and former offenders in running “study circles” or parenting courses for imprisoned mothers and fathers. Many study circle leaders are prison officers with special training. The circles are less costly and are available for nearly all imprisoned parents in Sweden; but they also boost job satisfaction and self-respect among participating prison officers. The national umbrella group Bryggan played a key role in launching, developing and implementing the study circles. In some prisons, Bryggan staff members run the courses together with prison staff. An evaluation of the parental study circles^{vii}, encompassing both offenders’ and staff perspectives and carried out in fifteen prisons in Sweden, documented the experience of parental training from both inmates’ and staff perspectives, based on questionnaires and interviews.^{viii}

Parents’ experiences of the study circles

Many fathers related positive expectations even before the study circles started. Women expressed both positive and negative expectations, with some fearing being seen as “bad mothers” by staff. The atmosphere in the units where the parents were housed also influenced expecta-

tations. Some 90 per cent of participants experienced a good atmosphere and fruitful discussions in the study circles, and found both the written material and special videos interesting. Discussions with other parents—both peers and staff—were seen as the most valued and enlightening elements in the study circles. Feelings of guilt and sorrow surfaced, and discussions also stirred memories of childhood—separations from parents, disappointments, injustices, and revolved around problems relating to partners, divorces and parental disappointment. About one third of the parents recalled how their children had been taken into care, often with limited contact with biological parents, through a Swedish statute known as LVU. Comments included: - You have unintentionally caused your children a great deal of trouble. - I feel regret, longing and love. - Now I understand my children’s need for a mother who does not take drugs. - I understand how much I love my son and what he means to me. - I realise my value as a parent, despite my current situation.

Approximately one-third of fathers had been living with their children prior to incarceration. Another third had had regular or occasional contact with their children. Nearly one-third had lost contact with them. Mothers in general had lived with their children prior to incarceration, but some one-third had children living with relatives or foster

parents. Participants said they had gained practical knowledge in the study circle. Many fathers learned more about their children's development and needs at different ages, and said that they started to think more about their children and increase their contact with them by phone or post. Many mothers wondered about their children's experiences in foster homes or living with relatives. Voicing their concerns brought relief. Both mothers and fathers claimed the discussions gave them insights into criminality, drug abuse and how their earlier lifestyles had affected their children. They also discovered how important they were as parents for their children.

How to improve

Some participants claimed that the circles were too short, bringing problems to the surface but not allowing enough time for in depth discussion or problem-solving. A need for more in-depth discussions and working in a more structured way were cited. Sections of the study material were seen as too general, ill-suited to their special needs: being mothers and fathers at a distance, experiencing difficulties in visiting, keeping in touch with their children. Participants saw the role of the study leader as being important. Some disliked having prison officers in this role (sarcastic comments like "Here come all the great fathers" were overheard at times).

Other participants claimed that this experience changed their view of the staff, whose experiences as parents and human beings were emphasised during discussions.

Overall, many participants acquired a greater understanding of their children's needs, gaining insights into their relationships and interaction. The circles were found to be especially valuable on the subject of traumas and crises linked to parenthood. The study circle form itself was found to work rather well, although some parents claimed to need follow up circles for deeper discussion and more direct work with problems with respect to contact with children.

Over 90 per cent of participants felt the circles should be offered as a regular, voluntary activity to all inmates. Some comments: - *The circles are very important both for parents and their children.* - *There are so many convicts who have no contact with their children.* - *You get help with the things that always are on your mind anyway.* - *There are many inmate parents who need help to get in touch with their children.* - *This is very helpful, especially for those parents who don't meet their children regularly.*

The experiences of the study circle leaders

Study leaders saw an impact on the parents, citing increased contact with children during and after the sessions. Offenders spoke more

about their children, made greater efforts to telephone or request home leave. Leaders also saw changes in the relationships to other participants in the circles and to the staff. The circle created closer bonds among the members and a sense of cohesiveness in the group. Participants spoke more about families and children than about crimes and drug dealing. Discussions also enhanced contact and confidence between participants and staff, creating a more personal relationship. Comments from leaders included: - *We have come to know each other better and in ways other than the usual ones.* - *There was increased understanding between staff and inmates.* - *We, as leaders, now have better contact with the inmates.* - *They have seen that prison officers are human beings too.*

Study leaders generally saw the study circles as meaningful and stimulating. They also gave them a broader professional role that was more motivational and therapeutic. The circles also influenced their own perception of the prisoners. Some comments: - *The circles provided a warmer atmosphere and increased interest in the social situation of the inmates.* - *We feel greater compassion for the inmates and their emotional and social situation.* - *These circles help us to see the inmates as individuals.*

Leading the study circles increased their compassion and interest in working with social support

initiatives, but also showed them gaps in their own knowledge—the ability to lead groups, work with prisoners' parental role and intervene to support prisoners and families. There were also organisational problems early on in many prisons—lack of time, difficulties in leaving regular duties to other staff members, and finding physical space for the circles. Comments included: - *The circles need good planning and adequate preparation time.* - *A better time schedule is needed.* - *Better opportunities for children to visit their parents in the prison.* - *Time and places must be planned and reserved for these activities.*

Above all, social support and respect are needed from supervisors and colleagues within the prison community. The fact that the study circles were not integrated well into the prison schedule created organisational problems, some staff members did not understand the significance and purpose of the groups.

Parental contact with children

Less than half of participants had been on home leave; some had been granted special supervised home leaves. Less than half of participants, both men and women, had visits from their children in prison. Many did not wish to receive visits, because they were ashamed and did not wish to burden their children any further. How much to tell children about the parent's sentence was a recurring theme. Study

leaders generally advised parents to tell the truth, but to describe their criminal activities in terms suitable for children (e.g., “Daddy did a very foolish thing”). About one-third of the parents reported having increased contact with their children, mainly through telephone calls, letters and visits. Participants also reported thinking much more about the future and making plans for their future relationships with their children—spending more time together, taking trips, keeping promises. Overall, although some prisons did not give the parental study circles the required priority, the study groups seemed to have a great positive impact on the situation of the incarcerated parents and their communication and contact with their children. Although the study circles are a good beginning in assisting both parents and children, they need to be accompanied by child-friendly regulations and quality visits facilities sensitive to children’s ages and needs that help children and parents reconnect on a regular basis.

New developments in Sweden

Following on from this evaluation of the successful study circles, a new project is planned. Bryggan Stockholm has been commissioned to redevelop the parenting courses previously run in Swedish prisons. This is part of a large collaborative project with the correctional services, involving a Bryggan project

leader being seconded into the prison service to oversee implementation, with the aim of ensuring that suitable staff are recruited and trained to deliver the course. The parenting course will be mandatory for all parents in prison. Previously, the course was optional, but now it is hoped it will have the same weight as addictions courses which prisons ensure are well attended by prisoners.

Half-hour to one hour for all remand prisoners ⇔⇔ parenting course in prison ⇔⇔ support from probation on release

The plan and aim now is for there to be three possible points for support for prisoners:

- All prisoners would be offered an individual discussion lasting half an hour to one hour at the remand stage, ideally within the first three days of detention. This new development would mean that prison staff were aware of the prisoner’s role as a parent, and all prisoner parents would be able to hear about their children’s rights, that children need information, and how important supporting children is for their mental health. In this way they are effectively offered a taster of the benefits a prison parenting class could bring to them.
- During their sentenced imprisonment, the plan is that the parenting course will be routinely

offered; this involves ten two-hour sessions on the themes described below.

- There is a plan to develop follow-up input from the probation service on release to assist in sustaining the effects of the parenting programme, and ideally this would also be available to people who have been offered community alternatives to imprisonment. This last stage would be particularly important, as parents have been reunited with their children and can discuss real issues that arise in daily life.

The thrust of the parenting course is to allow parents to explore their role as a parent and develop strategies for the future. It is planned that this reflective experiential learning will help prisoners look forward to their life on release, and how they manage their “rucksack” filled with the baggage of life they have collected so far. They will be offered opportunities to explore their values and how they plan to ground their lives for the future.

The course sessions will be along these lines, with some modifications and further adaptation when the course is offered to women prisoners:

- Getting to know one another
- “Put your glasses on” and look at your children (the video *Emilia* is shown)
- Me as a parent

- My challenges (addictions, being responsible for being abusive and receiving abuse, etc.)
- My challenges again and how to get along with them
- Children’s psychology and development; also covering separation—how it is for children living away from their parents, with other family members or in foster homes
- Childhood resilience; risk and protective factors (research based particularly on COPING)
- Violence—acting violently and suffering violence (film on children showing how they react to violence shown)
- Parenthood using a role-playing exercise, to explore the different roles which parents need to play in their children’s lives
- Reunited with your children or not? – the value of play

The pilot is planned to launch in April 2014. A pilot group of approximately twenty officers will be offered a five-day training session to equip them to conduct the courses, basing sessions on a manual currently being prepared. It is envisaged that each group will be made up of six to eight prisoners; in Sweden, as elsewhere, there is often a high attrition rate due to security and other reasons; it may be wiser to start with a larger group.

Conclusion

These initiatives present a series of opportunities for supporting imprisoned parents in carrying out their parental role in the most efficient way. Yet they do not suffice alone to guarantee good quality relationships between children and parents coping with imprisonment. They need to be associated with:

- Child-friendly visits areas in prisons to enhance and promote the quality of exchanges between parents and children.
- Accompanying children in situations in which the carer's family is hostile to children visiting an imprisoned parent.
- Access to paid jobs for parents with families to allow them to support their family's needs despite incarceration.

Ensuring that the parent is able to remain a parent despite imprisonment is two-fold in terms of prevention. It helps prevent emotional and relational difficulties for the child and their impact on his or her development; it helps preserve for the parent a positive self-image in terms of his or her ability to carry out the parental role. The benefits to society of these kinds of initiatives justify beyond words the modest costs involved in doing so.^{ix}

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ⁱThe attribute of the human psyche characterised by admiration of oneself but within normal limits.

ⁱⁱ Family learning in England is featured in this DVD:

<http://www.prisonadvice.org.uk/Shop/kidsvip-dvd>

ⁱⁱⁱThe Rights of Children of Incarcerated Parents: Proceedings of the Expert Panel Meeting. Zagreb 2013. The Ombudsperson for Children, Croatia.

http://www.dijete.hr/hr/publikacijeppravobraniteljja/doc_details/368-the-rights-of-children-of-incarcerated-parents.html

^{iv} Adalist-Estrin, A. (2003). Children of Prisoners Library. Family and Corrections Network.

^v Adalist-Estrin, A. (2003). op. cit.

^{vi} Access Time to Connect online at: <http://www.prisonadvice.org.uk/our-services/sup-children-fams/ttc>

^{vii} Hedin, U.C. (2000). Prisoners Parenting—Parenting in Prison. *Nordic Social Work*, 201-210.

^{viii} Prisoner's parenting evaluation is to document and evaluate the experience of parental training from both the inmate's and staff perspective. Research Committee Report No. 3 <http://www.riksbryggan.se/forskning.html>

^{ix} See cost to society study carried out by PACT in the UK: Estep, B., & Nicholles, N. PACT, (2012). Economic study of integrated family support programme (CON C43). London: Nef Consulting Ltd.



Chapter five: **Children visiting prison, and other forms of contact**

In all countries, sentenced prisoners are allowed to have direct contact with their families and friends, although the conditions in which visits take place vary to a great extent. There are many obstacles to regular visits between children and imprisoned parents; they can stem from a variety of different factors. Children of Prisoners Europe supports an approach that works to ensure that the preconditions for good visits are met, moving towards re-establishing contact as early as possible when in the child's best interest and towards strengthening the child-parent bond. The following chapter examines how children are affected; obstacles that may surface, and areas of good practice across Europe which offer constructive solutions by helping to mitigate the adverse impact of having a parent in prison through maintaining regular quality contact.¹

An ideal meeting is one where each individual is able to see the other clearly, as they really are, without projecting their own experience onto the other. However, many obstacles, both physical and psychological, lie in the way of this possibility for children visiting their parents in prison. Separation is an essential component of the individuation process that every child undergoes, yet separation from parents as a result of their imprisonment can lead to feelings of fear, abandonment and loss, and can have adverse effects on a child's development (see Chapter 3). Prison visits for children, both regular standard visits which all prisoners can receive and special child-centred visits, play a crucial role in working through these and other issues, from the early stages of imprisonment. Parents in prison need to be given opportunities to display their affection for the child and to carry out their parental role. Children must know that the imprisonment of a parent is not synonymous with abandonment. They must know that the parent still loves them, and that the parent is safe. Young children who participated in a study conducted in Denmark maintained that the first prison visit in particular had been important to them because they were able to see that the parent was still alive.² This has been corroborated by other studies: children from England in the Coping study said reassurance was most im-



portant at the start of their parent's imprisonment.^{III} Yet in some countries like Sweden, there is often no contact, even by telephone, during the remand period.

As indicated in Chapter 3, the impact of parental incarceration on children depends on a constellation of factors—caregiving arrangements, the response of communities and schools, and opportunities for regular quality contact with the imprisoned parent. Maintaining and strengthening the child-parent bond can diminish the dissocialising effects of imprisonment and serve as a protective factor for children. It has long been known that children who regularly visit with parents from whom they are separated show better emotional adjustment, higher I.Q. scores and more improvement in behaviour than those who do not.^{IV}

Supporting the child-parent bond when mothers and fathers are in prison also acts as a preventive factor for the imprisoned parent. Imprisonment inevitably involves a loss of freedom; it should not exacerbate the exclusion of the offender, but go hand in hand with a well-defined approach to combating exclusion. Providing support to help alleviate shame, low self-esteem and guilt and granting parents opportunities to remain aware of their children's daily activities, be consulted on decisions concerning the child, and exercise parental authority can empower offenders, particularly within a context in which responsi-

bility is taken away. (See Chapter 4 for more on European initiatives to actively support imprisoned parents in exercising their parental role.)

Obstacles ⇔⇔ good practice solutions

Family conflict and psychological conflict ⇔⇔ bringing children and imprisoned parents into contact

Families affected by incarceration can experience fear and shame, which can result in the child being kept at a distance in the belief that contact is not in the child's best interests. The family can distance themselves as well. Relationships that are already strained may be broken off. Separation and divorce exacerbate these difficulties, and the child may become the object of conflict among adults involved. Studies show that prison visits by children often do not take place because of family conflicts and the mother may act as "gatekeeper" to prevent the child visiting the father.^V

Other factors may lead to contact breaking off. Finding someone who can accompany the child during visits hours, where there is no one within the family network willing or able to do so, can present a difficulty. The Relais Enfants Parents (REP) model of accompanying children to prison, in operation in Belgium, France, Luxembourg and Switzerland, can provide a solution in this case and enable the prison visit. This is also on offer to a limit-

ed extent in England and Scotland, as described in the introduction to this book. The role of the volunteer here is crucial.

Accompanying the child

The work done by Relais Enfants Parents (REP) in France revolves around accompanying the child on prison visits to see their parent. Volunteers, working with sideline support from psychologists, social workers and other professionals, accompany the children. When possible, the child is always accompanied by the same volunteer, who provides a secure base for the child. Volunteers pick up the child at home, travel to and from the prison with them and are present during the prison visit. In this way, they become associated with the child's home base and provide emotional reassurance. Some volunteers accompany the same children over a relatively long period of time. In cases where caregivers cannot or do not wish to accompany the child, preliminary questions to be addressed include: -When was the last time the parent saw the child? -What has prevented child-parent contact? -Is the child aware of why the parent is in prison? -What factors require specific focus when organising visits? -How should visits with the child be prepared, vis-à-vis both the caregiver parent and the offender? -What is the true motivation of the parent's wanting to see the child? -

What is the best way to support the child in this emotionally laden situation? A well-defined framework is key. What should prevail in any situation is the child's best interest, something which is not always easy to ascertain.

Preparing for prison visits

Preparing for visits is a top priority. It is important that the incarcerated parent understands that children visiting involves commitment: the offender is making a commitment to being a parent to the child. There is also a need to approach the issue of imprisonment with the child. Secrecy is often a component when a parent is imprisoned, yet communicating openly about incarceration has been found to be a key protective factor for children's resilience.^{vi} How does the child react if he feels that the truth is being concealed? How should children be told and what should they be told? Adults must explain using language accessible to the child. A surfeit of information can result in little or no information being processed by the child. COPE emphasises that it is equally important to listen to the child, and know how to provide the opportunity for the child to speak.^{vii} Imprisoned parents may need support in communicating openly with children, to better understand the impact of secrecy on their development—on the development of a child's reasoning

capacities, for example. Exercising parental authority in prison is a difficult task, even if the child-parent dynamic was healthy prior to incarceration. Imprisoned parents separated from children can experience difficulties in feeling legitimate in their role as parent when they reconnect. How can parents reconnect with children, despite the passage of time, when they cannot participate in events in daily life? The parent may be ignorant as to the child's development and needs; parents may feel that the child-parent bond is gradually deteriorating. Other issues can arise: How can offenders remain parents in prison? How should the time be spent and the relationship structured to foster communication with a child in the most constructive way? How and when can the imprisoned parent exert parental authority: what decisions can he or she still make? Supporting parenting and parenthood is vital.

In addition, many imprisoned parents have low self-esteem. They tend to agree with family members who maintain that prison is no place for a child and that they are the ones responsible for not seeing the child. A lack of continuity in the relationship with the child (low frequency and short duration of visits, little or no contact between visits) increases the emotional distance between parent and child.

Ideally, the child and family

need access to information about psychosocial support services outside the prison in order to better cope with the impact of imprisonment (see Chapter 3). It is also crucial that the imprisoned parent's sense of identity and legitimacy as a parent be reinforced throughout the prison sentence. Prison visits should be planned, organised and programmed in such a way that the reconnecting and repairing of family relationships through regular visits be carried out in the best possible conditions (see Chapter 4).

In short, children need open, supportive relationships and to be accompanied to prison if no family member can take them. Children are often fearful of the first prison visit, which should take place as early as possible following imprisonment – “within the first week,” say many children and young people. Showing children where their parents are staying in prison helps them accept the situation.

As mentioned, visits early on in the prison sentence can be problematic in Scandinavia, where there tend to be more restrictions on visits during the remand period than elsewhere in Europe, where remand visit allowances may be higher or at least the same as sentenced prisoners' visit allowances. For children, not saying goodbye to their parent when they are bailed into remand custody or not seeing them for extended periods has been described as “stressful”.^{viii}

Balancing security concerns and children's well-being ⇒⇒ further awareness-raising in prisons on child rights

During judicial and legal procedures and within the prison service, the offender is seldom categorised as a "parent". Prison transfers are based on administrative criteria, and the family and child are rarely taken into account, at best as secondary considerations. Disciplinary measures in prisons can also have a direct impact on visits. The dilemma for prison authorities is how to discipline prisoners whose behaviour may require sanctions, particularly during visits, yet ensure that the child's rights and needs are not jeopardised. This is an ongoing dilemma faced even by the most child-friendly prison authorities. Further awareness of child rights within prison is needed so that their right to maintain contact with their imprisoned parent, grounded in UN-CRC Article 9, is not reduced to a disciplinary measure. Security concerns should not prevail over children's well-being. Recent recognition in a Universal Periodic Review report that prison visits are a child's right is encouraging: *"Ensure that the best interests of the child are taken into account when arresting, detaining, sentencing or considering early release for a sole or primary carer of the child, bearing in mind that visits of a parent in prison are primarily a right of the child rather than a privilege of the*

prisoner that can be withdrawn as a disciplinary measure. The recommendation enjoys the support of the United Kingdom."^x

Hostile prison environment for children ⇒⇒ working to make prison visits as family-friendly as possible

Many obstacles surface when prisoners and their families are ill-informed about procedures revolving around prisons and the prison sentence: - *Can we visit the person?* - *What are the required formalities?* - *How do prisons operate?* - *What can we bring to the prison and how to go about this?* - *Do prison visits require booking?* Children and their caregivers need support. Information about the prison and prison visits needs to be available and accessible to all family members. Families need to learn a whole new language and process. Many NGOs across Europe provide excellent resources, both online and in paper form, as well as helplines and Internet sites where children and adults can discover how visiting the prison will be.^x The child can be provided with books, posters, drawings and other tools to help familiarise them with the prison environment and prepare them for visits ahead of time. The Ormiston Children and Families Trust has used this tool effectively with their photo book *Visiting My Dad*, as has Spazio Giallo in Italy.^{xi}

Visits booking schemes greatly

facilitate prison visits for families. Some countries, such as Northern Ireland, have efficient online booking systems. Some prisons allow the family to see a prison cell prior to incarceration. At HMP Maghaberry in Northern Ireland, for example, the family members/partners of offenders serving life sentences are given the opportunity to visit the inmate's cell. Family members are taken on a walking tour of the prison, including workshop areas. This option also exists in several prisons in Norway for some sentenced offenders. Visualising the prisoner's cell and certain aspects of prison life has been found to bring a sense of relief, particularly for family members visiting for the first time.^{xii}

Visitor centres, buildings at the prison gate often staffed by volunteers where families can relax both during and after the visits, provide support at the prison gate. Such centres operate in some prisons in France, Ireland, the UK, Switzerland and other countries. A wide variety of facilities exist, ranging from bus stops outside prison walls to well-equipped visitor centres in which families can wait/spend time before and following visits. Some centres provide refreshments, professionals to help with information, book visits and offer consultations. This is supervised by a team of professionals affiliated with the prison, often supported by volunteers. In the UK, such centres are relatively widespread. Visitor centres are

child-friendly to varying degrees—from the most basic equipment (a box of toys) to supervised play areas—although parents remain responsible for the duration of the prison visit (except in a few cases, either where the child is accompanied by a volunteer, or the prison takes responsibility at some child-centred visits).

A well-resourced, family-friendly visitor centre can make a real difference to the quality of the visits experienced.^{xiii} Visitor centres (and family support workers inside and outside prisons) can help families prepare for the visit. Children and family members may have difficulty coping with the prison world. The child may have witnessed the parent's arrest, in more or less brutal circumstances. Studies demonstrate that insufficient information on dealing with such crises can exacerbate trauma.^{xiv} Professionals do not always know how to help families because they themselves have not received adequate training or support on relevant issues. Families are often on their own when enquiring about contacting the prison and obtaining visit permits and managing long distances between home and prison. When accompanied by a family member, the child does not always have child-centred time with the imprisoned parent. Much of the visit is taken up by discussions about logistical problems (financial, housing, legal fees, etc.). For remand prisoners, the spouse or part-

ner is not always fully aware of the circumstances surrounding the arrest, and visits may focus exclusively on resolving conflicts. What is a child's place given these conditions? Adults can be traumatised by the prison world as well; their anxieties, if not otherwise channelled, can be transmitted to children.

Financial concerns and great distances from homes ⇔⇔ offer families financial support for travel

Offenders may be imprisoned at great distances from their homes. Travelling long distances adds to the financial burdens of families, who most likely have already experienced a loss of income following imprisonment. There may also be time constraints (longer work hours to make up for loss of income, which reduces time available for transport). The climate of economic difficulty has meant that considerations purely of welfare have in some countries influenced harsh choices. In Sweden, the requirement to house prisoners near their homes was removed by legislation in 2011, which has led to more children being housed away from prisons. This will have an impact on the number of visits taken.^{xv}

The cost for families of getting to prison visits, the times at which visits are organised and the journey time to visits have been cited as reasons why some prisoners do not receive visits from families. Geographical distances between the penal es-

tablishment and the offender's place of residence may vary based on the level of awareness of the impact which distances have on family ties and on the size of the country; women tend to be incarcerated at greater distances since there are fewer women's prisons. If geographical distances are great, the family must have access to sufficient monies in order to maintain regular contact with the inmate. Financial assistance to defray transport costs, such as the Assisted Prison Visits Scheme in the UK for disadvantaged low-income families, help to ensure regular contact between children and imprisoned parents.

In some countries, insufficient means of transport and the rural location of some prisons add to difficulties in travelling to and from prisons, and increase the amount of time required for travel. In Latvia and Estonia, the costs of travel and providing food for the whole family and the prisoner for three days (for a seventy-two-hour visit) add significantly to the financial burden of the visit. In Norway, partners of prisoners are not considered to be lone parents for state benefit entitlements, and are therefore particularly harder hit by imprisonment. In the UK, partners automatically receive benefits, although there may be some bureaucratic delays.



The prison world can be daunting for children ⇒⇒ improve prison officer attitudes and search procedures

Although training for prison officers on how to deal with children is included either in the mainstream training of officers, or in supplementary training sessions by NGOs, in the vast majority of countries in which COPE network member organisations are based, attitudes still vary. How prison officers interpret the regulations and react to visitors or children can profoundly affect the children's experience of the visit (see Chapter 7).

Security procedures can be difficult for children: they must often endure long waiting periods and exposure to intimidating security equipment; in some countries, sniffer dogs are used and children are frisked.^{xvi} Staff who have received appropriate training can offer sensitive frontline family contact because they understand the impact of imprisonment on the families and children and the need to treat them sensitively and appropriately. Several factors ensure efficiency and sensitivity when dealing with visitors entering prison, particularly children. A constructive and positive attitude vis-à-vis children and other visitors needs to be adopted (with respect to security procedures and overall attitude). The child's perspective needs to be underscored. It is beneficial to children if prison officers carrying out security procedures explain to chil-

dren what they are doing and why. It is also beneficial for prison officers to bend down when searching the child, in countries in which visitors are physically searched, thus speaking at the child's level, for example. In some prisons, prison officers receive family contact training and provide support in difficult situations. Balancing security needs with child-friendly policies is not always an easy task.

Some countries have developed specially trained prison officers, and officers who specialise in visits and supporting families of prisoners. Within each prison in Scotland organised by the Scottish Prison Service, there are Family Contact Officers (FCOs); specially trained prison officers who provide family support and information and contribute to improving prison visits. In Norway, new legislation will require children's ambassadors in prisons.^{xvii} Ambassadors are currently operating in prisons in Sweden, where specially trained prison officers work with imprisoned parents to reinforce their identity as parents (see Chapter 5).

Other countries focus more on making visits conditions more family- and child-friendly. In still other countries, associations external to the prison focus on support systems for families and offer consultations, as well as support groups for parents and children. Sometimes parenting courses can be implemented to enhance and support visits: the

Ormiston Children and Families Trust in the UK, for example, provides parenting courses, which help imprisoned parents reflect on how they might maximise visits in communicating and building relationships with their children. The Time to Connect courses run by PACT in England focus on the visit relationship.^{xviii}

In short, initiatives supporting imprisoned parents and family ties vary according to a country's or prison's perspective, experience and relative awareness of professionals and prison staff dealing with families and/or children.

Case study: The Spazio Giallo Reception System^{xix}

This Italian scheme offers an excellent example of how a prison can welcome a child to the prison and ameliorate the visit. The NGO Bambinisenzasbarre is advocating that this conceptual and operational model is replicable in all prisons.

The Spazio Giallo (Yellow Space) Reception System, which Bambinisenzasbarre has piloted in three prisons in Lombardy, also provides a tool for monitoring and research into the child-parent bond, and was mentioned by a minister in her testimony to the Senate's Special Commission of Human Rights in October 2013.

The model involves two phases of intervention: Yellow Space preparation and Trovopapà (I find my daddy), a path from the outside of

the prison to the prison visit and back outside. The Yellow Space System is intended to accommodate, accompany and support the child who goes to prison to meet with their mother or father and in some cases both parents. The "prison scene" is interpreted by those working with the children, the children themselves and the family, struggling with prison constraints; they have to work within the safety procedures and the related operational protocols that become stages of the reception route of a "child-friendly prison", and lessen the potential traumatic impact of a strange environment which the child may perceive as hostile.

These stages of the reception route provide an opportunity to wait in a "safe place" until it is time for the prison visit and their contact with their imprisoned parent, and to reprocess their emotional experiences of the impact with the prison and alleviate the painful moment of separation from a parent. The child never gets used to this separation after the prison visit, even if the duration of the parent's sentence means that they are used to visiting the prison.

The Yellow Space

This is the "children's space" inside the prison. They can rest, play, draw, speak with children's workers and wait for the visit with their parent. It is called a "psychological-educational" space. It is not a

playroom but a place where, through play and language, family relationships are “taken care of”, children’s and families’ needs are met, and subtle guidance on the relationship and child care are offered. Those working in the prison also receive support. Meticulous attention is paid to the Yellow Space environment, and the various elements, signs and messages associated with it.

The Trovopapà path

The purpose of the path is to offer children tools to help them navigate, position themselves in a physical space, and enhance their chances of emotionally working through a potentially traumatic experience.

It provides:

- External interventions, which “recognise” and guide them along a dedicated path
- Internal interventions, which confirm their identity and their presence
- A map through which they can see themselves journeying, recognising the signs, in the spaces and moments they encounter
- An “interactive” album which helps them to see the various stages through signs and colours (e.g., *Today I am going to ...*)
- A storybook about the prison with which they can identify (Lalla’s Wednesdays).



Difficulties in ensuring quality contact with parent ⇒⇒ physical environment and arrangements need to be child-friendly

The physical environment of domestic visits areas (long queues, lack of intimacy, hostile environment, limited access to toilet facilities, crowded conditions) and the time granted a parent with his or her children—given the host of topics to be discussed between adults, and the restricted number of hours allowed for visits—are far from optimal. Adults have issues to deal with amongst themselves, which is not conducive to child-centred visits. The duration of visits is fixed and generally is not increased because an offender has children. This impacts the quality of child-parent contact.

The lack of welcome at the prison, in addition to the other factors described, may deter visitors from going to the prison, as well as affecting them once they are there, as discussed below.

Many prisons are not equipped with child-friendly play areas, crucial to keeping children occupied and fostering contact between parents and children. Sanitary conditions (changing areas, washroom facilities, etc.) are frequently ill-adapted for children. In general, food and drink are not available in all visits areas, which precludes the crucial experience of feeding one's children and eating together; children may have difficulty waiting to eat and drink.

The visits area is often inadequate space-wise and visits conditions offer few opportunities for truly sharing—people can't move about freely but must remain seated; items from outside the prison are forbidden; the area itself is too small. The last point is crucial for children visiting imprisoned parents: the visits area must be large enough to allow the child to avert his gaze and ease tension and distress.

Sharing experience is crucial to maintaining relationships. There is frequently insufficient support in assisting visits with the child (games, drawing supplies, etc.) Relationships may also suffer due to lack of spontaneity in the presence of prison officers. These factors demonstrate how difficult it is to maintain healthy relationships between imprisoned parents and children, and how complex the situation may be.

The circumstances of the visits

must be sufficiently agreeable in order for families to continue making the journey to the prison for visits. There is evidence that a few children stop visiting because the visit is too distressing despite their good relationship with their parent.^{xx}

Visits conditions in prison, which are determined by the prison administration, vary from country to country both in duration and type of contact. In Western Europe, visits tend to be limited to an hour or at most two except in open prisons or during special family visits. Baltic countries Latvia and Estonia offer much longer visits, which are further discussed in the section "Conjugal and Familial Visits" below. Yet regular quality contact through prison visits is, in some countries, viewed as a privilege for offenders not as an inherent right, either for the inmate or the child.

The amount of physical contact allowed between families also varies depending on regime and the type of visit. In much of Europe, regular visits for children take place in large visits halls where there are many families meeting at the same time. In the Netherlands, the majority of ordinary visits operate on the snake system—a fixed snaking barrier in the room with prisoners seated on one side of the snake and the family on the other; sometimes there are a series of tables for each family. How much or how little the prisoner and family can move around and have physical contact

depends on the regime, ranging from few restrictions on physical contact between imprisoned parents and children, to no physical contact for those on a closed visits regime in the UK.^{xxi}

In Norway and Sweden, most domestic visits tend to be private individual visits. This means that they have opportunities for being alone as a family, and when facilities are child-friendly, as they are in many prisons, this can offer an ideal setting for visits. However it is also important that children are protected from parents who are not looking out for the child's best interests—having intimate relations while the child is present, for example, and other child protection issues. The NGO FFP in Norway reports their experience that the feeling of being "locked in" in the visit can affect the child. The timing of the visit is also important. Difficulties are associated with the longer visits in Estonia—twenty-four hours to seventy-two hours every six months—which are often not taken up because families would have to miss work and children school to make these visits; visits closer to home during school hours mean children (even if their absence is authorised in some countries like the UK) are more liable to be stigmatised and miss out on education.



Specific provisions for children during ordinary scheduled visits

A greater awareness of the needs of children (and of adults) visiting prisons has developed. Many prisons are striving to address these needs in one way or another. Facilities range from boxes of toys and games to more educational pastimes. There may be play workers from either services external to the prison, or among prison staff. Prison play projects offering supervised play areas (frequently staffed by volunteers) had become almost standard in England. With the difficulties in finding volunteers and the prison staff to escort and support them, there are now significantly fewer of these projects. For security reasons, visitors and offenders frequently must remain seated at tables. Play areas serve to alleviate stress during visits, to make visits more child-friendly and to allow adults to discuss issues among themselves. Play workers encourage the child to go back and forth, interspersing time spent with the parent and playtime, to foster the parent-child bond. Families often say that if it weren't for the play area and play staff, they would not bring their children to visits.^{xxii}

In Italy, outside Milan, the Casa di Reclusione di Bollate offers child-friendly play areas for all children visiting detainee fathers, broken down into separate rooms for different age groups (6-12 months; 1-3 years; 4-10 years; 11-14 years).

There are age-appropriate facilities and activities, and modular furniture. There are toys, a “green corner” where children can grow/take care of plants and a repair workshop for broken toys, where fathers can repair the objects. Emphasis is on the entire family visiting together, fostering continuity and bringing the everyday (having a meal together, for example) back into the time they spend together.^{xxiii}

In Belgium, thanks to the financial backing of various foundations, special visits areas have been laid out in many prisons. One special initiative is the “trilieux”—child-friendly visits areas divided into three separate sections: a sensorimotor area; a relaxation area; and a creativity area.

Two aspects are crucial: to pay attention to children’s individual needs in an age-appropriate setting; and to allow the child and parent to re-create—albeit in a highly different setting—moments that a parent shares with the child in ordinary circumstances.

In the UK, the Ormiston Children and Families Trust offers crèche facilities as an extension of their visitor centre, which allows children to be taken across to the visits room to join the family part-way through a visit, allowing time for families to discuss difficult issues if necessary or to avoid children becoming bored or unsettled within a traditional social visits setting.

For play areas, particularly such as those described above, great reflection goes into the children’s needs: special facilities, quality of support staff, selection of games and toys, etc. to ensure optimal conditions. One worrying tendency is for prisons to “tick the box” and say they have a play area in a corner with a box of toys, perhaps installed yet never maintained. Most children in the difficult prison environment need more than this—either from their parents or someone else who values their play.^{xxiv}

Specific visits provisions for children in the UK

It’s not just me. It’s my wife and my children that my imprisonment is affecting. I’ve become really aware of the fact that I’ve hurt my wife and my children. It took me a little while to realise how hard it has been for her. What’s made it easier for me, as a father to bond with, and get that relationship with my children, is the family visits. I can’t say enough about Ormiston’s family visits. It makes me see the reasons why my life isn’t just for me.

—Paul, an offender at a prison
in the UK

There has been more focus in recent years in developing specific child-centred visits, which are offered in a variety of different ways across Europe. There needs to be recognition of the persistence and

commitment of NGOs in working with prison authorities to develop and sustain such schemes.

Visits take on different forms, but the crux is identical: emphasis is placed on the child-parent relationship. The setting is also more relaxed than that found in ordinary visits areas.

- Child-centred visits can be offered outside regular visits and are not always counted as part of the maximum number of hours allowed for visits. They can be longer than standard visits.
- The child-friendly setting is more suitable for children.
- Visits are less restrictive. Children can move about more freely and have access to physical activities—swimming pool, gardens, gymnasium, play area.
- Visits can be theme-based or feature a variety of different activities at different times.
- Some visits offer separate sections with age-appropriate activities and pastimes (naps, mattresses on the ground, toilet facilities for children, nappy-changing facilities, etc.).

These visits are run by prison staff or by professionals from social services external to the prison. Since the first edition of this book, child-centred visits have developed across Europe with support from different NGOs, from the Czech Republic

(where an important element is being able to share a meal together) to Croatia (with support from UNICEF, these are available in all prisons). In some countries, they are mandatory, as in the Netherlands, for example, where they are to be quarterly. This required national provision represented significant progress, although it effectively reduced availability of visits for prisoners and their children in some prisons, where such visits had previously been available every month. The value of child-centred visits in promoting the bond between parents and children has now been researched, at least for Germany, Sweden and England.^{xxv}

Who can be present during child-centred visits varies from prison to prison. Sometimes the caregiver parent is present, sometimes it's the extended family. In other settings, the visit takes place without the caregiver parent but with specially trained professionals, to highlight the child-parent relationship. Regardless of options, it is important that the prison determine the targeted objective, in collaboration with committed, competent partners. Research has demonstrated that these visits are highly beneficial to children.^{xxvi} The success of these visits is contingent upon how time spent with the child is planned and programmed.

It is seen as extremely positive if parties concerned work together before to best prepare the visits: of-

fenders, prison staff, play workers and visits centre staff. It is also necessary to focus on the child and prepare the visit with him or her. This can be done either by the service overseeing the visits or by the care-giver parent.

The criteria determining which offenders are eligible for these visits (security reasons, length of prison sentence, child's best interest, etc.) need to be set and ideally in a way that avoids penalising the child.

In addition, in many countries, "Family Days" are organised for Ramadan, Christmas, Easter and other traditional holidays; as part of theme-based events or annual celebrations organised by the prison for imprisoned parents and their families, with football games, barbecues, inflatable castles and other activities.^{xxvii}

France

In France, Relais Enfants Parents (REP) offers special prison visits for Mother's Day, Father's Day and other holidays. These provide a good opportunity for children and imprisoned parents to spend quality time together for several hours. The caretaker parent is not present, which provides an opportunity for imprisoned parents and children to strengthen their relationship. In addition, REP in France and ASBL Relais Enfants Parents Belgique in Belgium have set up "espaces enfants": independent child-friendly play areas inside prisons where prisoner-

parents can spend time with their children aged 13 and under. Some are enclosed rooms that are brightly coloured and carpeted, open during specific hours to children accompanied by a trained REP volunteer or by social workers. There are toys, crayons, books and other age-appropriate activities. Up to three families can meet during each one-hour session. In most enclosed playrooms, however, only one family meets at a time. The opportunity for non-verbal contact and physical affection is great during these encounters. The REP staff member may foster interaction between the child and parent— suggesting the child show a drawing to the parent, for example. The staff member does not usurp the parent's role, but works to reinforce their role as parent, if the child should need disciplining, for example. REP has noted that prisoners are calmer and more relaxed; this is transmitted to the child.^{xxviii} There is a correlation between the use of play areas and reduced frequency of crying when children leave parents at the end of visits. A prison officer is always present, although the REP staff member is often left alone, given the trust that has built up over the years between prison authorities and REP, which has been fostering these initiatives for nearly thirty years.

Switzerland

Relais Enfants Parents Romands (REPR) in Switzerland supports indi-

vidual visits and creative workshops and are particularly child-centred in how they do this: they let the child go at their own pace in the meeting. "Thus, the challenge lies in allowing each child to take charge of his own life experience in his own way, based on the interplay of his own imaginary world and the reality of the encounter with the parent."^{xxxix}

Belgium and Luxembourg

Drawing on REP's experience in France, visits are organised by these services outside ordinary visits and staffed by professionals from social services in standard visits areas. Several parents and children meet at the same time; each parent takes care of his or her child. In Belgium, time is spent doing group activities, followed by individual activities (child and parent) in the trilieux.^{xxx}

Northern Ireland (HMP Maghaberry)

Visits are organised in which mothers who bring children on prison visits have lunch together with a prison staff member. They can discuss the various issues and difficulties they are facing. Meanwhile, the child is given the opportunity to visit with the father alone. This is crucial for the bonding process, particularly for children who were born following the father's imprisonment.

Netherlands

An official government decision

in the Netherlands in 2009 requires all prisons to provide a minimum of four special visits annually for children and imprisoned parents to give the latter the opportunity to have quality physical contact with their children (children can climb onto their father's laps and they can embrace). One Dutch study, entitled "Effect van kinderbezoek aan gedetineerde Vaders" (the impact of children's visits on imprisoned fathers) explored the effect these children's visits had on imprisoned fathers and children aged 3 to 13.^{xxxi} Overall, the study found that the prison atmosphere was much calmer and more humane as a result of the visits. A similar model of requiring child visits to be available to all prisoners with children has just been introduced in Scotland.

Luxembourg

Launched in 1996 to provide community-based structures to facilitate child-parent relationships in cases of separation and divorce, Service Treffpunkt works at the Centre Pénitentiaire Luxembourg on behalf of children separated from imprisoned parents. They offer discussion groups on child-related issues and crafts workshops for parents to make "transitional objects"^{xxxii} for the child; accompany children on prison visits to see parents, with preparation prior to the encounter; and organise accompaniment for children who cannot see the imprisoned parent under the ordinary vis-

its scheme because the caretaker cannot or refuses to take them. Service Treffpunkt arranges for accompanied visits at specific times and has access to the visits room (when not being used for ordinary visits hours). They accompany (with professionals from social services) several children at the same time to see their respective parents.

Spain

A “private” visits scheme for families and partners is currently in operation. This visits scheme is determined by offender category. Upon request by the offender, a minimum of one monthly visit for one to three hours is granted. Visits may be restricted for security reasons. This is crucial for imprisoned mothers since Spain has one of the highest rates of female imprisonment in Western Europe.^{xxxiii}

Germany

In some prisons in Germany, imprisoned mothers with school-aged children can return home on a daily basis to take care of their families and household. This facilitates maintaining the family bond and plays a highly constructive role in terms of resettlement. *Hausfrauenfreigang* schemes vary from Land to Land, however. In Berlin, for example, imprisoned mothers in open prisons can go home every day to take care of the children. There are restrictions (i.e., no substance abuse), but once granted, the

scheme allows her to spend sixteen hours a day at home taking care of family and household; she leaves prison in the early morning, goes home, wakes up the children, prepares breakfast and takes school-aged children to school, then returns home and takes care of the other children and household. This implies that there must be a trusted family member sleeping there at night with the children. Another alternative is to have the woman sleep at home at night; someone else takes care of the children for eight hours during the day.

Conjugal and family visits

A wide range of countries and cultures offer conjugal visits to prisoners. Fewer appear to offer family visits—namely visits that pursue the wider aims of maintaining family ties and social reintegration rather than those that simply act as incentives for good behaviour and opportunities for sexual intimacy. Much of the criticism of conjugal visits focuses on shorter intimate visits, while a gradual shift in policy and support for private family visits is evident in a number of jurisdictions.

Experiences in Norway and Sweden suggest that prisons need to be clear about the purpose of visits—whether it is for conjugal visits or for family visits where parents need to behave sensitively to their children’s needs (when children are awake). In some cases, venues for family visits have been created with

considerable thought and care, such as the newly refurbished visiting house in Bergen prison in Norway.^{xxxiv}

The system of Private Family Visits (PFVs) in Canada offers one of the best examples of how such visits can work and the benefits they have for prisoners, staff and families. PFVs normally are granted every two months for up to seventy-two hours. Positive effects of visits include addressing the impact of imprisonment on the offender as a "family member"; bolstering family relationships; helping prisoners see themselves as functioning members of their families and communities ("deinstitutionalising effect"); and boosting potential for positive reintegration into society with reduced need for after-care agencies. Similar programmes such as the Family Visiting Program in California, the Family Reunion Program in New York, Family Visitation in Mississippi, and in Europe, the Unités de Vie Familiale (UVF) in France appear to offer similar benefits (see below). Family visits during which the entire family can come for a weekend exist at some prisons in the Netherlands. Overnight visiting programmes for children with mothers in prison offer further options and often exist where family visits are otherwise unavailable, for example, in the United States and Ireland. The evidence from these programmes suggests that participation strengthens family relations and improves the

chance of success after release, both in terms of family relations and in terms of recidivism. Opportunities for families to take part in "normal" activities prior to opportunities for home leave seemed to offer benefits to all involved, including the prison.

Well thought-out and properly implemented private family visits appear to be a positive experience with wide-ranging and long-lasting impact on prisoners, families and prisons. Offered in conjunction with a range of other family-focussed programmes, they have the potential to strengthen ties and offer support to a social group that is often socially excluded and "difficult to reach".^{xxxv}

France's Unités de Vie Familiale (UVFs)

Only those ineligible for leave or other alternatives schemes to foster family ties can apply for access to a UVF. Candidates must be sentenced prisoners serving in one of the three pilot prisons. All authorisation requests from visitors and offenders must be made in writing to the prison governor.

UVFs began operating in France in September 2003, at the Centre Pénitentiaire de Rennes. There are now at least seventy UVF rooms in over twenty prisons as part of the prison administration's policy on helping to maintain family ties.^{xxxvi} Offenders are granted weekend-long visits with several family mem-

bers. Visits are private, and no prison staff are present. UVFs offer sentenced prisoners the option of receiving family members (sometimes the family members who visit are all adult), building progressively from six to twelve to twenty-four, to forty-eight and finally seventy-two hours; if the seventy-two hour visit goes well, they can apply for more such visits. Some prisoners have had seven three-day visits in one year. The UVFs offer privacy in a more child-friendly physical environment, and during this visit the family live and eat together.

Eligibility for UVFs:

- Close family members, upon proof of legal kinship;
- Members of extended family, upon proof of legal kinship;
- People who may not have legal kinship, but for whom several factors provide evidence of a legitimate emotional bond to the offender.

Requests systematically result in a preliminary interview with a staff member from the SPIP (resettlement and probation services) for all visitors and an interview with the offender. The prison governor or one of his representatives makes a decision after receiving a report from the SPIP.

REP has found these visits particularly helpful to families because over a long period of time neither parent nor child can keep up the mask or bravado of shorter visits. If

time permits and the prisoner trusts the Relais volunteer, they discuss good parenting practices while the child is otherwise occupied.

Other initiatives and visits

Theme-based initiatives currently are operating in Belgium, France and the UK. Some revolve around imprisoned parents producing story-books for children. Working with professionals, the parents dream up stories and capture them in words and images. The stories are then printed and bound. Other initiatives involve the imprisoned parent's reading and taping stories for their children.

The Book and Tape (BAT) Club, launched in June 2004 at Maghaberry Prison by the Northern Ireland Prison Service in partnership with the South Eastern Education and Library Board and Bright Books, is now available in three prisons in Northern Ireland. The initiative aims to promote literacy among imprisoned fathers serving a life sentence and their children, and allows fathers in custody to play a role in their children's development. The father selects a book (assistance is provided for those who have difficulty reading or want guidance in selecting a suitable book) and reads it aloud to produce a tape recording.

The book and tape are then lent to the child, who is encouraged to read the book while listening to the

recording of the father's voice. In turn, the children are encouraged to record their comments about the book and a message to their father, who in turn listens to the tape. Children in the BAT Club are also encouraged to use their local library. In addition to listing books that the father and child read together, the BAT membership card features a grid where each time a child takes out a book from his or her local library, the librarian can stamp their card. After three months, the child is awarded a £5 book token which can be used to purchase a book through a supplier who is offering discounted rates on books for the children.

New Scottish initiative for 2014

Families Outside and Vox Luminis: Prisoners and their families will be able to experience interaction of a very different kind as they create, perform and record music together. Over a series of workshops, In Tune will help prisoners and families feel that they are "beyond the prison walls", giving them an opportunity to lay aside other concerns and enjoy the time together. At the end of each set of work-

shops, there will be a celebration concert, and participants will receive a CD of their musical creations.^{xxxvii}

Home leave/furlough

The extent to which prisoners can be released for visits home and thus reduce the need for prison visits varies according to different national regimes. In Norway, for example, prisoners have regular home leave once they have served one-third of their sentence. Many countries also offer the possibility of accompanied leaves or "leaves for welfare reasons" before home leave can be granted. Family members need preparation for these visits but they can greatly assist in re-creating the family bond strained by imprisonment.

Other forms of contact

Letters

In all countries, letters are allowed and are used to a greater or lesser extent depending partly on the availability and cost of telephone calls. They are particularly important for the exchange of cards, drawings and poems.^{xxxviii}



Telephone calls

Prisoners are increasingly granted access to telephone calls, although in countries like Norway, the UK and Romania, phone calls are expensive. They may also be limited in time. In Sweden, following acceptance of their application, prisoners are allowed fifteen minutes of free calls with an extra five minutes per child each week. The difficulty with this approach is that children have no way of communicating directly and spontaneously with their parents about the important issues of life, and they have to talk when it suits the prison regime rather than the family. Most children value the phone calls, although some can be upset by them.^{xxxix} In Italy there is provision to make calls from prison out to cell phones. There is limited use of mobile phones allowed in prison in some countries like Slovenia and in one private prison in England. In Germany, where an application needs to be made for each phone call, there are still some Länder where no phone calls are possible.

Internet, e-mail and Skype

In the UK, there is an "e-mail a prisoner" scheme whereby family members can sign into a website and send an e-mail to all prisons participating in the scheme. In three prisons to date, there is two-way messaging, which means prisoners can reply also by e-mail. In Italy, there is encouragement to

prisons to develop the use of the Internet to facilitate parent-child contact.

Initiatives for Skype contact currently are being developed in the Czech Republic. There are pilot projects using Skype in Norway, where it is thought that this will be helpful for prisoners who have family abroad, or for those whose family live far from the prison/are unable to visit often because of great distances or lack of resources. It is anticipated that such Skype visits will be in common usage by the time the next edition of this book is produced.

Conclusion

The incarceration of a family member has a significant impact on the family, who frequently encounters financial difficulties as a result. The absence of the parent also changes the family dynamic, resulting at times in deterioration to the point of breaking down. Maintaining contact with the family and child during imprisonment is of major importance, as is underscored throughout this guide. Apart from the benefits to the child, including their healthier development, which are the primary focus of this book and of the COPE network, research demonstrates that better contact facilitates resettlement, reduces risk of reoffending, and thereby may reduce public spending. In England, PACT has used this cost-benefit argument to gain support for their in-

tegrated family support work described above.^{x1}

A great number of initiatives have been launched to support prisoners' families; yet most hinge on the commitment and determination of a limited number of professionals or others who feel involved in the issue. Gradually regular family contact will become more of a standard issue in all prison systems; associations external to the prison need to provide sideline support as well.

Certain initiatives facilitating child-parent contact are set up more easily for imprisoned mothers. There is a consensus on supporting initiatives that safeguard and strengthen the mother-child relationship. Yet more recently, greater attention has been focussed on the importance of the father's role in the lives of children under the age of three. This must be taken into account and fathers must be allowed to fulfil their role.

Establishing and strengthening relationships may not always be easy, so it is crucial that professionals well-versed in people-centred therapy be involved (in prison and with family members) to support, clarify, establish limits and foster regular quality contact. What takes place before, after and during visits allows the child to develop and grow, and ultimately to individuate through a healthy separation. Respecting the needs of children, and allowing the parent to act as parent to his or her child, to spend time do-

ing activities that are part of daily life (e.g., sharing a meal, toilet-training) is one clear aim.

When children have been victims of abuse by imprisoned parents, there are caveats. It is important to listen to the child. The caregiver, professionals, lawyers and judges provide input as well. What is crucial is for the child's best interests to prevail at all times.

Prisons must not be seen only as establishments for incarcerating offenders, but also as places where children meet with parents in the best possible conditions to ensure regular and quality family contact and to ensure that the imprisonment of a parent is not synonymous with rupture and trauma. This overview is far from exhaustive; other schemes currently operating in many countries are not explored here, but this by no means implies that they are less important.

Individual countries will need to formulate their own priorities for prison change, such as this list compiled by Bambinisenzasbarre in Italy, based on a questionnaire to prison staff.

Extension of best practices to all prisons:

- A children's **waiting area** before the visit
- Premises solely for **visiting** children (child-friendly space and indoor and outdoor play)
- **Schedules** to facilitate the entry of children (booked visits)

at times suitable to children)

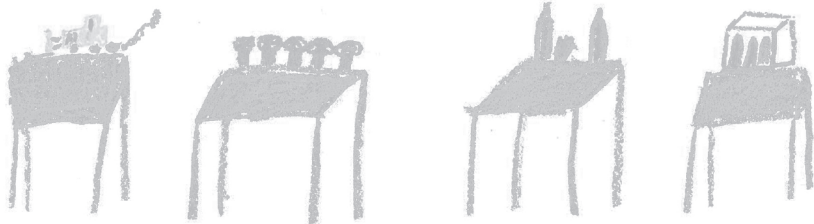
- An imprisoned parent may enjoy **a meal** with children
- Provide visits on **Sundays**
- Allow **receiving phone calls** from minor children
- Regular **training** of prison staff for welcoming and “managing” children.

Other general recommendations might be to:

- Provide a family support structure if possible (beverages available while waiting, etc.), maybe through a visitor centre
- Provide option for extended child-centred visits based on children’s needs
- Allow for physical contact, movement, non-verbal contact

- Give parent and child an opportunity to share in daily activities (meals, nappy-changing, homework...)
- Foster shared activities (e.g., reading, sports, meal preparation)
- Ensure that sanitary facilities (changing table, sink, toilet) are easily accessible during visits.

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ⁱ Jones, Adele, Gallagher, Bernard, Manby, Martin, Robertson, Oliver, Schützwahl, Matthias, Berman, Anne H., Hirschfield, Alexander, Ayre, Liz, Urban, Mirjam, Sharratt, Kathryn and Christmann, Kris (2013) *Children of Prisoners: Interventions and mitigations to strengthen mental health*. University of Huddersfield, Huddersfield. p.103, "Recommendation 3." Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>

ⁱⁱ Christensen, E. (2001). Imprisoned Parents and Their Families: What we can do to minimise harmful consequences to the children? *Journal of Child Centred Practice*, pp.84-85.

ⁱⁱⁱ Coping Report (2013) *op.cit.* p. 354, "Experiences of Criminal Justice Systems, *continued*." Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>

^{iv} Fanshel, D. and E.B. Shinn (1978). *Children in Foster Care: A Longitudinal Investigation*. New York: Columbia University Press.

^v Dyer, W. (2005). Prison, Fathers, and Identity: A Theory of How Incarceration Affects Men's Paternal Identity. *Fathering: A Journal Of Theory, Research, & Practice About Men As Fathers*, 3(3), 201-219. See also: Rosenberg, J. (2009). *Children need dads too: Children with fathers in prison*. Quaker United Nations Office, Geneva: Human Rights & Refugees Publications.

^{vi} Coping report (2013). *op. cit.* p.319, "Information Sharing within the Family."

^{vii} Ayre, E. (1996). *They won't take no for an answer: the Relais Enfants Parents*. Early Childhood Development: Practice and Reflections, The Hague: Bernard van Leer Foundation, no. 11.

^{viii} Coping Report (2013). *op. cit.* p.354, "Experiences of Criminal Justice Systems, *continued*."

^{ix} The UK's Universal Periodic Review – Annex document - September 2012, p.52. Available online at: http://www.upr-info.org/IMG/pdf/a_hrc_21_9_uk_annex_e.pdf

^x See Bryggan, FFP, NIACRO websites. EXODUS are planning to introduce an online chat forum in 2014.

^{xi} *Visiting My Dad*. (2005). Ormiston Children and Families Trust.

^{xii} See <http://barnesiden.haldenfengsel.no/> click "kart over fengselet", then click on different areas of the prison to hear an imprisoned parent's voice reading comments/telling about the various places in the prison.

^{xiii} For more ideas about visitor centres and what they can offer visit the following five websites: <http://www.carrefour-prison.ch/Faciliter-les-echanges-a-la-Prison>
<http://www.canalalpha.ch/actu/faciliter-les-echanges-a-la-prison-de-la-promenade/>
<http://www.bedfordrow.ie/our-work/>
<http://www.prisonadvice.org.uk/our-services/sup-children-fams/visitors-centres>
<http://www.familiesoutside.org.uk/services-and-support/addiewell-visitors-centre>

^{xiv} Coping Report (2013). *op. cit.* p.353. "Experiences of Criminal Justice Systems."

^{xv} For an in depth analysis of the effects of distance on the relationship between a child and their imprisoned parent, see: Nicholls, R. (2006) *Dads and Kids: The Inside Story. Fathers in Prison and their Children*. Felixstowe: Ormiston Children and Families Trust.

^{xvi} A 2003 Action for Prisoners' Families survey with 134 male offenders and 68 female offenders at HMP Camphill found that 81% of men saw family contact as "extremely important", yet only 55% received visits from their children. Some 95% of women found family contact "extremely important", yet only 67% received visits from their children. Reasons cited included great geographical distance, cost of travel, visiting times.

^{xvii} The experience of a child visiting prison is documented in the KIDS VIP video available online at: <http://www.prisonadvice.org.uk/Shop/kidsvip-dvd> and in "When daddy is behind bars" available online at: <http://helcom.cz/video-kdyz-je-tata-za-mrzemi/>

^{xviii} All prisons are to have child ambassadors/ombudspersons for children who will have a remit to oversee/consider the interests of children visiting prisons, including promoting good practice initiatives and spreading the children's perspective and knowledge about children's rights in the prison.

^{xix} Information on the PACT programme Time to Connect available online at: <http://www.prisonadvice.org.uk/our-services/sup-children-fams/ttc>

- ^{xxx} Photos of the Yellow Space reception system are available online at: <http://bambinisenzasbarre.org/Cosafacciamo.htm>
- ^{xxxi} Coping Report (2013). *op. cit.* p.355. "Contact with Imprisoned Parent/Carer."
- ^{xxxii} Prisoners may be offered only closed (non-contact) visits if the prison feels there are security or other risks (e.g., passing of drugs).
- ^{xxxiii} A good practice handbook on Children Visiting Prisons (2005) is available online at: <http://www.prisonadvice.org.uk/Shop/children-visiting-prison>
- ^{xxxiv} More information concerning the programme at Casa di Reclusione di Bollate is available online at: <http://www.bambinisenzasbarre.org/SpazioGiallo.htm>
- ^{xxxv} Coping Report (2013). *op. cit.* p.364 "Meaningful Activities, *continued*."
- ^{xxxvi} *Ibid.* p. 364 "Meaningful Activities, *continued*."
- ^{xxxvii} Boswell, J., & Wedge, P. (2002). *Imprisoned fathers and their children*. London: Jessica Kingsley Publishers.
- ^{xxxviii} The PACT produced toolkit: Kids VIP Family Day Toolkit which can help with organizing child-centred visits is available online at: <http://www.prisonadvice.org.uk/Shop/kidsvip-toolkit>
- ^{xxxix} Ayre, E. (1996). *op. cit.*
- ^{xl} Schekter, V. and L. Bornand, (2013). *Relais Enfants Parents Romands (REPR): Our Values*. In: Prison Visits & Families: Impacts, Successes & Struggle, COPE Special Edition Newsletter. pp.6-7. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/Prison-VisitsNewsletter4Site.pdf>. See also the video: Les Enfants de l'ombre, available online at: <http://www.carrefourprison.ch/Les-Enfants-de-l-ombre-Le>
- ^{xli} Child-friendly visits areas divided into three separate sections: a sensorimotor area; a relaxation area and a creativity area.
- ^{xlii} Bolwijn, A. & Bolwijn, P. (2004). Effect van kinderbezoek aan gedetineerde vaders. *PROCES*, 5. pp.196-201.
- ^{xliiii} In human childhood development, a transitional object is something, usually a physical object, which takes the place of the mother-child bond. Common examples include dolls, teddy bears or blankets. D.W. Winnicott introduced the concepts of transitional objects and *transitional experience* in reference to a particular developmental sequence. With "transition", Winnicott means an intermediate developmental phase between the psychic and external reality.
- ^{xliiii} In 2014 available figures for high incarceration rates Spain & Cyprus 7.6%, Austria 6.4%, Portugal 5.9%; Netherlands & Germany 5.8% (source: International Centre for Prison Studies).
- ^{xlv} More information concerning the visiting house in the Bergen prison in Norway is available online at: <http://www.adressa.no/nyheter/innenriks/article6427471.ece>
- ^{xlv} Loucks, N. (2006) *Private Family Visits: A Review of the Literature Internationally*. Edinburgh: Scottish Prison Service Internal Document.
- ^{xlvii} Dujourdy, E. (2013). *The work of the European Prison Observatory Project (French Section)*. In: Prisons Across Europe: National focuses on protocols relating to children of prisoners, COPE Special Edition Newsletter. pp.6-7. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonsAcrossEuropeNewsletter.pdf>
- ^{xlviii} Information concerning the In Tune project organized by Families Outside is available online at: <http://www.familiesoutside.org.uk/content/uploads/2014/01/Newsletter-Jan14.pdf>
- ^{xlix} Coping report (2013). *op. cit.* p.367. "Contact by Telephone and Letter, *continued*."
- ^{xl} *Ibid.* p.366. "Contact by Telephone and Letter, *continued*."
- ^{xli} More information concerning the "email-a-prisoner" programme is available online at: http://emap.prison-technology-services.com/how_it_works.cfm
- ^{xlii} Kovarikova, M. (2013). *Implementing Skype programmes in prison*. In: Looking Forward: Impacts, Successes & Obstacles, COPE Special Edition Newsletter. pp.12-13.
- ^{xliii} For more information concerning the cost-benefit argument implemented by PACT see: Estep, B., & Nicholles, N. (2012). *Economic study of integrated family support programme (ifs)*. PACT, London: Nef Consulting ltd. Available online at: http://www.prisonadvice.org.uk/Resources/Pact/Document/nef_Pact%20IFS%20Economic%20Study.pdf

Chapter six: **Women prisoners and children living with imprisoned mothers**

Most European prison systems provide places for babies to live with imprisoned mothers. National legislation in several countries allows imprisoned mothers to live with their children who were born prior to or during their incarceration. There are inherent difficulties: "The imprisonment of parents, particularly of mothers of dependent young children, is deeply problematic, because the child is being punished along with the parent." Opinions diverge on the appropriateness of leaving a child with his/her imprisoned mother. There has long been concern at a European level for children living with parents in prison as reflected in a 1997 report on Social and Family Effects of Detention of a Committee of the Parliamentary Assembly of the Council of Europe which states: "The need to maintain contacts must not expose the child to the ill-effects of the prison experience or prevent the mother from receiving vital training for her return to work. Responsibility towards children of imprisoned parents cannot be one-sided."

More recently, MEP Marie Panayotopoulos-Cassiotou presented an own-initiative report on the impact of incarceration of mothers on children to the European Parliament, in 2008.¹¹¹ She stated, "Women in Europe constitute an average of roughly 4.5% to 5.0% of the total prison population (from 2.9% in Poland to 7.8% in Spain). Prisons remain geared towards male prisoners and tend to ignore the specific problems of women who are a small though growing proportion of people held in prison. Main areas of concern are healthcare, situation of mothers with children and professional and social reintegration. More than half of the prisoners in European prisons are mothers of at least one child, this percentage being particularly high in Spain and in Greece. Children who remain with their imprisoned mothers require adequate protection and care and should not suffer from any form of discrimination. Imprisonment of women can have particularly grave implications when they have been the sole carers of their children prior to imprisonment. An additional problem is the preservation of family ties. As there are fewer prisons holding women, they may be imprisoned far away from their homes and communities, thus limiting the visiting possibilities."

Since the first edition of this book there has been a change in the international standards and thus the accepted approach to



women prisoners, as a result of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”), which came into force in 2010 specifically giving weight to the need for international standards for incarcerated women.^{iv}

These standards clarify the needs of women and indeed their children. The rules provide holistically for women and make heartening reading. Alternatives to custody for women as primary carers are highlighted, as is the need to take into account the rights discussed in Chapter 2 in relation to sentencing, and visits for children. A further section relates to children living with their mothers in prisons. Throughout the rules, which relate primarily to the treatment of women in prison, there are specific references to the need to take into account the children’s *best interests* in all that concerns them, thus ensuring that the children’s interests cannot slip through the net as being of no concern to prison authorities.

These rules were created in recognition of the gender differences in the crimes committed by women, but also the particular harshness for children of having their primary caregiver in custody. It has long been considered that the separation of children from their primary carer, who is most often the mother, particularly during the crucial 0-3 years attachment phase,

can have adverse effects.^v Recent research demonstrates the impact on children of a father’s imprisonment.^v Legislation in most European countries allows imprisoned mothers to live with their children who were born prior to or during their incarceration if this is in their best interests. There are inherent difficulties in determining the children’s best interests: the preferred option would be for all children to live freely. In some cases, the balance of the child’s best interests may be in favour of their staying with their mother in prison.

Consideration in the Council of Europe of women in prison and their children

To date, the European Court of Human Rights has held that the separation of imprisoned mother and baby does not violate Article 8 in that the national authorities do not have to take any special measures to secure the child with the mother in prison, and consequently neither the child nor the mother has an automatic right to stay together: “the best interest of the child has no paramount weight in the assessment of the various interests at stake: prevention of crime, public order or protection of the rights of others”.

In its tenth General Report, the (European) Committee for the Prevention of Torture (CPT) made general recommendations on ante- and post-natal care of women in prison:

"Every effort should be made to meet the specific dietary needs of pregnant women prisoners, who should be offered a high protein diet, rich in fresh fruit and vegetables.

"Babies should not be born in prison, and the usual practice in Council of Europe Member States seems to be, at an appropriate moment, to transfer pregnant women prisoners to outside hospitals. Nevertheless from time to time, the CPT encounters examples of pregnant women being shackled or otherwise restrained to beds or other items of furniture during gynecological examinations and/or delivery. Such an approach is completely unacceptable, and could certainly be qualified as inhuman and degrading treatment. Other means of meeting security needs can and should be found."

"Many women in prison are primary carers for children (or others), whose welfare may be adversely affected by their imprisonment. One particularly problematic issue in this context is whether—and if so, for how long—it should be possible for infants and young children to remain in prison with their mothers. This is a difficult question to answer given that, on the one hand, prisons clearly do not provide an appropriate environment for infants and young children, yet on the other hand, the forcible separation of mothers and infants is highly undesirable."

"In the view of the CPT, the gov-

erning principle in all cases must be the welfare of the child. This implies in particular that any ante- and post-natal care provided in custody should be equivalent to that available in the outside community. When infants and young children are held in custodial settings, their treatment should be supervised by specialists in social work and child development. The goal should be to produce a child-centred environment, free from the visible trappings of incarceration, such as uniforms and jangling keys. Arrangements should also be made to foster the normal development of motor and cognitive skills of infants in prison. In particular they should have adequate play and exercise facilities within the prison and, wherever possible, the opportunity to leave the establishment and experience ordinary life outside its walls. Facilitating child-minding by family members outside the establishment can also help ensure that the burden of child-rearing is shared (for example by the child's father). Where this is not possible, consideration should be given to providing access to crèche-type facilities. Such arrangements can enable women prisoners to participate in work and other activities inside the prison to a greater extent than might otherwise be possible."^{vi}

The length of the child's stay in prison sometimes depends on the care facilities outside the prison. How long children stay in prison is

also often linked to what is seen as a normal period of breast-feeding, which can differ from culture to culture. In the Netherlands, in the 1970s, some gypsy women living with their children in prison breast-fed until the child was one and a half years old. Authorities have since ruled that a nine-month period should be sufficient. This also became the rule for the maximum stay of a child in a closed prison.

European fora have consistently criticised the practice of keeping babies and young children in prison since the turn of the century. For example, a 2000 report from the Council of Europe called for a new approach and stressed that, "The need to maintain contact must not expose the child to the ill-effects of the prison experience or prevent the mother from receiving vital training for her return to work. Responsibility towards children of imprisoned parents cannot be one-sided."^{viii} This culminated in a Council of Europe resolution in 2009 on women in prison, which also considers their children but does not make any reference to the rights of children, referring rather to "the disruption and emotional costs which may ensue for both the mother and child(ren)". In many details this resolution pre-empted and set the scene for the Bangkok Rules.^{ix}

Whilst the Bangkok Rules are still at the implementation stage, they are designed to influence change, including articles on re-

search and dissemination to promote their use. The excellent Guidance and Index of Implementation documents which form part of Prison Reform International's Implementation toolkit demonstrate how best to do this and to assess progress as well.^x Much of what is required by the rules is in force already somewhere in Europe, and it is for all states and their NGOs to ensure that these rules are genuinely in place in policy and practice; the implementation toolkit provides a possible approach.

After outlining the relevant rules, we will discuss in this chapter the progress of their implementation, the issues they raise, instances of good practice relating to children whose mothers are in prison and key recommendations.

Key rules relating to children of prisoners in the Bangkok Rules^{xi}

Suspension of custody to allow for care of the child, information about children and imprisonment close to home

Rule 2.2. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

Register

Rule 3.1. The number and per-

sonal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status.

Rule 3.2. All information relating to the children's identity shall be kept confidential, and the use of such information shall always comply with the requirement to take into account the best interests of the children.

Allocation

Rule 4. Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services.

During custody

Searching must be done taking into account the dignity of both mothers and children

Rule 21. Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

Visits from children to be enabled, safeguarded from disciplinary proceedings and child-friendly

Rule 23. Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

Contact with the outside world and with children

[*Supplements rules 37-39 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 26. Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

Rule 27. Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.^{xii}

Rule 28. Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.

Training of prison staff

Rule 33.1. All staff assigned to work with women prisoners shall receive training relating to the gen-

der-specific needs and human rights of women prisoners.

Rule 33.2. Basic training shall be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine.

Rule 33.3. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

Children to live with their mothers when it is in their best interests and be given best care

Rule 49. Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.

Rule 50. Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51.1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.

Rule 51.2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

Sensitive arrangements for child to return to care in the community

Rule 52.1. Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws.

Rule 52.2. The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials.

Rule 52.3. After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.

Alternatives to custody to be considered

Rule 58. Taking into account the provisions of rule 2.3 of the Tokyo Rules, women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pre-trial and sentencing alternatives shall be implemented wherever appropriate and possible.

Current situation in different European states for women who offend

The application of the rules is considered below. It is interesting to see the extent to which they are in effect and being implemented in Europe.

Alternatives to imprisonment and suspension of sentences (Rule 58)

Thus we can see that the Bangkok Rules offer a complete methodology for looking after women in prison. Chronologically, we start with sentencing. The rules require sentencers to consider alternatives to imprisonment, as has been touched on in Chapter 2. The current thrust of reform in the UK is that too many women go to prison, and there have been high-level reports in both England and Scotland to this end.^{xviii} After a period of uncertainty, England is now cited by Prison Reform International as an area of good practice in relation to this, in particular as a result of introducing new “strategic objectives for female offenders in 2013”, reducing the numbers of women in prison, and introducing legislation which requires consideration of women’s family and caring responsibilities during rehabilitation.^{xix}

Concretely, the French Penal Code includes the requirement to consider alternatives to custody for women who are sole carers of children under sixteen and also that information on prisoners’ children is recorded and made public (Annex

3).^{xv} In Italy, since the Finocchiaro Law (2001), women prisoners have been able to leave prison in order to support any under-age children. This law also introduced “special home detention” for mothers of children under ten years of age, after the first third of their sentence has been served and relapse is considered unlikely; Law n. 62 of 2011 further established the principle according to which a mother with a child under six years of age does not have to go to prison, except for crimes which are considered very serious.^{xvi} Despite these examples of good practice and the Bangkok Rules, although it is hard to find exactly comparable data, it seems clear that incarceration rates for women are still creeping up in some countries. This increase is a concern for the World Health Organisation.^{xvii}

Women given time to make arrangements for children before serving sentences (Rule 58)

If women are sole carers they will need time at arrest, and on sentencing, to make arrangements for their families. This reinforces the need discussed in Chapter 3 for sensitive policing. Taking the children into consideration is important here to avoid urgent prison admissions without evaluating whether it will be in the child’s best interests. Examples of good practice include the provision for newly sentenced mothers in the Netherlands to be given time to make childcare arrange-

ments before entering prison. In Slovenia, if both parents are sentenced to prison, it is possible for them to alternate serving their sentences to provide continuity for children. In Croatia, mother and baby units are only available for children born within the prison, however, the judge has discretion to and will sometimes postpone the sentence until a child is six months old.^{xviii}

Variety of regimes for children living with their parents in prison and how to determine the child's best interests and length of stay in prison (Rules 48-51)

Sometimes care-dependent children stay with their mother in prison. The age limit and maximum stay differs from country to country. Provisions made for infants and children in the prison vary.^{xix} Prison culture also varies from country to country, as does the value placed on motherhood, family life and child-rearing. This diversity is reflected in the variety of arrangements and provisions.^{xx}

The current emphasis reinforced by the Bangkok Rules is on trying to keep women with young children out of prison. The technology of electronic tagging has made this more feasible than before. Women with young children who are still deemed to need to be imprisoned can tend to be seen as "hard" cases; the numbers of women in prison across Europe are still increasing, predominantly in women convicted

for drug offences and many who are not state nationals. The prison culture, the age limit, maximum stay, and the provision made for infants and children in the prison differ from country to country. The value placed on motherhood, family life and child-rearing are specific to each country. This diversity is reflected in the range of arrangements and provisions. In Denmark, where it is seen as a right of prisoners (both male and female) to have their child live with them in prison, and where in one of the open prisons, children may stay up to the age of seven, social welfare authorities make the decision about where the child will live according to their best interests. In Luxembourg, it is not considered to be in the child's best interests for children to be in prison with their mothers if they can be looked after by a family member outside. In France, a recent report outlines their aspirations and intentions for mothers imprisoned with their children while at the same time highlighting that *imprisoning mothers with their children is merely palliative, trying to reconcile the irreconcilable: the presence of a child close to its mother, and the unacceptable presence of a young child in prison*. Within this paradox the report stresses fundamental principles for arranging the special women's quarters to:

- *Help the mother to care effectively for her child*
- *Ensure that nothing in the*

regime or environment could stifle the child's development

- Facilitate the relationship between the child and his/her parents and other family members
- Ensure that all the children's needs are met
- Provide shared facilities like a nursery and bathroom facilities suitable for young children.^{xxi}

Recent research in Finland refers to the criteria for deciding a child's best interests and whether and how they should be accommodated with their mothers in prison.

The issue of children in prison is complex, as it contrasts children's rights with parents' rights, as well as parents' duties with the prisoner's duties, and challenges organisational boundaries. It is extremely difficult to judge whether a prison placement is in the best interest of the child on an individual level.

- *When talking about children in prison, it is important to highlight that practices, laws and situations in the different parts of the world or within the same country are manifold. So **when we talk about children in prison, we are talking about various situations.***
- *According to research, **there is no unambiguous answer for the question whether it is in the best interest of the child to stay with a parent in prison. There should be thorough consideration for each individual child if it is best for him/her to***

stay in prison. Consideration depends on the arrangements made inside and outside the prison during the parent's imprisonment. Age is not the only determining factor for staying in prison, for some babies it might not be the best option and, on the other hand, for some toddlers it could be the best solution.

- *At the moment there is information about different practices concerning children in prison, however, there is **a need to develop theoretical vocabulary concerning children in prison.** In order to take a stance on this issue more generally, **there should be thorough documentation, statistics (follow up) and research about the children in prison in different countries and prisons.** Children should be visible in prison practices and the children who have lived in prison should also be interviewed. This will be possible only with sufficient information and resources.^{xxii}*

Despite these inherent tensions, decisions are made about how best to deal with mothers who have offended and have young children. In trying to determine what the child's best interests are, some writers focus on the consequences of the separation of the baby from his/her mother by recalling Spitz's observations on the effects of early emotional deprivation (emotional disorders, personality disorder, clinging behaviour, instability or identity loss).^{xxiii} Others suggest that external substitutes (fathers, grandmoth-

ers, foster carers) may be able to mitigate this maternal deficiency, and that it is better to avoid the traumatic separation of a child from his/her mother after several months with her in prison.^{xxiv} Two different researchers studying children left outside prison and those living with their mothers in prison underscored both the disadvantages of separating a child from their mother, and the disadvantages of leaving them with the incarcerated mother.^{xxv, xxvi}

Culturally, the importance of the context in which children are kept and the cultural bias towards keeping families together (see Chapter 2), as well as the provision for mothers and children in prison, vary widely. In Italy, for instance, the mother-child attachment in a home environment is considered so important that mothers with offspring under the age of three are eligible for house arrest, as described above. In Slovenia, in-depth support is offered to imprisoned women, and much emphasis is placed on contact with the outside world. Similarly, in Germany, the focus is on mothers caring personally for their child for as long a period as possible; a more open system of imprisonment for mothers allows this. By contrast, in the UK (where the culture of placing children in nursery for long periods has been growing since the late 1990s and where prison conditions are more severe), children cannot, except in exceptional circum-

stances, stay with their mothers in prison after the age of twenty-one months, on the basis that the effects would be damaging for the child.^{xxvii}

The inevitable negative consequences of detention on a child's development can be reduced. Some regimes discussed below do limit the effects of imprisonment on the child. When the imprisonment occurs in a relatively calm and open environment and conditions are not overly restrictive, some regimes consider it feasible to keep the child with his/her mother for a long period of time.^{xxviii} Incarceration in poor or severely restrictive conditions could seriously affect a child's physical and psycho-emotional development and limit his or her facility for positive social interaction.

It is equally important to consider the impact of detention on the mother's personality, her identity as a mother and her ability to fulfil her maternal role. A mother requires interaction with her infant to improve her skills as a mother. When a mother is separated from her offspring very soon after the birth, this may impair the mother's ability to adapt to the needs of her child at a later point in time. It is therefore crucial to allow a mother to be a mother and to foster her skills as a parent. A recent report from Finland highlights the advantages for some mothers (and therefore their children): *We think it is sometimes an*

opportunity to a prisoner to have her child with her in prison. It is a moment to pause and think about how her life is going. Many times it is the first time for the mother that she gets help and support, or the first time she is accepting help. For the child, the prison-time means proper meals at regular mealtimes, regular daytime naps and outdoor times and night-time that is protected for sleeping. For the mother, the presence of the child can be a motivator to rehabilitation.^{xxix}

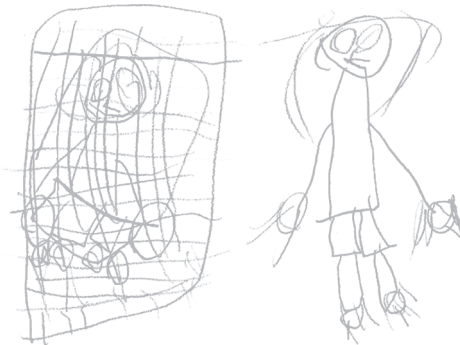
Detention conditions can be designed to **facilitate the exercise of maternal skills and support mothers in their role.**

In an ideal world, if children needed to be imprisoned, this would be the set-up:

The mother-child house:

This is a building distinct from the main prison and exclusively reserved for mothers and young children. Life is communal, governed by rules aimed at keeping internal or-

der and allocating tasks. The living room, the dining room and the kitchen are shared; there are individual bedrooms for every mother and her child. The building is organised so that it does not feel like a prison. There are no bars, nor locked doors. A garden is set up for children's games. The interior decoration is colourful. The general atmosphere is bright and cheerful. An internal playroom is organised under the supervision of competent personnel while the mothers work. The scheme is open (excursions authorised) or semi-open (a limited number of excursions authorised). The mothers go out regularly with their children to go shopping, for walks or to the doctor. The conditions of access/visits are clearly defined. All decisions are made in the child's best interests. The supervising staff is specially selected and trained. Mothers receive psychosocial support to facilitate their re-entry following release. The mothers receive training (e.g., cooking, child-rearing) and work part-time.



**This is the reality:
National frameworks limiting and defining accommodation
of the child with his or her imprisoned mother**

Summary overview of time during which babies and children can stay with their incarcerated mothers		
Country	Time Limits	Comments
Norway	Not considered suitable for children to be in prison	There are special arrangements whereby certain prisoners can serve (part of) their sentences in non-prison institutions, such as drug treatment facilities. As part of this arrangement, some mothers may serve (part of) their sentence in special "mother and child houses" outside the prison. These institutions are run by other organisations and are not exclusive to offenders.
Netherlands	6-9 months in prison and over 4 years in mother-child house	Open half-way houses where women resocialise/ learn to start anew, and redevelop their relationship with their children (e.g., Exodushuis Venlo, run by the NGO Exodus).
UK England and Wales	Ranging from 9 months to max. 21 months	In specified mother and baby units: only in a few cases flexibility has been granted beyond this. ^{xxxx}
Scotland	18 months Up to 5 years school age in independent living unit outside the prison	Independent living unit outside Cornton Vale Prison at "Cornton Cottages" where, under strict conditions, mothers can live with their children up to school age.
Ireland	Mostly 12 months	Usually up to 9 months unless a doctor's report suggests otherwise, and dependent on breast-feeding.
Sweden	12 months	Few specific arrangements for children, and few children imprisoned with mothers (but see Solrosen case study on p.131).
France	18 months, with possible extension to 24 months	A child born before or during the incarceration of the mother can be left in her care until the age of 18 months. At the request of the mother and by a decision of the regional director of prison services, the age limit can be extended up to 24 months.
Finland	2 years in a family unit in prison 4 years in open house	All placements are made after consultation between prison and child welfare authorities. All women must plan a goal to "take good care of her child in a family unit in prison" as part of their sentence.

Country	Time Limits	Comments
Belgium	3 years	The housing of children once they reach 18 months of age is not encouraged, except for very brief periods.
Italy	3 years	
Spain	3 years The previous government aspired only to house women with children outside the prison in external mother houses; to date, two such houses exist	When both father and mother are imprisoned, in some cases, they are imprisoned together and they can live with their children.
Denmark	Normally 3 years and 7 years in Horsørød open prison Half-way houses	In Horsørød prison, children can stay up to the age of 7 in the pavilion for couples and families. Children can stay with fathers up to 3 years old. Children of all ages can live with their parents at Engelsborg Family House.
Poland	3 years	
Germany	3 years prison Up to 6 years in open houses	In general, mothers are allowed to keep their children until the age of 3. In Aichach, children can stay until the age of 4. The open prison in Vechta and the prison in Fröndenberg house mothers with children up to age 6, the age when children begin school. ²⁰⁰⁰
Croatia	Up to 3 if child is born in prison (max 7 per year)	The policy is to aim to release the mother before the child turns 3.
Greece	4 years	Separation of the child from his/her mother occurs when the child turns 4.



Case studies

Denmark

Self-management by prisoners is a statutorily enshrined principle in Denmark (Corrections Act s 43), requiring prisoners to carry out daily tasks such as shopping, cooking, washing and cleaning. As a result, every institution has facilities for shopping and communal kitchens. The institution does not supply food so the prisoners buy their own groceries and prepare their own meals. Prisoners who do not have work and therefore cannot earn money are given a certain amount for self-catering purposes (ICPS 2008). Pursuant to s 4 of the Danish Corrections Act, the principle of normality states that the conditions of living in prison should approximate, as far as is possible, those of living in freedom. It should be noted that a similar model operates in Sweden. In Denmark, the decision about whether to have children living in prison with their mother is not made by the prison; if local authorities say that the mother is fit to look after her child, then it is the mother's decision whether to have her child with her or not. All efforts are made to ensure mother and children are not separated when children reach their third birthday.

Couples who are both in prison are allowed to stay in a unit together. If one half of a couple is placed in a low-security prison, he

or she can choose to serve his or her time in a high-security prison to be with his or her partner. In addition, the right to have a child living with an incarcerated parent is couched in gender-neutral terms and children may therefore also live with their fathers in custody, although facilities for children are not always purpose-built.

Half-way house at Engelsborg

Children of any age can live here with their parents for up to twelve months, if it is considered to be best for the children—who are the focus for arrangements within the house. Parents must go to work or college or be in the house until 2.30pm and back by 11.00pm and they pay a contribution from their benefits towards their stay. Children may go to school away from the centre, arranged by social services for whom this is a cheaper option than foster care. Most of the staff are from a social work background and are not prison officers.

Finland

The mother and child homes and shelters project in Finland uses a simple checklist so that each prison and welfare authority can ensure that the best interests of the child are taken into consideration.

Is there room for a child in the prison environment?

The prison environment is, of

course, the first thing that an incoming child sees and experiences. What is it like from the child's perspective? Do they see high walls and bars on the windows? Do they meet lots of unknown (and perhaps scary) people in the corridors? Do they hear harsh and frightening voices? Whose lap are they placed on? Is someone doing a body search on them, how is it carried out? Is their mother near all the time? These are big issues for a baby and often it is very easy to make them easier for the baby. The time a child spends in prison is full of these kinds of moments. It is good if somebody thinks about those little things from a small child's point of view.

Challenging maternity in prison

The time spent in prison is also challenging for the parent. What should be simple, everyday activities naturally become more complicated. Feeding the baby, washing the laundry, getting all the necessary accessories for the child or even putting the baby to sleep can be difficult. Mothers can also worry about their children's safety: What if the baby gets sick or if someone tries to hurt him? What if the baby is crying a lot and the mother is getting tired or depressed? Who will help the mother during the day/night time and how? What might cause prison authorities to take the baby away from a parent, and is the parent aware of what these causes are?

The ambivalence of the staff

The presence of a child often raises mixed emotions in staff. For the prison personnel, a baby or a small child is not a familiar element, a child is "a civil person" who doesn't actually belong in a prison. Many staff members may be mothers and fathers themselves and seeing a baby behind the bars may be painful. Staff members are sometimes uncertain about when to intervene in things happening between mother and a child. Children also do not act like prisoners; they don't follow the rules and regulations. The mother should be the guardian of her child and be responsible for her child in prison, but it is difficult because she has to follow the prison rules. She has to be a good mother and a good prisoner at the same time. The mother and child homes and shelters project in Finland offers training for the prison staff to pay attention to and observe the children better. There was a lot of discussion as to how and when to intervene if the situation needed it.

The family unit in Finnish Vana-ja open prison has been designed with the needs of children in mind, and it is as home-like as possible. It can accommodate up to ten mothers with their children. Hämeenlinna closed prison has a unit for remand prisoners, with facilities for three prisoners and their children.^{xxxii}

France

Twenty-five prisons are equipped with a mother-child unit with a maximum capacity of sixty-six. Norms in terms of surface area and facilities are respected: hot water in cells, cells designed to allow a separation between the mother's and the child's spaces, location of cells allowing for open doors during daytime, minimum surface area of the cell at least 15m², room for activities, access to an outside courtyard separate from that of other detainees. Some prisons allow children over two months of age to go to an external daycare centre during the daytime and return to the prison in the evening. The prison authorities, the P.M.I. (child and maternal protection services) and the Relais Enfants Parents work together to organise support groups for mothers within the prisons.

Germany

At Fröndenberg Mother Child Prison Unit, sixteen mothers live with their children up to the age of six in self-contained flats with balconies and the staff do not wear prison uniforms. Women are not punished in front of their children, to avoid undermining their authority. Generally, in the mornings, the children over the age of two go to the kindergarten while their mothers work. In the afternoons, the mothers play with their children, and in the evening, women can

watch television (although no televisions are allowed in the rooms). In addition, women are granted twenty-one days of holiday per year. If a woman commits an offence while in prison, she immediately gets transferred to a closed prison and is separated from her child. However, over the past eleven years, only eight women have been transferred to a closed prison, and only ten percent of the women have been reconvicted, although it is not reported how many women had been imprisoned in that time.^{xxxiii}

Netherlands

Children can stay with their mother in the special mother-child house in prison until four years of age. The mother has a special status: BBI or "bepoort beveiligde inrichting", being in a part of the prison that is more open with fewer rules and restrictions than in prison. Mothers work there, and have time with their kids also. Children can stay with their mothers in prison until they are six months or nine months old, depending on the individual situation and decided by a "maatwerk" specialist.

Exodus half-way house

In the half-way house, mothers (and other women) can resocialise after (or during the last part of) imprisonment. They learn how to restart their lives outside the

prison. They look for work and housing, and they work on their relationships with family, children or new friends/volunteers. The programme for mothers with children is a support scheme to help children live with their mothers again. Sometimes the Youth Service with responsibility for the well-being of the child is involved. Exodus provides interactive support for raising a child in the half-way house. This takes place in a weekly group session where mothers speak about issues they are having difficulties with; sharing ideas and supporting one another. Exodus also helps them to get structure and regular sleeping patterns back in their and their children's lives.

Norway

No children live with their mothers in prison in Norway, but are cared for by others

Women are generally allowed at least a one-hour visit and twenty minutes of phone calls per week, on top of calls to attorneys and police. In line with Rule 26 of the Bangkok Rules, children of incarcerated mothers are granted additional visits, generally two to three per week. Counterbalancing what the rule calls "disadvantages faced by women detained in institutions located far from their homes", one-hour visits are extended for visitors travelling long distances. After assessing that it is safe and in the best interests of the child, chil-

dren of incarcerated mothers are also allowed overnight visits. These visits can occur about once a month in an "apartment" inside the high-security wing. The apartment opens into a small backyard and has two bedrooms, two bathrooms, a living room, a dining room, a kitchen and a small play area. This appears to more than satisfy Rule 28's mandate for "an environment that is conducive to a positive visiting experience" and allows "open contact between mother and child".^{XXXIV}

Spain

External mother units allow incarcerated women and their young children to live apart from prisons. The vision of the Spanish prisons in 2010 was to end the imprisonment of all mothers with children; so far, two external mother units are in operation and the programme is now in abeyance. Each mother has a small apartment with discreet security to allow family privacy and facilitate the harmonious development of the mother-child relationship. The children living there attend preschools and schools in the community. Public transportation is available from the units and some mothers are allowed to take their children to school, the doctor, parks and community activities. Mothers have to choose to live in the external mother units and must be prepared to undergo parenting classes and oth-

er educational activities, otherwise they must go to ordinary prisons without their children. Similarly if they either do not look after the children sufficiently well, or do not conform to the regime, then they return to prison and alternative care is sought for their children.

There is also a family unit in the prison Madrid VI for those cases where both partners are incarcerated. In this centre, parents can together live with children under three years of age, if they meet the minimum safety profile and provide assurance of good care of minors. However the conditions are not particularly suitable for children.

In addition, NGOs run half-way houses and post release houses such as that run by Niños sin Bareras in Barcelona.^{xxxv}

Sweden

Solrosen is currently running a pilot project at a female prison in the Gothenburg region called Sagsjön, as a joint venture with the correctional services; NGO staff are based full-time in the prison. The aim of the project is to look for the best interests of the child under these special circumstances, whether the child is living in the prison with the mother or if the child is on the outside and only coming in for visits. It includes creating a good child-friendly environment, supporting the mother in her maternal role, considering the par-

ticular needs of the child and mother during their time in prison and preparing for the reunion back home. The project focusses on supporting women to create routines around every aspect of being in prison with a child so that the mother and child can have the best conditions possible. The pilot is also exploring how the social services and the correctional services can strengthen their cooperation when there are children affected by the imprisonment. In Sweden, there are about fifteen to twenty-five children a year who live with their mother in prison, mostly very young children, although Sagsjön has also accommodated children up to three or four years of age. All female prisons can receive a woman with a child, but there are no special human resources set aside to oversee and support the mother and child. This pilot project makes it possible for Solrosen to provide these resources and it will also demonstrate the need for this service as a priority for children and families.

United Kingdom

Mother-baby units, England: These are specific sections created within women's prisons to house pregnant women and mothers with young children. Specific rules are set up and the atmosphere is more relaxed than in a normal unit. However, the regime is that of a closed prison and excursions are

not routinely authorised; there has been recent change to a mother's right to home leave taking into account a child's rights under Article 8 of the ECHR and Article 3(1) of the UN Convention on the Rights of the Child, that the best interests of the child should be a "primary consideration" in any action taken by a public authority involving them.^{xxxvi} The norms in terms of surface area and equipment must be respected (e.g., 15 m² to 20 m² for rooms, a kitchen, playrooms). There is a limit on the unit's maximum capacity. Depending on the case, children spend the day in an internal nursery area supervised by competent staff or leave the prison to go to an external daycare centre. In general, partnerships exist with social welfare and childcare services. In addition there are often family days which allow ties with older children to be maintained in a better environment than elsewhere. Mothers generally cook their children's food, although not their own.

The reality of living in the community is significantly better for the children, but the difficulties for mothers should not be underestimated, particularly when they feel their children have greater freedom than they do and their need for support must be underscored. There is also the challenge for all prisoners on any kind of release; the struggle to keep to conditions is more poignant when the penalty

is losing your child. For example, this mother in the Cornton cottages in Scotland: Janet is able to take Maisie, her two-year-old, to the local nursery school each day. She told me that the other parents at the school were most likely not aware that she was an inmate at Cornton Vale, and she expressed concern about how to broach the subject with them, and their possible negative reactions. Janet also did the shopping runs for other prisoners, as part of her "work" requirements. The conditions of her release licences are very strict and the consequences are significant—if she breaches them, she will return back into the prison, and Maisie will not be able to stay with her given her age. Janet was recently contacted by her boyfriend, requesting she meet him at the local pub on one of her outings. She told the mother and baby officer of the request, who reminded her of the consequences of deviating from the strict conditions of her sentence—that it would mean she would have to return to normal accommodation within the prison, and that Maisie would not be able to live with her anymore. Janet apparently made the choice to ignore her boyfriend and continues to live in the cottages with her daughter.^{xxxvii}

Conclusion

Specific mother-child houses, separated from the main prison,

meet children's needs better and are therefore most likely to be in the best interests of the child. The following conditions should be met:

- A non-prison-like environment
- An open scheme
- Professional supervision and specially trained staff
- Community life with clear rules and distribution of daily tasks
- A reintegration plan and work and training for mothers
- Regular attendance of children in daycare centres and preschool establishments
- Regular contact with the father and other members of the family

Decisions to admit women and children into these mother-child houses and the evaluation of the child's best interests require supervision by specialised services. Particular consideration needs to be given

as to when the best time to separate mother and child will be and how this can best be managed. The financing of these mother-child houses should be shared between the penal system and childcare services.

All countries need to implement the Bangkok Rules and develop a clear understanding of the best interests of the child in the way they decide and ensure children who should live with their mothers can do so. The child's best interests are paramount.

Original chapter drafted by Alain Bouregba (France), with other contributors, and incorporating material by Ria Wolleswinkel from original Chapter 2. Revised edition Kate Philbrick, with support from Liz Ayre and Hannah Lynn. Research by Paola Costa.



- ¹ *Implementation handbook for the Convention on the Rights of the Child*. (2007). UNICEF. p.124. For an updated summary of the Bangkok Rules see: Pradier, C. (2012). *Penal Reform and Gender: Update on the Bangkok Rules*. M. Bastick & K. Grimm (Eds.), DCAF. Available online at: <http://www.dcaf.ch/Publications/Penal-Reform-and-Gender-Update-on-the-Bangkok-Rules>
- For an illustrated short guide on the UN Bangkok Rules see: *The UN Bangkok Rules on Women Offenders and Prisoners: A short guide*. (2013). Penal Reform International. Available online at: <http://www.penalreform.org/resource/united-nations-bangkok-rules-women-offenders-prisoners-short/>.
- For the UN document detailing the Rules see: *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. (2010). United Nations, General Assembly. (A/C.3/65/L.5) Available online at: <http://www.ohchr.org/Documents/ProfessionalInterest/BangkokRules.pdf>
- ⁱⁱ *Social and family effects of detention*. (1997). Social, Health and Family Affairs Committee, (Doc. 7816). Available online at: <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=7777&Language=EN>
- ⁱⁱⁱ Panayotopoulos-Cassiotou, M. (2008). *Report on the situation of women in prison and the impact of the imprisonment of parents on social and family life*. European Parliament, Committee on Women's Rights and Gender Equality (A6-0033/2008) Available online at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2008-0033+0+DOC+XML+V0//EN>
- ^{iv} *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. (2010). *op. cit.*
- ^v In England, only nine per cent of children whose mothers are in prison are cared for by their fathers in their mothers' absence. More statistics concerning women in prison are available online at: <http://www.womeninprison.org.uk/statistics.php>
- ^{vi} Jones, Adele, Gallagher, Bernard, Manby, Martin, Robertson, Oliver, Schützwohl, Matthias, Berman, Anne H., Hirschfield, Alexander, Ayre, Liz, Urban, Mirjam, Sharratt, Kathryn and Christmann, Kris (2013) *Children of Prisoners: Interventions and mitigations to strengthen mental health*. University of Huddersfield, Huddersfield. p.87. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>
- ^{vii} See the case of Kleuver v. Norway, 30 April 2000, App no.45837/99. Available online at: <http://caselaw.echr.globe24h.com/0/0/norway/2002/04/30/kleuver-v-norway-22377-45837-99.shtml>. For an executive summary concerning the conditions of imprisonment for women in Europe see: *Women in prison: A review of the conditions in member states of the council of Europe*. (2007). Brussels: Quaker Council for European Affairs. Available online at: <http://www.qcea.org/wp-content/uploads/2011/04/rprt-wip2-execsummary-feb-2007.pdf>
- ^{viii} *Women deprived of their liberty*. (2000). In: *10th General Report on the CPT's activities covering the period 1 January to 31 December 1999* (CPT/Inf (2000) 13 [EN] ed.). Council of Europe, CPT. Available online at: <http://www.cpt.coe.int/en/annual/rep-10.htm#women>
- ^{ix} See *Recommendation 1469 (2000): Mothers and babies in prison*. (2000). Council of Europe, Parliamentary Assembly. Available online at: <http://assembly.coe.int/Main.asp?link=/Documents/AdoptedText/ta00/EREC1469.htm>
- See also *Mothers and babies in prison*. (2000). Council of Europe, Parliamentary Assembly, Social, Health and Family Affairs Committee. (Doc. 8762). Available online at: <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileID=8953&Language=en>. See also *Social and family effects of detention*. (1997). *op. cit.* quote from pp.13-14
- ^x *Resolution 1663 (2009): Women in prison*. (2009). Council of Europe, Parliamentary Assembly. Available online at: <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta09/ERES1663.htm>
- ^{xi} *Guidance document on United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. (2013). London: Penal Reform International. Available online at:

<http://www.penalreform.org/wp-content/uploads/2013/10/PRI-TIJ-Guidance-Document-on-Bangkok-Rules-October-2013.pdf>

^{xii} See the following document for a full list of all of the Bangkok Rules relating to children living with their mothers in prison or which have a direct on the children of women in the criminal justice system: *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. (2010). *op. cit.* p.30

^{xiii} Conjugal visits happen routinely in Latin America, as well as in Denmark, Norway and Sweden. They allow parents to spend time together, thus cementing the family unit.

^{xiv} Corston, B. J. (2007). *The Corston Report: A Report of a Review of Women with Particular Vulnerabilities in the Criminal Justice System*. Home Office. Available online at:

<http://www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf>. *Commission on Women Offenders: Final report*. The Government of Scotland, (2012). Available online at:

<http://www.scotland.gov.uk/About/Review/commissiononwomenoffenders/finalreport-2012>

^{xv} For a detailed outline of the Ministry of Justice of the UK's new strategic objectives for female offenders to encourage and facilitate a whole system approach see: *Strategic objectives for female offenders*. (2013). Ministry of Justice, Crown. Available online at: www.justice.gov.uk/downloads/publications/policy/moj/strategic-objectives-female-offenders.pdf. In addition, a new advisory board for female offenders was formed, chaired by the Minister of Justice.

^{xvi} See Article 145-5 du CPP (issu de la loi n°2002-307 du 4 mars 2002) p.28 Available online at: <http://www.vie-publique.fr/documents-vp/circ190302.pdf>. See also: *Resolution 1663 (2009): Women in prison*. (2009). *op. cit.* 8(8.3).

^{xvii} See Biondi, G. (1995). *Infants in Prison*, Milan: Delfi Editore, pp.156-157.

^{xviii} See World Health Organization: 10 Things to Know about Women in Prison. Available online at: <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/activities/womens-health/10-things-to-know-about-women-in-prison>

^{xix} See: *Guidance document on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)*. (2013). London: Penal Reform International. p.29. Available online at: <http://www.penalreform.org/wp-content/uploads/2013/10/PRI-TIJ-Guidance-Document-on-Bangkok-Rules-October-2013.pdf>

See also: Robertson, O., (2008). *Children Imprisoned by Circumstance*. Quaker United Nations Office. p.9. Available online at: http://www.quono.org/sites/default/files/resources/ENGLISH_Children%20Imprisoned%20by%20Circumstance.pdf

^{xx} See: *Children of Imprisoned Parents; Family Ties and Separation*. (1996). Report on the situation in eight European countries, European Action Research Committee on Children of Imprisoned Parents: Paris.

^{xxi} See: *Service specification for early days & discharge-induction to custody*. (2014). National Offender Management Service, Crown. (PSI 54/2011). (UK).

See also: *Conditions d'accueil des enfants laissés auprès de leur mère incarcérée*. (1999). Ministry of Justice, France. Circular 99-2296-AP 99-2296 PMJ2/18-08-99/ NOR: JUSE9940065C). Available online at: <http://www.justice.gouv.fr/actua/bo/dap76a.htm>

^{xxii} See: Delarue, J. M. (2013). Contrôleur général des lieux de privation de liberté: relatif aux jeunes enfants en prison et à leurs mères détenues. *Journal Officiel de la République Française*. (NOR: CPLX132210V) Available online at:

http://www.legifrance.gouv.fr/jopdf/common/jo_pdf.jsp?numJO=0&dateJO=20130903&numTexte=48&pageDebut=&pageFin=. There has also been recent concern in Belgium about how best to accommodate mothers, with their children. See: *Une maternité derrière les barreaux*.

(2012). Brussels: Coordination des ONG pour les droits de l'enfant. Available online at: http://brudoc.be/fr/opac_css/doc_num.php?explnum_id=164

^{xxiii} Enroos, R. (2011, September). *Children in prison: a perspective from research*. United Nations Committee on the Rights of the Child Day of General Discussion: Children in Prison, Geneva.

^{xxiv} See: Spitz, R.A. (1965). *The first year of life: a psychoanalytic study of normal and deviant*

development of object relations. New York: International Universities Press.

^{xxxv} See, for instance: the Advice of the Child Protection Board in the Netherlands (Lb99RvdK/439, 20 January 2000).. See also: Van Nijnatten, C. (1998) *Detention and Development, Perspectives of children of prisoners*. Forum Verlag Godesberg. pp.17-35.

^{xxxvi} Catan, L. (1992). Infants with Mothers in Prison. In: *Prisoners' Children: What are the issues?* Ed. Roger Shaw.

^{xxxvii} Biondi, G. (1994). *Lo sviluppo del bambino in carcere*. Collana: Serie di psicologia. Franco Angeli, Milan.

^{xxxviii} It is worth noting that since the previous edition of this book, the limit in England and Wales has risen from six months to eighteen months. However, the current trend is to close mother and baby units, hopefully in favour of alternatives to custody for mothers.

^{xxxix} This study offers a good practical discussion of what is available in some prisons in Denmark, Sweden and the UK: Paddick, S. (2010/11). *Women and children in prisons: Accommodation study*. The Government of South Australia. Available online at: http://www.sa.gov.au/__data/assets/pdf_file/0015/7422/MothersAndBabiesInPrisonAccommodationStudy2010-2011WebVersion.pdf

^{xl} See Wikgren, J. (2011). *An infant or a small child in prison with a parent: Could a prison be a good place to raise a child?* Helsinki: The Federation of Mother and Child Homes and Shelters.

^{xli} More information on prisons with mother and baby units is available online at: <http://babiesinprison.co.uk/who-we-help/> It is interesting to note that two of the largest units are closing to reflect the reduced numbers of women imprisoned with children.

^{xlii} More information on the mother and child cells in German prisons is available online at: <http://www.dw.de/behind-bars-in-the-mother-and-child-cells-of-a-german-prison/a-5660740-1>

^{xliii} Catan, L. (1992). *op. cit.*

^{xliiii} Bartels, L., & Gaffney, A., (2011). *Good practice in women's prisons: A literature review*. Canberra: Australian Institute of Criminology. Available online at: http://www.aic.gov.au/documents/4/E/5/%7B4E5E4435-E70A-44DB-8449-3154E6BD81EB%7Dtp041_002.pdf

^{xlv} More information on Adhering to the Bangkok Rules: Norway's Largest Prison is available online at: <http://duihua.org/wp/?p=5733>

^{xlvi} See: *The Spanish Prison System*. (2011). Madrid: Secretaría General de Instituciones Penitenciarias. Available online at: http://www.institucionpenitenciaria.es/web/export/sites/default/datos/descargables/publicaciones/libro_IP_inglxs.pdf

Supplemented with details from: Feintuch, S. (2013). *Power, Perceptions, and Incarceration: An Analysis of Spain's New External Units for Imprisoned Mothers and Children* (Doctoral dissertation, Central European University).

^{xlvii} In 2012, the High Court of Justice of England and Wales deemed that the refusal of two female prisoners' applications for CRL was unlawful. See: *R (on the application of MP) v Secretary of State for Justice* and *R (on the application of P) v the Governor of HMP Downview and the Secretary of State for Justice* [2012] EWHC 214 (QB).

As a result of these judgements, a new Prison Service Instruction (PSI 21/2012) has been issued amending Prison Service Order 6300 on Release on Temporary Licence (ROTL). CRL allows prisoners who have sole caring responsibility for children under 16 to spend up to three days at home every two months.

^{xlviii} Paddick, S. (2010/11). *op. cit.*



Chapter seven: ***Training and children affected by the criminal justice system***

The possibilities for ameliorating the potentially adverse effects of a parent's imprisonment on children, and of those children's subsequent needs, are immense. So many people impact on children of prisoners' lives in different ways, often without being aware of this potential. The shame, social exclusion, financial hardship, emotional and psychological difficulties that prisoners' children frequently face are explored throughout this book; this chapter looks at how individuals can be given the knowledge and tools to help these children.

Training or awareness-raising is required for anyone who comes into contact with, or influences decisions concerning children affected by parental imprisonment. Much advocacy includes awareness-raising, and the outcome of many of the initiatives described in Chapter 8 will in effect "train" the participants. In this chapter, the focus is more on formalised training.

The training of agencies that work directly or indirectly with criminal offenders and their families is crucial. They play a key role in ensuring children are treated sensitively and assisting prisoners in maintaining healthy relationships

with their children. Prisoners also can benefit from parent education courses, which can support and improve their relationship with their children.

Awareness-raising campaigns for those working with children ensure they address a parent's imprisonment as a key issue in assessing the child's needs. Social services, healthcare services and other child-care agencies frequently come into contact with those prisoners' children who are most at risk, and thus tend to place greater emphasis on health issues and schooling in terms of immediate needs. Yet the impact of a parent's imprisonment may be the unacknowledged cause of other problems, and needs to be put higher up on the agenda. The issue of an imprisoned parent may not even figure on the checklist.

Even though the issue of prisoners' children is higher up the agenda than when this book was first published, in 2006, it is still not a given that everyone who comes in contact with children of prisoners is aware of what they can do to help. For example, as we have seen (Chapter 1), the issue of collecting statistics about children of prisoners remains a thorny one; if all prison statisticians were trained in and owned the issue of children of prisoners, they would be demanding of prisons that they record this data, rather than NGOs asking for it. Children of prisoners would be treated more sensitively if training and in-

formation were available for everyone who interacted with them. Police forces, prison officers and schoolteachers are very obvious candidates; and some already receive excellent training. Others such as social workers, doctors and judges also have an impact on their lives, and once sensitised to what a child is experiencing, will be better equipped to ensure their actions are beneficial or at least not harmful to children of prisoners, and may in certain cases lead to more direct support for them. Prisoners' families also need information, either through sensitively offered training or in other ways. Prisoners themselves may need training and assistance with parenting.

Various awareness-raising campaigns in some nations are starting to sensitise the general public, media and others who are not directly involved with children of imprisoned parents on the existence of this group of children and the emotional trauma, guilt, shame, social exclusion, poverty and other issues that prisoners' children frequently face. Much more needs to be done to ensure all have a reflex of understanding for this "vulnerable" group. Training on all levels plays a key role in:

- Buffering the problems surrounding separation from an imprisoned parent
- Respecting the child's rights, including maintaining contact with a parent and having their

views listened to

- Ensuring that action carried out on behalf of prisoners' children is appropriate
- Consolidating the internal structure of an organisation by deepening skills
- Providing ways to reach more children through a spin-off effect. Training gives a greater number of people proactive responses and thus reaches a greater number of children with imprisoned parents
- Helping offenders resume responsibility for and maintain relationships with their children plays a crucial role in reinforcing personal responsibility and provides a greater chance of reintegration into society following release. Research suggests that inmates with a stable family home to return to are less likely to reoffend following release than those who do not.

Training is two-fold:

First, it involves **awareness-raising about:**

- The numbers of children affected by imprisonment
- The existence of this group of children
- Children's experiences through out the process from arrest to release, and highlighting resilience factors
- The rights of children with imprisoned parents

- The need for the issue of prisoners' children to be higher on the agenda
- How their attitude and approach in dealing with children will have an impact on the child
- How their informed attitude and approach to children with imprisoned parents can help them deliver better in their particular sphere of activity

Prison officers, for example, can be made aware that kneeling down at the child's height when talking to them and conducting searches humanises the experience for the child.

Second, it involves **practical approaches** (developing tools and other proactive, constructive responses). Once agencies understand the child's difficulties and the impact of their own attitudes and approach, they need specific tools to work with. This may entail learning how to devise context-specific tools to suit their needs. Training helps agencies and individuals reflect on their own practice and formulate these tools. It is possible to train trainers, who will then work with agencies to identify, define and develop proactive responses. This skill requires a higher level of competence and expertise, targeting both action and interaction. Effective responses require tools for analysis and evaluation.

Prison officers, for example, can inventory certain difficulties they encounter with prisoners' children and analyse the factors involved (multiculturalism, rank within sibling group, etc.).

Who needs training and in what?

All agencies working directly or indirectly with criminal offenders and their families shape the child's experience and thus require training. Awareness-raising begins with underscoring how those active within the sphere of the child's life play a positive or negative role; they are not neutral bystanders. Their actions and attitudes can either reinforce or buffer negative feelings experienced by the child. This involves people who are both directly and indirectly in contact with children of prisoners.

Direct contact (but not necessarily with a specific remit for children of prisoners). A schoolteacher may have been told that a child's parent is imprisoned, yet opt to say nothing to the child about it. If the child knows that the teacher is aware of the imprisonment and the teacher says or does nothing, this could exacerbate any feelings of shame the child may be experiencing. The teacher thus becomes a "negative" agent.

Indirect impact (no contact with prisoners' children but great impact). Imprisoning a mother with a

young child for a three-month period may have enormous costs to the child and society at large: although studies on prisoners' children remain incomplete, imprisonment undoubtedly has an impact at least on some children and can affect their emotional, psychological and social development and, in some cases, perhaps contributing to delinquent behaviour. Judges need to know about the potential impact on children that their act of imprisoning a parent may have. Judges or prison governors in France who decide on visits permits for children affect an imprisoned parent's ability to assume the role of parent, as does a prison governor who sends an imprisoned parent into solitary confinement when their child is scheduled to visit.

Categories of people who need training

1. Correctional system agents involved with offenders in prison and in the community including:
2. Police, prison governors, prison officers (particularly officers with frontline contact with families), visits staff, policymakers, support groups, probation service, visiting committees, inspectorate;
3. Criminal justice and law enforcement professionals and agents (magistrates, judges, police).
4. *Judges* can be sensitised to the fact that nearly half of women afflicted by puerperal psychosis have experienced emotional deprivation

in early life. Those sentencing women with young daughters to prison thus risk predisposing the mother to puerperal psychosis following childbirth, impacting in turn her child's mental health.

5. *Police forces* can mitigate trauma by ensuring that at least one arresting officer has training in supporting children—taking children into another room so they do not witness their parent being handcuffed, and explaining what is happening;
6. Child-focussed agencies: schools, daycare, social services, healthcare, early childhood education and child welfare practitioners;
7. Those working specifically with prisoners' children: volunteers staffing playrooms and accompanying children, psychologists, caregivers (including parent) and foster carers;
8. Prisoners' families: imprisoned parents; may include caregiver parent;
9. Anyone who influences society, including businesspeople, policymakers and the media.

All of the above and, indeed, the general public need an understanding of the children's rights, and the impact imprisonment has on them. Increasingly, this is being offered by different NGOs and statutory agencies.

Everyone needs these four elements of training

1. *The impact of the sentence on*

children

This should be pitched at different levels for different audiences. The use of the direct voice of the child, family and prisoner (videotape, quotations) is very effective. Judicious reference to research also supports statements on the impact of imprisonment."

2. Children's rights

Awareness-raising campaigns need to reinforce that prisoners' children are innocent and that maintaining contact with an imprisoned parent is a right, not a privilege. They have rights under the UN Convention of the Rights of the Child and other international agreements, and often under national laws.

Child protection issues always need to be considered: they may be complex and it is important to assess whether or not a parent represents a threat to the child's welfare.

3. How and what they do impacts the child

- Policy- and lawmakers and sentencers need to be aware of how their decisions impact on prisoners' children, and on society as a whole.
- Child professionals and teachers need to know that their actions and attitude can either reinforce the stigma attached to children or support them through the sentence.

4. How they can modify their actions

Ways in which these agencies can

support these children, not compound their difficulties, need to be a focus of training.

In addition, trainers should also consider how meeting the children's needs will benefit those receiving training.

All professionals, policy-makers and other stakeholders need to see how they can benefit from change. The hook to draw them in may be to demonstrate that they are working within the context of a UN convention their country has ratified, that attention to the child's needs will elicit better behaviour, thus their job will be easier, it could be their children, etc. There is always some benefit from considering the children with imprisoned parents.

Who is best placed to deliver training?

There are a variety of models as to who will deliver training to all the different agencies requiring it. Pragmatically, it will depend on the existence of available specialist agencies, the relationship between such agencies and the mainstream training provision for different disciplines, and the willingness of national organisations to develop this training on behalf of prisoners' children in their community.

Tools and methodologies

Training resources are now widely available from websites, both

leaflets to download and video clips and many can be used for a wide variety of audiences. The ones listed below are just a sampling from the many available. It is suggested that a trawl of the websites of the members of Children of Prisoners Europe listed at the back of this book will give the most up-to-date list of resources, as well as the website of Children of Prisoners Europe <http://childrenofprisoners.eu/> which includes details of all network member websites.

Three films:

For you bear my name: a moving introduction to the topic, including schoolchildren discussing imprisonment and what it means.

It's no holiday: about young people's experiences of having a family member sent to prison; an awareness-raising and training resource for a range of audiences, from social workers to schoolteachers, police and lawyers.

Emilia: a story about children in Sweden and their experiences of imprisonment.¹¹¹

Treffpunkt e.V. in Nürnberg has produced a short leaflet with the recommendations and findings of the Coping study on the impact of imprisonment of children: <http://www.treffpunkt-nbg.de/>

Training and the prison and police worlds

Some general points

This training is described in relation to prison officers where NGOs have significantly more experience, but similar considerations would operate using it for the police. Variations would be to focus in particular on the specifics of the impact of arrest on the child, and describing how police officers can best manage an arrest when there are children present.

A basic human rights approach to imprisonment is imperative. Human rights training must permeate the whole system. Prison governors, prison services and staff must be aware that those working on behalf of the child are not seeking privileges for the child, but looking to protect the child's rights.

"Staff play a key role in determining whether prisons are managed within a human rights framework. This is particularly true of first line staff, those who come into contact with prisoners on a daily basis. The work of the prison officer is extremely complex and requires the use of a comprehensive set of skills. The prison officer has to be alert to the demands of security and aware of the need to create and nurture a safe environment, while at the same time doing everything possible to give prisoners the opportunity to examine their life styles, to learn new skills and to prepare for release. The prison officer will only be able to

undertake this complex role successfully if given proper and adequate training. In England and Wales, the period of training given to new prison officers before they begin working in prisons is eight weeks, regardless of the type of prison they are to work in. This contrasts with three years in Denmark, fifteen months in Austria and eight months in France and three months in Italy."

—**Andrew Coyle**, Memorandum of evidence to the Parliamentary Joint Committee on Human Rights, April 2004

There remains a huge variety of training requirements across Europe. In Norway, all officers are trained for three years, whereas the current norm in the UK is a six-week training course. Croatia has introduced training of prison officers and Italy has also developed a training course for prison officers. The case study below demonstrates that, within the different ways of training staff, there are sometimes opportunities to include training about children.

Other considerations for training in prisons

- **It is crucial that all levels of prison staff be child-friendly.** This can operate by a trickle-down effect from the prison governor to the prisoner, now developed as pro-social modelling: prison governors need to know how their attitude sets the tone for the entire prison. An enlightened management can work toward inculcating in prison officers a sense of respect for others, including prisoners' children, by giving them respect. The cascade effect of treating and being treated well ultimately has a positive effect on prisoners' children.^{IV}

- **Prison officers have a difficult dual role based on interpersonal work combining two extremes: security and respect for human dignity.** Training needs to reflect both roles.

- **Training is crucial to promote positive attitudes throughout the service.** *Working on attitudes* is an ongoing need and is important because consistently good attitudes from prison officers affect all contact between children and imprisoned parents—from the prison gate through to the end of the visits. Training can help prison officers look at the appropriate use of their authority: they do not need to posture to enforce their power, as power lies within the system. This section could include awareness-raising on the stereotypes and biases individuals bring with them, allowing prison officers to explore their



own attitudes and mindset.

- **Prison officers need to be alert and open, to be good observers and be prepared to establish respectful and meaningful contact with prisoners.** Training should bolster their confidence and develop their personal character as a resource. The recruitment of prison officers is key to having effective and high standards. Preliminary training sessions for newly recruited prison officers should include material on child-focused approaches within the prison, basic human development knowledge, child's rights information, the impact of imprisonment on children and the particular needs of children.
- **Good contact between prisoners and their children increases prison security and benefits the prison service.** Prisoners' families may provide useful information to the prison about self-harm, bringing in drugs, bullying, etc. if they feel welcomed. Families frequently have greater influence on the prisoner's behaviour—to take up particular courses inside prison, for example. If they themselves have been informed about this, they could be involved in sentence planning with the prisoner as well. Good visits have been shown to have a positive impact on offenders. They are calmer and tend to have a more optimistic approach.^v
- **Prison staff members play a role in supporting offenders' mental health as well.** A 2005 study by the

Cambridge Institute of Criminology Prisons Research Centre on the increase in the incidence of suicide in prison highlights the factors that can reduce the incidence of suicide.^{vi} One of these factors was providing better training for prison staff overseeing offenders.

- **In some countries, prison officers have the opportunity to develop specialist skills,** taking on the role exercised by external professional staff in other countries (e.g., psychologists, social workers). This boosts job satisfaction and self-respect among prison officers; prisoners are more respected and have more self-respect themselves in turn. It is also less expensive: the same cost reaches more incarcerated parents. Specially trained prison officers can offer parenting courses such as the Swedish "study circles" run by specially trained prison officers inside prisons launched, developed and implemented in the late 1990s by Bryggan, a nationwide NGO that works on behalf of children with imprisoned parents (see Chapter 3). Specially trained prison officers can also provide support and information to families. The family liaison officer model in such countries as Scotland also offers prison officers the chance to specialise in work with families and be available during visits.^{vii}
- Ideally, the training as a whole will foster awareness and critical evaluation and application of child-related information, so that all fu-

ture work will be child-centred, as will all training packs and handbooks. Prisons may want to involve external expertise in ensuring that their material is child-centred and in adapting any provisions for children.

Basic training for all prison officers

This can be offered as part of the induction training for prison officers and would cover:

- The impact of the prison world on children—inside the prison and in their communities
- The key role of family ties for the prison
- The need for a child-focussed approach in prisons and how this can be delivered. For a child-focussed approach, the training would target interpersonal dynamics to foster interactive skills to be used with children. It would also promote pro-social modelling and develop emotional intelligence
- The impact of prison officer's appearance and demeanour (i.e., smiling) on the child
- The provision for children in visits (play area and/or special child-focussed visits, overall visits environment)
- Searching children in a child-friendly way, and child protection issues—i.e., ensuring that it is in the child's best interests to visit, that the environment is safe (no

electric plugs, etc.)^{viii}

- The importance of clear explanations and information for prisoners' children and families. Children's books such as described in Chapter 5 and the DVD *Emilia* describe the experience
- How work with prisoner parents should empower the prisoners as parents, and give them the skills to support or improve their relationship with their children, not do things for prisoners—for example, rather than simply writing a letter for a prisoner, as sisting them to develop literacy skills to write letters to their children^x
- Promoting a non-judgemental approach to prisoners' families. Many attitudes among prison staff are deep-rooted and unconsciously expressed and require specific, consistent training
- How their own emotions come into play. Staff members need insight as well into how their own aggression and hostility can be projected onto the prisoner, and actually exacerbate tension in a given situation.

For visits staff *The child-focussed approach touched on in the basic training section will be reinforced and developed. It is important that prison staff who actually meet children gain insight into the underlying*

ing dynamic that can be created between the child, the imprisoned parent and the prison officer.^x For officers working closely with families, listening and basic counselling skills are important.

Working on attitudes

Some staff members have difficulty envisaging prisoners as “capable” parents. Yet experience has shown that staff attitudes grow more respectful when they see prisoners interacting with children and assuming the parental role.

Case study

Discussion about the basis for decisions about whether children should have an overnight stay in Norwegian prisons provides an opportunity to explore underlying assumptions. The visiting apartment has two bedrooms. Should children be able to come to these overnight visits alone (when they come to the normal two-hour visits they are accompanied)? The issue is how to safeguard children during visits and the implications of allowing children to come alone for ordinary and overnight stay visits. What must be in place to assure that this is safe, secure and in the best interests of the child? The situations and relationships will vary from family to family, but it is important to have a thorough discussion and clear guidelines. It is important to consider the views both of officers who are worried about

how the child's best interests can be met if they are locked in a visit with their father who is a criminal, and of those who feel that if the relationship is a good one, and the father has been a good father, then there should be no cause for concern. The resolution would be, for example, that there need to be safeguards such as that the officer looks in on the visit three times in twenty-four hours. Would that be sufficient? The debate points to the importance of open discussion, and the possibility of opening up assumptions—that a prisoner is by definition a bad father and dangerous to their child, for example.

Who is best placed to deliver training in the prison world?

In an ideal world, the correctional system will deliver high quality child-centred training as part of mainstream training for all concerned professionals. Often, external agency can act as a catalyst and support to ensure that accurate, sensitive training takes place and can also give the child's voice more effectively than any prison department which may be more likely to focus on security.^{xi} Bryggan offers training to prison officers in Sweden, and in Norway, FFP offers four hours to prison officers in their initial five-year training and staff attend regular meetings with prison officers. In the UK, there is some input into the basic officers' training on the impact of imprisonment on

training, with input from NGOs.

Tools and methodologies

The overall aim is to give prison officers understanding so that they own the project/issue and make further developments themselves: it comes from them. Training at entry level and specialised training for those in frontline contact with children has to be tailor-made to the stage they are at.

It can help to structure training to ensure that different learning styles are accommodated, e.g., so that people who learn visually, or by hearing (auditory), or by touching or moving (kinesthetic) can all engage with some part of the course.^{xii}

Suggestions from training experience in the UK (training is very culturally based):

- **Needs to be discussion-based and draw on officers' experience as individuals**, and particularly as parents, rather than being too didactic: one-to-one sessions, group discussions, question and answer sessions, case studies and illustrations are very important. Where this is part of the national training culture, role play may be useful, as a way of ensuring that prison officers understand the emotions and issues those children and their parents—both prisoners and carers in the community—are facing as a result of imprisonment.

- **Information and explanation** of the rights of the child, and the numbers of children affected by imprisonment (using a quiz to get facts across can be helpful)
- **Visual aids:** DVD about entry to prison, showing how frightening coming to prison can be, taken from a child's eye view (security machine, corridors, posters and drawings placed at child's level along walls).
- **Videos**, both with examples of children's stories, and showing examples of good practice – what can be done with imagination and what is being done in other countries and showing good practice as to how officers can be child-friendly, e.g., getting down to children's level when searching and explaining what they are doing.
- **Engage with prison officers at personal level** to help them make connection with children in general, get them to talk about the children they have contact with. Get officers to work on the social and emotional consequences of imprisonment and articulate them through role play or after watching a video. For attitudinal change, an element of experiential learning may be valuable, as well as an analysis of stereotyping.
- **Show how officers benefit:** how improved contact between

prisoners and families aids prisons. For example, families may give information to prison officers about passing of drugs, self-harm, etc., but only if they have a good relationship with the prison officers and feel respected by them.

- **Foster prison staff's ideas for change. Have prison officers devise an ideal visit/visits room,** so they sense that they can be part of the change and own the issue.

Work from concrete experience:

- Discuss work and difficulties encountered vis à vis the child
- Preparatory interviews to inventory difficulties encountered
- Focus on difficulties, and help staff find constructive responses
- **Influence of particular well-known people's views:** prison officers may relate better to the issue of prisoners' children if they hear about it from a "champion" who is high up in the criminal justice world or famous in some other way, such as football.
- **Training material:** trainers will need a variety of material to deliver a successful session: good information leaflets, posters, children's own stories, handouts summarising key points, quizzes, illustrations and examples of good practice.

- **Secondments and other external influences:** having a professional, such as a health worker, from outside the prison service working on secondment within a prison is a good way of sharing experience and expertise.
- **Working with volunteers on their induction or through monthly meetings** (such as those held by Relais Parents Enfants) "trains" and influences prison officers who attend (see Norwegian case study above).

Case study: Italy

"The eyes of children can transform the prison" – A pilot training programme in Italy

Parenting and prison: combining security and the quality of the prison visit

This pilot training programme was delivered by Bambinisenzasbarre to over two hundred prison staff, social workers and prison educators (20120-13). It is based on the teachings of Alain Bouregba and integrates pedagogical skills and experience in the penitentiary field, working together to reduce the restrictions imposed by prison, particularly as they affect the parenting relationship.

Purposes of the training

- *To ensure mutual well-being and a good relationship between those prison staff-children-families-society-*

imprisoned parents, allowing the prisons' institutional mission to be carried out by working together with these stakeholders

- *Support and make relevant innovative ways of carrying out directives of the central management*
- *Create a uniform regional organisation with shared daily routines and practices.*

Objectives

- *Improving the practice of receiving children and families*
- *Proper structuring of access paths and organisational protocols*
- *Awareness-raising activities of the staff responsible for issuing permission for prison visits and monitoring the family members who enter the institutions, and for other prison staff, prison educational staff and social workers*
- *Experiential learning and discussion-based workshops leading to improvements in individual institutions.*

The pilot training for the prison staff does not remain "locked up" within the prison walls but, because of its transformative potential, it can reach out and engage external society to which the prison belongs, spreading learning, for example, to other education and social work systems which in turn will

impact on their other dealings with children and families of prisoners.

The main focus is on the individual learner's experience, as everyone on the course uses interpersonal communication. The prison rules are then considered in the light of the relevant relationships. The personal ability to humanise relationships is seen as a professional shared goal.

Children put relationships to the test in "radical" terms by demanding transparency and clarity of issues. Taking this stance helps the prison and other staff and makes the rules easier to understand for the children and their families who have to accept them.

Description of the experience

The training programme includes:

A series of meetings in which groups of fifteen to twenty staff, representative of all professional roles, with a prevalence of prison staff in charge of front office services (visits/parcels etc.), over three working days, two days initially and a third day of follow-up after a few months. The follow-up day looks at how things have been going and how to create a regional organisation which is as uniform as possible with shared rules and daily routines.

The training scene

All participants in the "training scene" sit in a circle, and they are invited to take an active role. The

trainers facilitate a process of sharing work experiences, described and "staged" like in a scientific laboratory, without prejudice or judgement.

This series of meetings was also an opportunity to analyse and validate these training materials and assess the feasibility in each penitentiary for introducing the "Yellow Space Reception System" (see Chapter 5), which was the basis for educational research for this training programme.

The child-imprisoned parent bond occupies the centre of the "stage" evoking in the participants their experiences of children and parents, recalling them to memory and attention in the circle in the classroom. The prisoner is not only a prisoner but also a parent, and the children of these parents are, despite themselves, a social group with specific needs and problems related to the condition of their parents. Grouping and highlighting them must not lead to further discrimination and stigmatisation, but attract attention to their needs.

Training for lawmakers, sentencers, decision-makers and prison inspection bodies

Although they may never meet a prisoner's child, these professionals need to know how their decisions affect the imprisonment of a parent, and in turn, impact on these children and on society as well.

As seen in Chapter 2, the UN Convention on the Rights of the Child can influence the sentencing of prisoners and foster alternatives to imprisonment. However, although all countries in Europe have ratified the convention, it is implemented to different degrees in different countries. According to UNICEF, training for the legal profession and judiciary in Norway and Belgium has led to an increased number of cases where the UNCRC is cited. In Spain, although the UNCRC is incorporated in national law, it is less used because both lawyers and judges are less aware of it.

Jurisdictions vary and those who make decisions about prison policy or have a monitoring role differ from country to country. Politicians will be ultimately responsible for conditions in prisons; beneath them, various tiers of civil servants, and, in some cases, other independent people, are appointed to monitor prisons. It is crucial that those with a monitoring role be sensitised to the existence of prisoners' children and their special needs. For example, while conducting inspections they should be made aware of the importance of child friendly visits areas, large enough to allow the child to escape eye contact – and the psychological reasons behind this.

Examples of monitoring



- Special supervisory judges in France, Portugal, Italy and Spain. There are also national observatories in France and Belgium
- Judicial authorities monitor prisons in Belgium and Poland
- Local oversight committees affiliated with individual prisons in France, the Netherlands and Germany
- In England and Wales, there are different tiers of monitors. NOMS (National Offender Management Service) was appointed by the Ministry of Justice to create policy for both state and private prisons.
 - Individual prisons are run by the Prison Service or private companies. The Prisons inspectorate monitors the work of prisons nationally.
 - Independent Monitoring Board at each prison.
 - Prison Ombudspersons (as in many other countries) oversee prisons and can visit penal establishments.

Tools and methodologies

- Identify particular sympathetic individuals in positions of influence and give them training and information so that they become “champions” for prisoners’ children’s issues.^{xiii} In Sweden, and soon in Norway, there are children’s ombudspersons in each prison.
- It is important that NGOs can

- discuss their role with them
- Research and evidence briefing material for “champions”
- Videos of good practice that can inform the “champion’s” promotion of the needs of children affected by imprisonment. Similarly, articles in relevant professional journals can be influential
- Arrange discussion meetings – as Families Outside in Scotland have with some members of the judiciary as part of a cross-party parliamentary group
- In some countries, the inspectorate teams will have standards by which they judge prisons and how they operate. In these cases it is sometimes possible for NGOs to enter into a dialogue with the inspection teams about how their standards relate to children of prisoners.
- Opportunism for change. A letter written as a result of a case: “The advice the clerk gave to the magistrates that they should imprison Ms Aldous was seriously flawed, with devastating consequences for a vulnerable family caring for a severely disabled child. It leads also to the more general question on the training given to justices’ clerks on this area of law and practice... I would be grateful if you could tell me whether the case of R (on the application of Amanda Aldous)

has been brought to the attention of the justices' clerks in our magistrates' courts to ensure that such costly injustices do not occur in the future." Following this, a news-sheet was issued to all justices' clerks and members of the Justices' Clerks Society drawing their attention to the case R (on the application of Aldous) and the case is to be included in future Legal Adviser training events.

Training and child-focussed agents

Many child professionals see children whose parents are in prison, but do not recognise this as a critical factor for the children. Ideally, the question of whether a child has a parent in prison would be one of many on a "checklist" of significant factors affecting a child's well-being. This more general approach avoids further stigmatising prisoners' children, as could occur in more targeted approaches.

Schools, social services, volunteers staffing playrooms and accompanying children and other child-focussed agents require training which will equip them to:

- Have insight into how their action/inaction affects children
- Understand the child's perspective
- Identify signs that a child has a parent in prison.

These groups will need specialised training, through information packs

and interactive training sessions. Ideally, training sessions should group together child-focussed agents working in different fields to promote interagency awareness and collaboration.

Through their championing of this cause, the Children's Ombudspersons in Croatia and Cyprus have created an impressive multi-disciplinary list of those sensitised. As one of the many results in Croatia, the teacher training agency is planning to include coverage of issues relating to children of prisoners in a future curriculum for student teachers. Families Outside has started training Scottish teachers and trainee teachers, partly by taking them on a visit of their local prison so they can see for themselves what families go through, particularly when they visit.^{xv} Multi-agency training is being delivered by NGOs in the UK. Called Hidden Sentence training, it offers a general understanding of the impact of imprisonment on children for all those in the community likely to come into contact with them.

Who is best placed to offer training to child professionals, play workers and volunteers?

Developing the "checklist" approach discussed above, there is a need for an understanding of the needs of prisoners' children, and how best to meet them, for all concerned professionals. Initially, to ensure accuracy, this may involve ex-

ternal agencies like Fédération des Relais Enfants Parents, and others closely involved with children affected by imprisonment to develop training and work with the establishment trainers to incorporate it as part of the mainstream training for all.

Tools and methodologies

- Information packs and handbooks
- Target those most likely to respond by identifying key players
- Offer awareness-raising through stands, workshops or presentations at national conferences for large national professional groups
- Incorporate a session on prisoners' children in national training.

Specific training for those dealing with prisoners' children

Volunteers and other play workers staffing playrooms and accompanying children need training on the following topics:

- Identifying appropriate support for the child: observing, listening, providing sensitive space, liaison with other agencies
- Remaining open and neutral
- Understanding the prison rules and set up
- Confidentiality and security awareness
- Creating child-centred

environments (see Chapter 4)

- Knowing how to foster contact, including non-verbal contact
- Purpose of play in the prison environment: in **normal domestic visits**, they need to foster interaction between the imprisoned parent and the child, provide stimulating care for children when parents need time alone, normalise the prison world for children and make it feel safe and more interesting or fun. During **special child-centred visits**, it is important that play workers understand how to support the child-prisoner relationship, rather than offering an alternative activity for the child or trying to play substitute parent for them, thus usurping the parental role
- Child-protection awareness, including health and safety^{xvi}
- Meeting the needs of the older child (the traditional play area will not meet their needs, but they need some provision to make the prison visit easier, e.g., computers, sports, board games...)
- Fostering positive behaviour in the play area^{xvii}
- Providing continuity for the child and helping children cope with change.



Case studies

Sweden: Bryggan Training in the support group model: "Does everyone here have a parent in prison?"

Every child has their own unique experience of their parent's custody. What the children have in common is that their contact and relationship with their parent has been affected because their parent committed a crime and has been imprisoned. The model is based on children's own stories and themed meetings discuss the issues children may have to deal with. Drama and artwork are used as tools, so that participants can approach difficult and sensitive topics in an enjoyable way. Children's rights run like a red thread through the entire programme. The support group model is the result of a three-year project funded by the State Inheritance Fund. The development work was carried out in dialogue with the children and with guidance from Professor Tomas Lindstein. The model is described in the book "Does everyone here have a parent in prison?" which is published by the NGO Children's Welfare. The resulting training has been tested and evaluated internally and externally and is aimed at professionals who come into contact with children such as teachers, social workers, social educators and behavioural scientists. This training from Bryggan gives

you the knowledge to lead groups, increases your understanding of children and young people and gives you the tools (including drama workshop training) to work with children who have parents in prison. The training is based on the support group model and experiential learning. Over four days, combining theory and practice, participants take part in drama exercises and other sessions where they practice leading the group. The course consists of two modules:

Module 1 Peer support group model • Animated film Emilia
• Photo usage and theme exercises

The first two days begin with the theoretical basis for the support group model. Participants receive a manual on how to use the film in a support group meeting, and how to use artwork in the support group as a basis for conversations with children.

Module 2 Evaluation Exercises
• News Games • To lead a peer support meeting

The last two days are devoted to in-depth learning about using drama as a tool, and by the end, students are equipped to lead a peer support meeting.



France: Relais Enfants Parents Training for volunteers accompanying children

Relais Enfants Parents (REP) volunteers facilitate parent-child contact by picking up children at institutions or their homes, driving them to the prisons, accompanying them through searches and security checks, discreetly waiting to see how the visit unfolds, and then returning the child home. The REP volunteer is present during the entire visit, and this often reassures the child, as the volunteer acts as a nonintrusive third party who eases the transition through security checks and frisking from the "outside" world into the prison. The volunteer explains all the procedures to the child, and acts as a buffer during crises—for example, if the volunteer and the child attend a regularly scheduled visit and the parent has been transferred without notification. It is generally the same person who accompanies the child each time, and the child gradually begins to know and trust the volunteer.

Basic training

Relais Enfants Parents (REP) organises a 120-hour basic training course for volunteers that runs parallel to the first six months of accompanying a child. The basic training has three components:

- *Psychological impact of separation on the child (2 days)*

- *Remaining a parent in prison; criminological aspects (1.5 days)*
- *Legal and judicial issues: penal procedure code and children's rights (1.5 days).*

Subsequent training carried out over the next two to four years revolves around case-specific subjects. Main issues encountered include "broken" families; single parenting; abusive parents; drug-addicted parents.

Subsequent training to explore dynamics: As the volunteer becomes associated with the child's home, and with stability, the child frequently looks to the volunteer for reassurance. These and other dynamics need to be explored through training. Volunteers need to be good listeners, sensitive, receptive, neutral, not overly interventionist. They should facilitate the child-parent relationship only when necessary—when a child shows fear in approaching the parent, for example. Some parents are impatient and seek instant emotional gratification. They want to hug and kiss their son or daughter, but the child sometimes refuses and may even start to cry. REP stresses to the parent the need to wait until the child reaches out. In turn, the child needs assistance in approaching the parent. REP tries to help by finding ways of renewing contact. REP uses games to help children approach their parents, such as hiding objects closer

and closer to the parents, or asking the parents to sing songs the children used to hear when they were little. A common memory is reawakened and a relationship springs back to life, possibly over two to three visits. It is not easy. For many of these children, separation has been violent. The parents need to respect their children's decision to visit them, and allow them to gradually come closer.

UK: Kids VIP training

This accredited training, delivered in the UK, offers various modules and is structured with clear learning outcomes. Results can be marked and certificates issued.

The modules

For prison officers, prison staff and play workers:

- Impact of imprisonment
- Child protection
- Safeguarding children (including health and safety and risk assessment)
- Family days (planning and preparation)
- Partnership working

For prison play workers:

- Recruitment, retention and management of play workers and volunteers
- Policy and practice on running a play area
- Good practice in the play area
- Creating a child-centred environment
- Fundraising^{xviii}

Training and prisoners' families

Prisoners' partners as victims of their partner's offences mainly require support and information rather than training. These should be offered sensitively with a clear understanding that prisoners' partners may not want them and may feel they are already sufficiently stigmatised without being expected to need further specialist help.

Partners need to know how the prison set-up works and how they can cope with their lives without the partner. Many families find information or guidance on how to talk to the child about imprisonment and support them through it helpful. They gain insight into the importance of telling the child the truth about the parent's absence. Brochures, information packs and books explore ways to tell children about a parent's incarceration in words accessible to them. Information can be offered as part of a family's induction programme, and through supportive prison officers, or independent agencies or visitors' centres.

In certain cases it may be relevant to offer more specialised courses, on reinforcing and supporting parenthood, including developmental phases and understanding of parenting programmes offered to prisoners, awareness of change in roles as a result of imprisonment. There have also been successful relationship courses delivered jointly to the prisoner and partner as part

of preparation prior to release.

Because partners of prisoners lead such stressful lives, NGOs are advised to offer any opportunity that prisoners' families find acceptable as a means of support, such as family learning (mentioned above), groups for prisoners' partners while child/father visits are taking place, etc.

Ireland: Bedford Row Family Project

Bedford Row offers ongoing training in *Family Support and Crisis Intervention* to give interested, enthusiastic and passionate people the skills necessary to assist family members who experience the hurt of imprisonment, addiction and related factors; and to assist parents—in particular young parents who may be from families that struggled with addiction and imprisonment in the past—to embrace their responsibilities and "break the cycle". The course is run over a nine-month period.^{xix}

Principal Elements (brief overview):

Emotional: The emotional elements of students' experience are attended to so that graduates become confident and competent in dealing with the emotional dimension that, it is expected, will be an integral part of the day-to-day practice in the field.

Skills: Numerous skills are practiced constantly in order to equip graduates with the competences necessary to assist people to cope

with unexpected situations, ease their distressing crises in life, and ultimately effect positive change. One of the most important skills is listening.

Community Leadership: Awareness of societal/ethical issues is very important for any practitioners who aspire to have a leadership role in the community of families affected by imprisonment. What might get in the way of a compassionate response is important. Decision-making based on common sense, and how to be inclusive and still maintain healthy boundaries is included.

Models/Methodologies of Therapeutic Intervention: Many different methodologies and therapies which have developed over the years and which need to be applied in different situations are covered. Knowledge of these will enhance client safety through considerations of choice of language and dialogue, uniqueness of each encounter.

Educational: Subjects such as child development, child protection in families where criminality is prevalent, "the role of shame in growth" vs. "toxic shame", development of conscience, attachment theory and other factors that affect normal development are all on the course.

Practical: Practical elements such as planning, report writing, security, and the link between good office procedures and boundaries are covered.

What is being achieved?

- Significant alleviation of distress in what is usually a very distressing time.
- Identification of difficult emotions such as guilt, shame and anger and utilisation of such emotions, particularly anger, in a positive way.
- Building of confidence and self-esteem, a sense of hope, and an ability to cope.
- Very practical and direct support with issues such as inadequate housing, school placement, etc.
- Widening of horizons of parents to include an appreciation of what, in particular, children are experiencing.
- Increase in relationship-building skills to form and maintain relationships that are significant and nurturing.
- Early assessment of needs so that appropriate and timely interventions can be offered in partner agencies if such are identified and appropriate.
- Inculcation of a sense of belonging in the Bedford Row Family Project.
- Ongoing involvement in research and evaluation of how the Project is doing.

Training and the imprisoned parent

Chapter 4 explores issues relevant to imprisoned parents. Imprisoned parents will benefit from all the tools and techniques used in

parenting courses. In addition, they may learn from seeing the situation through the child's eyes assisted by drama/ theatre and role-playing exercises.^{xx}

General advocacy and awareness-raising

Children will be less affected by the imprisonment of a parent if the whole community supports them sympathetically. There is therefore a need for more general awareness-raising on these issues (see Chapter 8).

Recommendations

- To be aware of and uphold the rights of children and work from the perspective of the child's best interests: UNCRC as a starting point
- Make use of research and principles to inform policy and influence training.
- Apply these principles to police, custodial health, education and other settings
- Describe consequences of meeting/failing to meet child's rights and needs
- Develop and use Good Practice Guide, identifying training required to meet child's rights and needs.
- Develop and pilot training in each country.
- Make training mandatory for all arresting police officers, prison staff (front-line staff, new recruits), teachers, etc. and

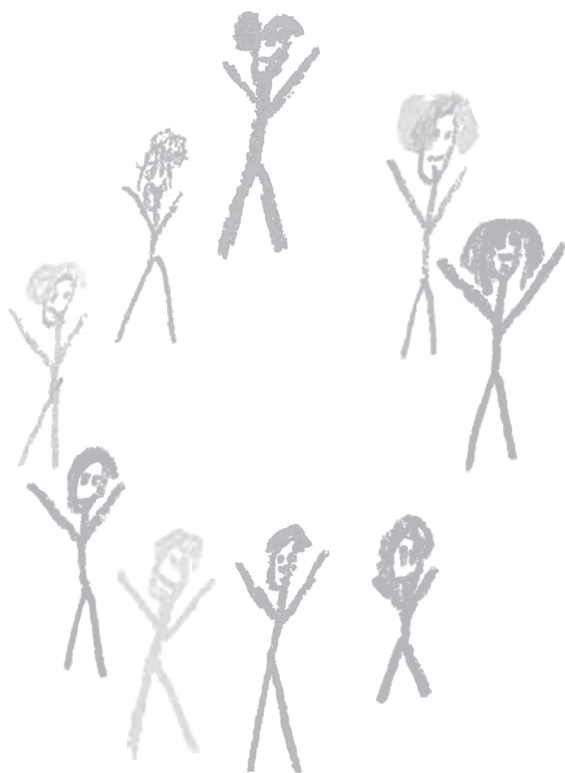
require refresher training with careful consideration to location, duration and frequency.

- Trainers need to be committed and believe in the worth of the training: therefore train trainers through "cascading". This may involve ex-inmates and their partners and children for direct voice (firsthand experience).
- Training should be accredited.
- Monitor – evaluate – review to continually improve.
- Organise a pan-European forum

on training to foster exchanges of information and experience.

- Make use of existing networks and relationships to spread awareness.

Original chapter drafted by Kate Philbrick (Great Britain) and Liz Ayre (France), with contributions from Andrew Coyle and Annetta Bennett (Great Britain); second edition editors Kate Philbrick, Liz Ayre and Hannah Lynn, with research by Paola Costa.



¹ Holt, N. & Miller, D., (1972). Explorations in Inmate-Family Relations. *California Department of Corrections Research Division*. The researchers suggest that "it might be well to view the inmate's family as the prime treatment agent and family contacts as a major correctional technique."

ⁱⁱ Jones, Adele, Gallagher, Bernard, Manby, Martin, Robertson, Oliver, Schützwohl, Matthias, Berman, Anne H., Hirschfield, Alexander, Ayre, Liz, Urban, Mirjam, Sharratt, Kathryn and Christmann, Kris (2013) *Children of Prisoners: Interventions and mitigations to strengthen mental health*. University of Huddersfield, Huddersfield. Available online at:

<http://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>

and Scharff-Smith, P., & Gampell, L. (2011). Children of imprisoned parents. *University of Ulster and Bambinisenzasbarre, The Danish Institute for Human Rights, Denmark, European Network for Children of Imprisoned Parents*. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/DIHR.pdf>

ⁱⁱⁱ *Car tu porteras mon nom* (For You Bear My Name), Sébastien Verkindere, Production Agit. Prod. SA. This film is available in French with English subtitles online at: <http://www.fondshoutman.be/fr/les-documents-a-telecharger/> and in DVD format (without subtitles). Please contact Fonds Houtman for the password: CBornauw@fondshoutman.be. *It's no holiday*. Originally a DVD, this has now been adapted to be a web based e-learning resource, easily downloadable online at: <http://www.familiesoutside.org.uk/itsnoholiday/#sthash.FSdX7zRN.dpuf> Emilia and other resource books in Swedish are available online at: <http://www.riksbryggan.se/material.html>

^{iv} The needs of children at the time of arrest are discussed in these articles:

Robertson, O., (2013). *Children of prisoners: The arrest procedure*. In: Police, Judges & Sentencing: Arrests, Trials & Children's Rights, COPE Special Edition Newsletter. Available online at:

<http://childrenofprisoners.eu/wpcontent/uploads/2013/12/JudgesSentencingNewsletter.pdf>

Christmann, K., (2013). *Arrested development?* In: Police, Judges & Sentencing: Arrests, Trials & Children's Rights, COPE Special Edition Newsletter. Available online at:

<http://childrenofprisoners.eu/wp-content/uploads/2013/12/JudgesSentencingNewsletter.pdf>

Children of prisoners: The impact of witnessing arrest and how police can help. (2013). *Children of Prisoners Europe, Fundamental Rights and Citizenship programme of the EU*. The full text is reprinted in Chapter 8.

^v Research demonstrates that the overriding theme in discussions with staff about their organisational environment was "feeling valued". When staff felt valued, they were better able to care for prisoners. Staff felt most valued when management listened to them, interacted with them regularly, treated them as individuals, and recognised their work in meaningful ways. Communication and feeling valued were generally rated low at all prisons (but significant differences were found). Liebling, A., Price, D., & Shefer, G. (2010). *The prison officer*. Routledge.

^{vi} Liebling, A., Tait, S., Durie, L., Stiles, A., & Harvey, J. (2005). An Evaluation of the Safer Locals Programme: A summary of the main findings. *Cambridge Institute of Criminology Prisons Research Centre*. Cambridge.

^{vii} *Ibid.*

^{viii} Training in the Scottish Prison Service: New recruits complete an SVQ in Custodial Care during probationary period. Included in their general training is two days of specialist input on working with children and families affected by drugs and alcohol); Staff who deliver programmes to prisoners may be offered counselling and parenting training. Ad hoc training is delivered to management and operational staff of individual prisons including Impact, Safeguarding, and Customer Service from Families Outside.

^{ix} Details of relevant health and safety issues can be found in *Children Visiting Prisons: Sharing Good Practice*. (2005). Kids VIP. Available from PACT online at:

<http://www.prisonadvice.org.uk/Shop>

^x Storybook Dads assists prisoners in creating tapes or videos of stories for their children to enjoy at home, and is being used in many English prisons. Family learning courses revolve around a series of quality prison visits for families with young children, with emphasis on parenting, pre-literacy and literacy skills. Sessions are both theoretical and applied. The scheme operates in HMP Wolds in England. See <http://www.ofsted.gov.uk/resources/good-practice-resource-%E2%80%93-inclusive-family-learning-prison-setting-hmp-wolds> for further information

^{xi} Training modules could focus on some of the dynamics that can take place during visits with children and imprisoned parents. This includes the imprisoned parent's tendency to project onto the child (seeing himself as the victim and the child as the parent); the tendency of the child to look to the volunteer or other third party as a source of stability and security, not the parent; the tendency of the child to play off the prison officer, etc.

^{xii} It appears that in Norway there is an acceptance that prison is expensive and rehabilitative and there is much less of a focus on punishment than elsewhere.

^{xiii} Kids VIP training for visits staff and play workers is accredited by an external training accreditation agency, and the modules are defined to offer learning to all types of learners and are also defined according to the Activist, Reflector, Theorist and Pragmatist learning styles and the cognitive, affective and heart domains, to ensure that learning is absorbed and useful.

^{xvii} E.g., a "champion" prison governor speaks at a conference to other prison personnel.

^{xv} Epstein, R., Masson, I., & Wise, I., (2011). Imprisonment for debt: a case study, *Coventry Law Journal*, Vol 16, Issue No. 2.

^{xvi} Multiple training packs have been produced:

Education of Children with a Parent or Close relative in Prison or at Risk of a Custodial Sentence, Gloucester County Council.

See also HMP Parc, Wales leaflet for headteachers – "Invisible Walls Accord: Recognising and Supporting Children Affected by Imprisonment". See more at:

<http://www.familiesoutside.org.uk/role-schools-in-supporting-families-affected-imprisonment/#sthash.H8dgCvr6.dpuf> and "Supporting Prisoners' Families - What Can Schools Do?" at: <http://www.familiesoutside.org.uk/researchpublications/schools/#sthash.qWYeHUZ4.dpuf>

^{xvii} Kids VIP training covers health and safety issues.

^{xviii} Based on a behaviour policy that encourages consistent, fair and friendly treatment for children, offers them positive reinforcement and praise, and does not tolerate physical or verbal abuse.

^{xix} Additional information on training, development, and support is available online at: <http://www.prisonadvice.org.uk/our-services/supporting-practitioners/Kids-vip>

^{xx} More information concerning the Bedford Row Family Project training course is available online at: <http://www.bedfordrow.ie/training/>

^{xxi} Barnardo's in Northern Ireland, and Safe Ground in England and Wales (which provides drama courses on parenting) offer such experiences to prisoners.



Chapter eight: ***Advocacy for children of prisoners***

This chapter will consider the work being undertaken by NGOs across Europe to try to get the issues for children and families of prisoners onto national or federal public policy agendas. It will explore some of the methodologies used, examine the context in which policies are made, and reflect on the social and political climate that can contribute to successful advocacy. Barriers for NGOs working to influence policy and some suggested ways of working will also be highlighted.



Across Europe, the impact of separation due to parental incarceration is generally an unrecognised issue with respect to public policy regarding vulnerable children. It is still not given its due weight as a factor in penal policy in decisions made over sentencing, prisoner location and visiting procedures and facilities. No European country systematically records the parental status of prisoners on a national level, so the exact number of children affected is not known. However, the context does evolve: in the previous edition, it was stated: "Indeed, in France, enquiring whether or not an offender has children is seen as a breach of rights." In 2009, the French Parliamentary Assembly passed a resolution that information on prisoners' children (their number, age and place of residence) be recorded and made public.¹

As discussed in Chapter 1, we do know, however, that the number of children with a parent in prison in many countries is alarmingly high, and is rising as prison populations across Europe increase. (There have been notable exceptions to this; for example, prison populations fell between 2004 and 2011 in Germany, the Netherlands, Portugal, Sweden, Switzerland and Finland, whereas in Austria and Denmark the population has remained broadly stable.)² As will be demonstrated, over the past ten years and particularly over the past seven

years, strides have been made in different ways in almost all countries where there are NGOs actively advocating for change. The realisation that there is an overlap between ministries responsible for children and criminal justice agencies in caring for these children is starting to show results in many pockets of changed policy and practice across Europe. If the flow method of calculating population is used, it has been suggested that over one million children in Europe are affected by parental imprisonment in any year. Government agencies and others still need to systematise attention to imprisonment as one of the major causes of parent/child separation, which, especially at an early age, is known to negatively impact children. Apart from this public health issue of the impact of imprisonment on children, there is a public safety issue that it is in prisons' interest to work to safeguard family ties, as visits and enabling prisoners to maintain contact with their family and friends is a major contributing factor towards prison stability.

Over the past three decades, a number of independent, non-governmental organisations have sought to address the needs of prisoners' children—both in practical ways, for example establishing projects to support children of prisoners, such as the work of *Relais Enfants Parents* (France and Belgium), *Bambinisenzasbarre* (Italy), *Solrosen* (Sweden); and through rais-

ing awareness of the impact of a parent's imprisonment on children in order to influence public policy, such as by FFP in Norway, *Bryggan* in Sweden and *Action for Prisoners' Families* in the UK. The fourteen-nation-strong membership (full members) of the *Children of Prisoners Europe* network represents some of the most resilient NGOs working in this field; applicant members are also making strong contributions, such as the *Quaker United Nations Office*, whose successful advocacy internationally contributed significantly to the adoption of the *Bangkok Rules for women* (see Chapter 6) and to the 2011 *United Nations Committee on the Rights of the Child (CRC) Day of General Discussion* on children with imprisoned parents.

While it is now widely acknowledged that strong prisoner/family ties contribute towards reducing reoffending, this is difficult to quantify, especially as much of detailed research in this area took place in the United States in the 1980s, with relatively small prisoner samples. There is also a danger that children can be instrumentalised as agents of their prisoner-parents' change, rather than be considered as having their own needs and rights.¹¹ The link between family ties and reduced reoffending therefore has to be used with caution in advocacy. It has been an important part of the argument for drawing resources to work with children of prisoners, par-

ticularly in the light of increased focus on identifying the key factors that reduce the likelihood of prisoners reoffending on release. This angle and that of cost reduction are still important strands in the UK debate in particular.^{iv}

The emphasis on children themselves and their needs within the community has been the biggest change over recent years, and following the acceptance of the Bangkok Rules in 2010 and the 2011 UN Day of General Discussion, international interest in this group has been heightened. The taking up of this issue by Children's Ombudspersons and CRC interest in this subject therefore has been effective in creating more of a groundswell for action. This renewed and expanded attention followed the earlier impetus of criminologists, psychiatrists and child psychologists drawing attention to the consequences on children and families (US, UK and France, 1980s; Norway, 1990s). Implementation of the 1989 UN Convention on the Rights of the Child was a critical lever for increasing attention on children of prisoners. How these rights can be respected (particularly alongside security issues and other considerations) is still evolving (see Chapter 2).

Coping research and recommendations (see Chapter 3), through the study's final conference and as a result of ongoing dissemination, continue to generate significant

movement in the field with respect to children of prisoners. A direct outcome of the Coping conference is that children of prisoners have been included in the European Commission's list of vulnerable children, thanks largely to efforts by DG Justice; parental imprisonment has also been added to the UNICEF risks for vulnerability for children.^v

On a national level, consideration for children of prisoners in some country policy frameworks has started over the last few years—in Scotland, Norway and France, for example, and in the new laws in Italy, representing a shift forward. A pivotal focus of Bryggan's advocacy in Sweden is that children of prisoners should receive the same consideration as the children of addicts, who are provided for in a paragraph in recent Swedish healthcare law, which gives them the legal right to information and support.^{vi}

Raising awareness

The ultimate goal of organisations in raising awareness about the impact of parental imprisonment on children is four-fold:

- To draw attention to the needs of these children
- To identify good practice in addressing their needs
- To raise awareness and open the debate to allow the best possible solutions for supporting children of prisoners to be identified
- To make recommendations for

changes to national law, public policy and practice at a local, regional, national and ultimately European level.

There are many approaches to influencing public policy, from identifying and promoting grass-roots projects, often very small scale and localised, to parliamentary lobbying. Common to all, however, should be an underlying commitment to ensuring that the UN Convention on the Rights of the Child and provisions of the European Convention on Human Rights (ECHR) are adhered to; that these rights are reflected in public policies that impact on children of prisoners; and that the needs of the child are paramount. It is implicit that if NGOs are invited to offer training sessions (see Chapter 7) to professionals, then this too will have a cascade effect on awareness-raising. Successful advocacy is required in order to reach this stage.

Getting your message across

Whether you are trying to raise general awareness, introduce a new project or influence a piece of policy, you must ensure that you clearly define:

- Your core message
- What you want to achieve
- Whom you need to target

You need to know your subject matter well so as to be able to field counterarguments that may be

thrown at you, and to be convincing. Compiling FAQ (Frequently Asked Questions) and Key Facts lists in advance helps prepare rebuttals and can pre-empt counterarguments. Examples of such clear messages are the Treffpunkt e.V. leaflet summarising Coping study results and recommendations, to which they have found people respond positively. Relatively new organisations may find it harder to get their message across, as they build their reputation as credible; in this case it can help to have a spokesperson or board member who is already well respected in the field.

So, for example, highlighting the extremely traumatic experience of children who witness the arrest of a parent, which can involve violence, requires clear evidence of what happens to children at present and for this then to be used as a basis for dialogue with the police about procedures and safeguarding children.

This leaflet produced for police authorities in the UK does just this:

The impact of witnessing a parent's arrest

There are an estimated 230,000 children with an imprisoned parent in the UK on any given day.

Children of prisoners face social isolation, stigma and shame. They are no more responsible for the actions of their parents than any other child—yet they face consequences that are frequently trau-

matic.

Witnessing the arrest of a parent is often an uncomfortable and frightening process for children.

At Children of Prisoners Europe (COPE), we have participated in studies to learn more about how children cope with witnessing the arrest of their parent.

For example, we now know that 25% of children with a parent in prison are at high risk for mental health disease—a statistic we discovered during the Coping study.

“I was there once when he got arrested ... and every time I would see the police, I would be scared that they would try and take me away.”

—14-year-old boy

We believe that there are small steps that could be taken during the arrest process which could alleviate some of the anxiety they face.

However, we cannot reach these children during this challenging time without the help of police forces throughout Europe.

We would appreciate the opportunity to share our findings with you to work together on arrest approaches which would help these children with their confusion and fear during this difficult time.

During the Coping study, we asked groups of young people in the UK, Sweden, Germany and Romania what would make the arrest

process easier for them. They created a list of recommendations for police that would help them.

These recommendations include:

- *A more sensitive approach to arrest when dealing with families.*
- *Providing a safe place for children to go when houses are being searched.*
- *Providing families with information leaflets about the next steps in the arrest and sentencing process—where they can go for support.*
- *Training of police to be more child-focussed.*
- *If police officers arrest parents when children are present, they should have some kind of special training in children's needs. Possibly one member of the police stays behind or comes back to give information to the children and remaining parent.*

We hope to hear from you on how we could get further involved in spreading awareness about these children within your police force.

Perhaps you already conduct certain levels of training that you would like to share with us and our network of member organisations throughout Europe that may help facilitate a stronger dialogue between cross-cultural police forces. It is our intention to raise aware-

ness about this frequently overlooked group of children with police officers across Europe in order to ensure that the arrest and procedures taking place are done so in accordance with the UN Convention on the Rights of the Child (UNCRC), giving due consideration to the manner of an arrest, the delivery of a timely, age-appropriate explanation to the child at the point of arrest and the means by which the child and their family access support during and subsequent to an arrest.

Each June, we host the European Prisoners' Children Campaign. The campaign focusses on raising awareness throughout Europe on the condition of these children at all levels of the judicial process.

We would appreciate the opportunity to work with you next June during the European Prisoners' Children Campaign—we feel it is important to get the police involved in the issues surrounding children of prisoners. The police can help children during this difficult process.

Using research data

As demonstrated by this leaflet, claims are more persuasive if backed up with rigorous and indisputable evidence of need. There is now significantly more research on the topic. Whilst it had many limitations, the Coping study research has the benefit of covering the whole criminal justice process; other

important research documents and books are listed in the bibliography.^{vii} The added authority that professionals in the field bring to bear is also significant and clearly evidenced in the approach of the Fédération des Relais Enfants Parents (France) in maximising the expertise of its director, psychologist Alain Bouregba, who has been cited in Universal Periodic Review (UPR) reports to the CRC and in the Children's Ombudsperson's report.^{viii} The report of the panel proceedings organised by the Children's Ombudsperson in Croatia could itself be said to be an effective persuasive tool which highlights the needs of children with parents in prison as researched by expert panel members and sets out recommendations for change.^{ix} Each state has to develop its own protocol for change. Another good model of this has been produced by the Irish Penal Reform Trust.^x

Action research—attaching a research project to pilot programmes—can be an effective way of demonstrating the need for change. For example, in 2013, the NGO Bambinisenzasbarre conducted research in all the prisons in Italy, exploring what was and wasn't available for children and families, presenting the numbers of children affected as part of their findings, illustrated in pie charts, graphs and other visual ways, systematically leading to the request for change listed at the end of

Chapter 5. Equally, a research project which includes a focus on achievable recommendations and dissemination can be hugely effective in adding data and spreading awareness—*“we wanted to conduct much-needed research into this area, but also increase public and policy interest to ensure that the research resulted in real impact. The strategic approaches we focussed on to create impact and produce practical recommendations were key to the success of this project.”*^{x1}

The children’s or parent’s voice

There are many approaches to raising awareness, and these will be discussed in more detail further on. Regardless of the medium being employed, however, the impact is far greater when the actual voices of children and families themselves can be heard. Any organisation seeking to raise awareness on issues impacting prisoners’ children should ensure that the children’s own experience comes through.

Partners or parents of prisoners can also present their own experience at conferences or in policy fora. Such individuals need to be carefully selected and asked to assist sensitively, however, to avoid over-exposure or exploitation. Special training in public speaking and media work for family members interested in being advocates could be considered. It is also important to raise awareness in order to sensitise public opinion to the issues; putting

the emphasis on child development and welfare of the child is more likely to attract public empathy than focussing on the prisoner’s loss. There are many ways of doing this, for example, using theatre^{xii} or a DVD; or as they do in Sweden, a children’s wish list: through workshops with children at Bryggan in Sweden, the children developed their wish list presentation of ten changes they would like to see in prisons. The wish list is illustrated with artwork and a few powerful words— “making visits areas friendly to children”, for example.

In the United States, a Bill of Rights using the child’s voice has been developed^{xiii}:

- I have the right to be kept safe and informed at the time of my parent’s arrest.
- I have the right to be heard when decisions are made about me.
- I have the right to be considered when decisions are made about my parent.
- I have the right to be well cared for in my parent’s absence.
- I have the right to speak with, see, and touch my parent.
- I have the right to support, as I struggle with my parent’s incarceration.
- I have the right not to be judged, blamed, or labelled because of my parent’s incarceration.
- I have the right to a lifelong relationship with my parent.

It is possible sometimes for children to participate directly in public events, which can be very powerful, as it was in the United Nations Day of General Discussion in 2011 and at the Coping study final conference in 2012. Young people speaking at both these events undoubtedly had a profound effect on the audience. Developing clear ethical guidelines and protecting and supporting the children at every stage are important when young people are participating.

Children's artwork also can give very strong emotional messages. Bambinisenzasbarre, Relais Enfants Parents (REP) and many other NGOs across Europe have used children's drawings and paintings to effect in exhibitions and as illustrations in books. A few illustrations from children around Europe can be found in this book.

Case study **Listening to children** **in Norway**

Over the past few years, the media have paid more attention to the situation of children with imprisoned parents. Quality radio and television programmes, news reports and documentaries where children with imprisoned parents have been interviewed on their views and experiences have been broadcast. Children interviewed maintain that speaking out can change things for others; it is a

way of treating the stigma, to demonstrate that they are normal children. Foreningen for Fangers Pårørende (FFP), a Norwegian organisation working on behalf of relatives and friends of offenders, discusses the ethical issues. It is clear that not every child should be exposed on television or radio or in the newspapers. Children need consent and support from their family and entourage, and FFP staff always try to prepare the children; we talk to them about the attention they might get and inform them that they have the right to withdraw from an interview. We also discuss the conditions—whether it is appropriate to show the children's faces, and so on. We have a good dialogue with the children and their families, and the children who have been in the media, are generally happy about it and proud of themselves. They want others to understand what it is like to have an imprisoned parent, and they want other children in a similar situation to know that they are not alone. They also want to raise awareness to make prisons more child-friendly.

The Children's Ombudsperson started consulting children and establishing "expert" groups with children who share similar experiences (e.g., expert group on domestic violence, on dropping out of school). FFP cooperated with the Ombudsperson on two expert groups, one for children with im-

prisoned parents; and one for children with a parent who has been deported from Norway (after serving a prison sentence or because of breaking immigration law). Children who have taken part in expert groups have called it a "dignity process". They are listened to, asked for advice and given the opportunity to share their views with decision-makers. The children are made aware that their individual situation will not be improved because of their participation in the group. They are listened to and taken seriously, and hopefully it can have an impact in the long run and might help other children. The expert group for children with imprisoned parents met the prison governor of Oslo Prison (Norway's biggest prison) and gave their input/drawings for the new visiting area. Many of their suggestions were taken into account.

Children who had worked with FFP also contributed to a children's hearing at the UN Committee on the Rights of the Child.

Developing a public face including special events/prisoners' children week

It may be possible to launch a large-scale public event to raise awareness and attract funding. Sometimes this can be done through a major funder such as Children in Need—a 24-hour television and radio fundraising marathon in the UK.

In Italy, national operators of phones and mobile phones offer NGOs the chance of having a week-long promotion of donations by telephone. People donate two euros by mobile and five euros from land-lines, and all profits go through the telephone company to the NGO. This can only work alongside a national communication campaign. The NGO needs agreement from national media that they will offer them airtime to spread the message. Bambinisenzasbarre have already benefited effectively from this scheme and are hoping to repeat this. The competition between NGOs is stiff, however, and the demands on the organisation—particularly those focussed on communication—are immense.

In Scotland, Families Outside has an arrangement that people shopping online can donate to them when they buy from a wide selection of shops. This public face increases the groundswell of interest and understanding in the issues facing prisoners' children. Sometimes it is the NGO itself that takes the initiative. A special anniversary, such as ten or twenty-five years of the charity's existence, or the launch of a major new project, may provide the catalyst for this. Another idea is to create a new event as a catalyst, as illustrated in the following.

European Prisoners' Children Campaign

Since 2010, the COPE network has

spearheaded an annual European Prisoners' Children Campaign leading up to European Prisoners' Children Week in June as an awareness-raising campaign on the topic throughout Europe. Different themes for change for prisoners' children are selected each year, and there is growing momentum in the numbers of people signing up to online petitions. As the campaign e-banners and buttons become more widely accessible to organisations outside of the COPE network, there has been an increasing influx of interest from outside parties in the research, campaign and general topic of children of prisoners throughout Europe. Using the slogan *Not my Crime, Still my Sentence* and a campaign animation, the annual event has brought a large increase in interest via social media, taking the campaign to new levels.

Alongside the central campaign, some national NGOs in the COPE network have created a local groundswell of interest for the annual campaign by organising parallel events. Out of a great number of conferences and publicity events which inventive NGOs have come up with, here are just a few: In Norway, cards representing a heart-shaped waffle were distributed to raise awareness of the situation of children of prisoners. In Luxembourg, an additional children's party at the prison was organised to coincide with the campaign. There have been gala events—a benefit at

La Scala in Italy, a stage production at a Paris theatre, and other public events.

In general, whether organising an annual event or one to coincide with a published report or other milestone, it is important to remember that the people targeted (politicians, state officials, etc.) receive many such invitations—the event has to stand out from others in order to encourage them to come. Choosing an unusual venue is one way of promoting attendance. It is also important to ensure that such events are followed through and that the contacts made are developed and utilised by the charity.

Involving celebrities to front a campaign or appeal may facilitate media coverage—particularly in the popular press. They can also be a great way of reaching new audiences who are attracted by the celebrity rather than the cause. For example, Sir Patrick Stewart, a famous British actor, was a patron for the Coping project and spoke frequently on the topic of parental incarceration. However, it is important to select celebrities carefully, as some associations may not prove to be beneficial for the charity.

Networking and partnerships

Many organisations have found greater success in both their advocacy and awareness-raising work by forming alliances with other large well-respected NGOs—Save the Children, Red Cross, Fondation de

France, the National Family and Parenting Institute, among others. It is crucial, however, not to underestimate the amount of time and work involved in developing these relationships, particularly when trying to enter into a new environment. In Scotland, Families Outside has been particularly successful at generating relationships in many relevant sectors, children and families, courts, police, prison and prison inspectorate, and now increasingly with education; they also joined forces with others to work on the United Nations Universal Periodic Review (see case study later on in this chapter). Such links are easier in a small country; for example, it took Action for Prisoners' Families approximately five years to develop effective partnerships with the large family and parenting organisations in England and to get them to recognise and start seeking to meet the specific needs of prisoners' families. This required a significant investment in staff time, and the need to become familiar with a completely different sector. Yet having prisoners' children recognised in the English government agenda demonstrates this success.

- The importance of networking cannot be overemphasised and can be broken down into several different target groups:
- Other voluntary sector organisations already working in the sector with whom you may wish to share good practice

or identify common problems and solutions;

- Other voluntary sector organisations working with children and parents, providing services in the community to educate them and make them aware of the issues for children of prisoners;
- Sector-specific professionals that may be wanting to target (e.g., prison officers, teachers, child psychologists, health professionals);
- Parliamentarians and government officials;
- Government Inspectors (such as Her Majesty's Inspectors of Prisons in the UK); national "observatoires" in France and Belgium;
- Children's Ombudspersons;
- Funders

There are many different forms of networking. These include attending conferences and events not just within the usual circle of acquaintances, but consciously working to break into new areas—to "work outside the box", including representatives from the business community.



Case study: Scandinavia

There is a networking group for Scandinavian cooperation called "24 hours for Children of Prisoners". This meeting takes place every eighteen months to share experiences and discuss how to improve the situation for children with imprisoned parents. Participants include the correctional services/Ministry of Justice in Denmark, Sweden and Norway and relevant children's commissioners' offices; the NGOs Bryggan, FFP and SAVN; and the Danish Institute for Human Rights.

Making good use of the media

Many organisations are wary of becoming involved with the press and therefore keep away from media work. However, if approached cautiously and selectively, the media can be a powerful tool in changing public opinion or influencing policy. In many European countries, the popular newspapers are very influential in framing public policy; politicians are often unwilling to risk a negative media campaign and some are keen to be seen as "tough on crime".

However, it is possible to use the press effectively through both proactive and reactive media work. As with networking, making good use of the press is extremely time-consuming and this is one of the reasons why smaller NGOs may choose not to engage in it. To be re-

ally successful, it is probably necessary to have a dedicated member of staff who ensures you can be proactive as well as reactive—that is, to seek coverage for the issues you want to promote, rather than just responding to what is published. In reality, few organisations have the time to be very proactive in this way. The types of responses used in press work are press releases, letters, and radio or television interviews. National and local radio is also an important arm of any media strategy and can be particularly important when trying to reach local audiences. Reacting to media stories or turning a situation into a news story can be effective, even leading to a U-turn in policy or the abandonment of a new initiative. Strategic use can also be made of key national days such as Christmas, Mother's Day or Father's Day with specially targeted press releases or campaigns launched to coincide with them.

In France, Relais Enfants Parents (REP) has worked sensitively with the media for many years and the media have played a key role in sensitising professionals and the general public to the existence and needs of children with a parent in prison. REP founders Marie-France Blanco and Alain Bouregba are regularly invited to participate in radio and television programmes and talk shows. They also encourage coverage of the issue of children of prisoners—and to a lesser extent of the

Relais' work—by magazines and newspapers. Major national daily newspapers like *Le Monde* and *Libération* have run articles on the activities of the associations, the former once giving REP front-page coverage.

Media features on prison-related issues have also assisted in recruiting volunteers who wish to participate in REP's work. A panel talk show based on children visiting their parents in prison recently prompted two volunteers to join the REP staff. Such features, or storylines in ongoing (soap) dramas, can also help publicise national services such as the free Prisoners' Families Helplines in the UK, in Sweden and Norway, or the family visits in Croatia.^{xiv}

As we have seen above, seeing and listening to other children with a parent in prison sharing their stories in the media can be comforting for children and enlightening to the general public: this is a situation some ordinary children find themselves in. This media coverage helps reduce shame and stigma in the community at large. The introduction in the U.S. children's television series *Sesame Street* of a new character named Alex, whose father is in prison, offers a major contribution to this awareness-raising.

Influencing national policy

This is arguably the most difficult aspect of advocacy and PR activity in terms of achieving tangible

results. As previously stated, the needs of prisoners' children have not always been not high up on any European government agenda. Very few organisations in Europe are involved in formal advocacy or lobbying techniques on behalf of prisoners' children and families. However, many NGOs do use their practical knowledge of the issues to bring about change, or have formed alliances with larger NGOs such as the Red Cross or Save the Children, in order to strengthen their voice in policy debates.

There is added value where umbrella organisations exist to speak with a collective voice on behalf of practitioners, services or indeed families themselves, or where NGOs come together for advocacy and campaigning purposes. The Fédération des Relais Enfants Parents (FREP) and UFRAMA (France), and Bryggan (Sweden) are all examples of national umbrella organisations. These NGOs draw on their members' good practice to influence public policy, and in speaking with a collective voice, add weight and credibility to their position. Umbrella organisations also make it easier for the government to engage in consultations with users, as they can do so by approaching a single body, rather than having to approach many separate organisations. Yet these bodies also rely heavily on having strong and charismatic leaders who can speak convincingly on the issues.

In campaigning for recognition by the judicial system of prisoners' children's needs, organisations working to gain recognition for this group expose a fundamental dilemma facing the very foundation of the system: if justice is based on punishing the guilty and protecting the innocent, how can the fact be reconciled that innocent children are not being protected, but are being penalised as well?

Catalysts for change

It is important to recognise that there can be many factors that influence the ability to achieve change at a national policy level. Sometimes organisations can achieve this purely from their own hard-won efforts, but often there will be a combination of internal and external factors at play. For example, the work often starts at a practical level with small-scale projects to address a particular need, such as the needs of mothers in prison (as with the work of *Relais Enfants Parents Belgique*), from which, if properly evaluated, the benefits of the work can be clearly shown. Moreover, the experience of people setting up such projects often results in their commitment growing into a conviction to tackle wider issues in both a practical way (doing more project work) and by using what they have learned from their work to influence policy. The work of REP in France and Belgium is an excellent example of this.

Sometimes, as in the UK, the issue may be catapulted onto the government's agenda as a result of a major event— such as the 1990 prison riots, which led to the founding of the Federation of Prisoners' Families Support Groups (now Action for Prisoners' Families) in 1990. Similarly, the Belgian criminal justice system was overhauled in the light of the Dutroux trial in 2004, and this led to state support for *Relais Enfants Parents* in Belgium.

International regulations and rights can also be drawn on to support arguments for change. The ratification of the 1989 UN Convention on the Rights of the Child, more specifically, Article 9 of the Convention, detailing the child's right to maintain links with a parent, was a major boost to REP and UK organisations working to focus attention on the children rather than the parent in prison. Despite the lack of a supranational body overseeing judicial decisions, the UNCRC has carried some weight in national rulings. In particular, its relevance to Children's Ombudspersons has meant that in several countries they have been particularly active for children with parents in prison. Scotland, Cyprus, Sweden, France, Norway and Croatia are important examples of where Ombudspersons have been active with this issue. Croatia is looked at more in-depth in the case study below.

Case Study: Croatia^{xv}

Awareness-raising and advocacy

- In 2008, the office of the Children's Ombudsman of Croatia organised an expert panel meeting entitled "The Rights of Children of Incarcerated Parents", in Zagreb with 1,209 attendees, including representatives of the Ministry of Health and Social Welfare, the Ministry of Justice, the Ministry of the Family, Veterans' Affairs and Intergenerational Solidarity, social welfare centres, the Bureau of Prisons, correctional facility administrations, police, courts, the Public Prosecutor's Office, scientific and higher education institutions, non-governmental organisations and professional associations, the Ombudsman, the Gender Equality Ombudsman, the Education and Teacher Training Agency, lawyers and other interested parties.

- In compliance with its legal obligation and prompted by complaints received by the Office, the Children's Ombudsman and her associates visited twelve Croatian prisons and correctional facilities, some of them on several occasions. They interviewed staff members and inmates of both sexes and inspected facilities in which meetings between children and incarcerated parents took place.

- The number of reports of children's rights violations filed with the Children's Ombudsman's Office (COO) is constantly increasing.

In 2006, there were thirteen complaints concerning children with parents in prison; by 2012, this had risen to forty such complaints (just over three per cent of all the complaints that year).

- COO pays regular visits and makes recommendations to penal institutions; keeps the public informed on important insights and events; and participates in debates.

COO presentations at national conferences and seminars

- Presentation relating to children of prisoners on "Protection of Children's Rights in the Penal System" at the conference "Psychosocial Aspects of Violence in Contemporary Society: A Challenge for Family, School and Community", organised by the Faculty of Philosophy in Osijek and the Croatian Psychological Association in 2010.

- Presentations to students of Pedagogy, Psychology, Social Work and Journalism, among others; giving guest presentations at various faculty departments. Journalists and media representatives in general have exhibited considerable interest in the subject.

- COO has also participated in at least nine international conferences and events.

- Campaign in European Prisoners' Children Week organised by the COPE network, resulting in the establishment of adequate, comfortable areas where children can meet and spend time with their incarcer-

ated parents in all prisons.

- The media have helped raise awareness of the needs of these children, but still threaten their privacy at times, and by covering their stories, expose them to additional hardships.

- A Responsible Parenting programme has been implemented in all penal institutions;

- The Prison System Administration has also expressed interest in and willingness to introduce systematic changes and improvements.

- There are a number of examples of good practice. Lepoglava Penitentiary, for example, offers activities for children and their parents and publishes prison newspapers addressing many different subjects, including the issue of children of imprisoned parents.

- In a 2009 discussion on the Report on the performance of penitentiaries, prisons and juvenile correctional facilities, COO drew the attention of the Committee for Human and National Minority Rights of the Croatian Parliament to the need to systematically monitor and encourage contact between children and their imprisoned parents. Reports issued since then also contain evaluations of the extent to which the Ombudsperson's recommendations regarding children of prisoners have been implemented.

"We therefore believe that we may well conclude that our efforts

and activities resulted in making the needs of a previously invisible group of children quite visible."^{xvi}

Universal Periodic Review and other international treaties

The Universal Periodic Review (UPR) is a mechanism used by the Human Rights Council to examine the human rights situation in all member states of the United Nations. Each state is examined every four years, and its UPR provides an opportunity for all countries to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. It also includes a sharing of best human rights practices around the globe. UPR is based on the UN Charter, the Universal Declaration of Human Rights and all UN human rights conventions to which states are parties. The Committee's approach to the promotion and protection of children's rights is "advisory and non-adversarial in nature and its success relies on diplomacy rather than legal sanction".^{xvii} Treaty body reporting processes can act as an implementation tool in themselves by forcing states to review existing practices. The current schedule of countries coming up for UPR is listed on the UPR-info website, as is more detailed information on the process for engagement.^{xviii}

There are other ways in which NGOs can engage with the UN

Committee on the Rights of the Child. In 2014, a new mechanism for a children's report to the CRC was introduced although not all countries have yet ratified it.^{xix} The Third Optional Protocol, which enters into force in April 2014, allows children from states that have ratified the UNCRC to bring complaints about violations of their rights directly to the CRC if a solution has not been found at national level. There are also other UN human rights treaty bodies which, though not child-specific, cover many relevant issues and operate in a similar way to the CRC. In addition, UN Human Rights Council has Special Procedures on various issues which might be relevant, e.g., education, arbitrary detention.^{xx}

For the UK's second periodic review on 24 May 2012, Families Outside, Together Scotland and SCCYP (Scotland's Commissioner for Children and Young People) drafted a briefing to highlight the issues faced by children of prisoners. The briefing was supported by thirty-four children's groups, thirteen MSPs and twenty other interested professionals. It requested that other governments ask specific questions of the UK on the issue of children of prisoners. The briefing also suggested recommendations that the UK could make to improve support for children of prisoners.

Following contact with embassies to highlight the briefing, interest in the issues raised was

shown by Slovenia, Germany and Uruguay and, after meetings with official representatives from these countries, the aim was to encourage governments to ask specific questions and make recommendations to the UK government at the UPR in May. Slovenia submitted a question on children of prisoners in advance of the UPR, which was supported by Germany and Uruguay. Interestingly, Slovakia then made a suggested recommendation to the UK government. Together Scotland, SCCYP and Families Outside will now work to ensure that the UK government accepts the recommendation.

In 2014, the UK government will state which recommendations it will accept and will be reviewed on these in a further four years' time. A UPR recommendation will also provide a strong lever with which children's organisations can push the UK and Scottish governments into action.^{xi}

The process for change

Children of Prisoners Europe has developed well-defined criteria for eligibility of full members, and it is encouraging to note that to date many members work in a similar way to influence policy. Member organisations have gained a high reputation for their work and are regular contributors to government committees, advisory groups and NGO consortia groups. Such NGOs can host seminars and conferences to highlight the issues and provoke

change among prison service personnel, judges, civil servants and others attending. In their work, many member organisations have also managed to build positive relations with government agencies and prison departments. In presenting reasons for change, it is far more effective to work in partnership with those whom you are trying to influence—presenting positive examples of good practice, acknowledging what has been achieved, but pointing out that more needs to be done, highlighting the contribution the voluntary sector organisation is making to the establishment—especially if it can help the service meet its own targets, e.g., on reducing reoffending, supporting vulnerable children, etc. The experience of many organisations shows that where positive collaboration has been built up, the agency is then likely to be consulted with and turned to in an advisory capacity by the relevant agency (e.g., Prison Department).

Organisations seeking to lobby must always keep an eye on what is happening within their sector in terms of policy changes and seek wherever possible to link issues of children of prisoners to wider children and family policy. NGOs therefore need to keep abreast of policy developments in three key areas of government:

1. Criminal justice policy, including police, courts and sentencing and prison policy

2. Children and families policy (including education and social welfare)
3. Child rights developments (Ombudspersons)

There are a number of key areas of public policy that organisations working with children and families of prisoners are likely to be trying to influence. These include:

- Police protocols for arrest;
- Sentencing policy and guidelines;
- Use of remand;
- Penal policy, including data gathered on reception; visits; family involvement, etc.;
- Fiscal policy (financial help for prisoners' families);
- Rehabilitation of ex-prisoners (disclosure, banking, insurance);
- Social policy and child welfare services;
- Guidance for schools;
- Training of professionals who come into contact with children and families of prisoners (see Chapter 7)

In practice, considerable time and effort have to go into identifying key personnel within the departments, agencies and national bodies (e.g., parliament) which you are wishing to influence. Maintaining and adding to this list is a major administrative challenge for small NGOs, but is now made somewhat easier by the availability of data on the Internet. It may be neces-

sary to consider employing a dedicated communications/press member of staff to ensure that opportunities for influencing and advocacy in this way are not lost.

A Prison Reform International toolkit developed to help ensure the implementation of the Bangkok Rules offers a systematic approach to how to advocate or lobby to ensure that the rules become a reality across all sectors.^{xxii}

Influencing social policy and regulations

Having carried out the groundwork identified above, you now have to ensure that your voice gets heard. This requires getting involved with government research/advisory groups and commissions, which allows the organisation to play a role in shaping public policy. Often, engagement is by invitation only; however, governments are frequently required by law to engage in consultation over changes to public policies and will turn to respected associations. Senior representatives may also be invited to sit on committees or consultative groups.

These steps take time but are necessary to start influencing laws and public practice.

Sometimes change may be brought about by the efforts of another external body, such as the Prisons Inspectorate or Children's Ombudsperson. In these situations, NGOs will have been consulted with, and may have been able to

contribute to the body of the report and its recommendations. There have been some notable examples of reports that have had a significant impact on policy, including one by the Scottish Chief Inspector of Prisons which led to the setting up of Family Contact Officers in all Scottish prisons in 1994 and another by the Swedish Children's Ombudsperson in 2004.

Case study: Norway

FFP of Norway has been influencing public policy to raise awareness on issues facing prisoners' next of kin; and to urge prison authorities to improve prison visits conditions and ensure regular contact between prisoners and their families. Created in 1992, FFP has become a well-respected partner to prison services, who have put prisoners' children and families higher on their agendas. FFP's daily work with prisoners' relatives and friends allows them to be aware of problems facing this group of people. They visit prisons to ensure that visits areas are adequate, focus on prison staff attitudes towards visitors, and give advice on how to improve visits conditions. FFP communicates regularly with the Justice Ministry, politicians and prison authorities. They are represented at annual political hearings in the parliament's justice committee, where the association underscores the lack of rights for

prisoners' children and other close relatives and the dramatic consequences. When new legislation concerning prison policy is planned, FFP is allowed to comment through hearings. FFP's influence was key to the Execution of Sentences Act that came into effect in 2002.^{xxiii} Since then, FFP has worked steadily to maintain good relations with politicians, including government ministers and officials. As a result of discussions between FFP, ministers and civil servants, a new white paper on the Correctional Services (2007-2008) was introduced. Although not legally binding, it gives direction to the Correctional services: it includes one chapter on families of prisoners with twelve action points on how to support family ties (e.g., parental programmes, guided tours in prison for families, the opportunity to see the parent's cell, more flexible phone arrangements).

Building on the action points set out in the white paper, FFP has used all their contacts to advocate legislation which would embed good practice. As a result, over the period 2012-2013, the Norwegian Government, in close cooperation with FFP, worked towards new legislation stating the Correctional Services' responsibility for children with imprisoned parents and obliging all prisons to have child ambassadors/ombudspersons for children with a remit to consider

the interests of children visiting prisons. A general election resulted in a change of government in September 2013. Although the new government supports the idea of children's ombudspersons in each prison, the law has been postponed; the new Minister for Justice has not yet decided whether to pursue a legislative proposal (to the parliament) or to make a regulation (given by the government). There has recently been a debate in parliament on children of prisoners. FFP still believes that children's rights and more consistent practice will be better achieved through a law, and is continuing to advocate for this.

Influencing legislation

There are many ways in which NGOs can directly lobby members of parliament (MPs) and other parliamentarians for change. Making contact with MPs' researchers and advisors is a good starting point, ensuring you know what interest groups and committees exist and which MPs are on them.

Having a good website with fact sheets and briefings helps the organisation gain credibility and encourages researchers to refer to it frequently. You could also consider sending out regular e-mail news or policy briefings to MPs, their researchers, other parliamentarians (for example, members of the House of Lords in the UK) and civil servants.

During any reform of a penal code or piece of relevant legislation, the organisation can lobby to change a specific point of the regulations related to its activities. First, the organisation needs to ensure that it is made aware of the existence of the proposed reform, which will be dependent on either having established the good networks already outlined above, or by being linked into a consortium of lobby organisations (such as the Penal Affairs Consortium in England).

Next, proposed amendments need to be drafted and circulated to as many MPs as possible in the hope that they will support the cause. Sometimes it may be effective to issue a press release calling for the proposed amendment and to try to gain the support of other NGOs. As seen in relation to the French law of 2009, in the Prison Service Order in England relating to prison visits (and provision for children), the exact wording is important in determining whether the law or regulation fixes a binding duty on all, or a direction to do something.^{xxxiv} For example, a Norwegian regulation states among other requirements that there should be age-appropriate toys and games, but this is a "should" not a "must", and the conditions vary a lot from one prison to another.^{xxxv}

Another mechanism is to make use of experts who support the organisation's professional experience and views on a specific issue, in or-

der to have legal changes enacted through an MP. They can either lobby directly on your behalf or you can use them in a briefing or press release that you send out.

Case study: Italy

New protocol in Italy

Despite the harsh economic climate in Italy, the issue of children's spaces in prisons, training of prison officers and protection for children from the media has been brought to the senate, largely through the efforts of Bambinisenzasbarre in addition to the changes to the law discussed in Chapter 2. A protocol between Bambinisenzasbarre, the Children's Ombudsperson and the Ministry of Justice protocol has been prepared. Its aims are to:

- *Protect the child's right to a continuous emotional link with the imprisoned parent, who has the right/duty to exercise his parental role*
- *Support parenting relationships during and after imprisonment, sustaining the family and particularly minors who are affected socially and economically, with consequences to their health and school work*
- *Overcome discrimination and prejudice with a view to social integration and deep cultural change, to work towards a supportive and inclusive society*

The protocol cites and is based

on articles of the Italian Constitution, UN Convention on the Rights of the Child, European Convention of Human Rights, European Prison Rules and Italian legislation.

This holistic document includes clauses relating to police behaviour during arrest, sentencing and the need to consider alternatives to prison. There is a requirement for a children's area in prisons; for children to be accompanied and offered information; and for prison officers to be given training in working with children and families.

This protocol represents the culmination of intense and prolonged advocacy and negotiation. It is hoped that its implementation will lead to significant improvements to the well-being of children with imprisoned parents in Italy and the way in which they are treated.^{xxvi}

Advocacy at a European level

There are a great many avenues of advocacy to be explored at a European level—ranging through the broader Council of Europe, to the European Union institutions of the parliament, commission and council of ministers, and myriads of other European organisations. Whilst it is not yet certain the extent to which the Lisbon Treaty establishes direct relevant EU law, the promotion and protection of children's rights has become an explicit objective for the EU. This can help to secure political commitment, and the EU can call for reforms and encourage member

states to prioritise the use of structural funds. There are also soft governance mechanisms, like the Open Method of Coordination, which would comply with subsidiarity while fostering the exchange of good policy and practice. A child's right to contact with an imprisoned parent could be highlighted in determining eligibility for the transfer of prisoners to foster rehabilitation, based on Council Framework Decision 2008/909/JHA. EU attention enables policy reforms through exchange, learning and benchmarking. There are also European professional bodies for policing, prisons, judges, education, health and media, all of which could be helpful allies in work for children of prisoners. The development of European good practice can be influential in assisting national developments.

Role of funding bodies

There is very little government funding across Europe specifically for work with children of prisoners; most NGOs are therefore dependent on funding from foundations and charitable trusts. There are some statutory funding streams open to organisations working with children of prisoners, which enable organisations to get money for their work, often under a more general priority area, such as family support or work with children at risk. Sometimes this work enables the organisation to draw its work to the attention of civil servants and policymakers. But

applying for these funds is often extremely complex, and the monitoring requirements may mean that smaller NGOs choose not to pursue these funding streams.

It is also possible, however, that foundations will work with the NGO to champion the cause—the Bernard van Leer Foundation for example, has made funding work with children of prisoners a priority. Charitable trusts and foundations often have very well-connected trustees, who can in turn exert influence on policymakers if well-informed and well-briefed by the organisations they are funding. Some of these funders also commission research to support the grass-roots experience of projects it they fund, for example on child poverty and prisoners' families (Joseph Rowntree Foundation), the reports on which can then be launched with a higher level of credibility.

NGOs in this sector have successfully worked with a range of funding bodies to get innovative work with children of prisoners funded under grant streams for disadvantaged/at risk children. Once the pilots have been funded by the foundation, it can sometimes lead to statutory funding.

It is also useful to identify and work with foundations that finance international projects and are already sensitised to the issue (e.g., the King Bedouin Foundation, Fonds Houtman), as they too can help promote the work more widely

and may be able to assist NGOs to lever European funding.

Funding bodies can steer organisations wisely even with relatively small strategic funding. One such example was the Soros funding for representatives from countries in Eastern Europe to attend the Children of Prisoners Europe conference in Paris in 2006. One direct result of this was the awareness-raising initiative launched in Croatia by the Children's Ombudsperson's Office (see case study above).

When organisations develop close relations with funders they can also call on their funders' expertise in developing advocacy campaigns and other important changes. In the recent debate on the name of Children of Prisoners Europe (previously Eurochips), it was at the instigation of the Bernard van Leer Foundation that the organisation conducted an external survey to examine the effectiveness of different names.

Obstacles and resistance to success

Across Europe, all organisations engaged in working to raise awareness of the impact of imprisonment on children and families, and to influence public policy, face an uphill struggle. Despite the advances that have been made, there are a number of institutional and practical barriers that make it difficult to really effect change. These include:

- A lack of recognition of the NGO, especially in its early years of

operation when it has not, as yet, gained a reputation for itself.

- The lack of political will to tackle the issues of children of imprisoned parents or to promote positive prisoner/child contact. It is not seen as a key issue, deserving of major focus despite the rhetoric of some governments as to the importance of families and the need to protect children from harm.

- The lack of information on the scale of the problem; to this day, no country in Europe can give conclusive figures on the number of children with a parent in prison; yet all agree that the issue represents a major problem. A common goal of all Children of Prisoners Europe member organisations is to lobby for accurate data to be collected.

- Constant changes in key personnel both in government departments and prisons make it extremely hard to develop strong working relationships and are also very time-consuming for over-stretched NGOs.

- Lack of hard evidence of what works means that it is hard to convince the government to fund this area of work or for prison governors to prioritise prisoner/family contact.

- Insufficient time and resources for the NGO to devote to influencing policy. It is often not seen as priority work, and few organisations can afford to have dedicated staff devoted to PR and campaigning work.

- Rising prison population and

squeeze on prison establishment's resources

- Work with children of prisoners seen as non-essential, dispensable or able to be done by volunteers at next to no cost. Too often the work is seen as a privilege for the prisoner and his or her children, and not as a right of the child.

- Danger of the issue being hijacked by crime prevention lobby groups (children of prisoners seen as delinquents; high risk of offending—society needs protecting from them). This leads to the issues being "labelled" as a criminal justice priority rather than a children's welfare one.

- An ethical challenge of how to present the issues. NGOs need to consciously decide how to present the needs of prisoners' children convincingly without stigmatising children or using pathos to gain sympathy. The arguments advanced must be professional and show respect and sensitivity to the child's perception of how they are being portrayed. It is important to retain the child's welfare as the focus of the debate, not the reduction of re-offending, although this is undoubtedly an important argument to be making.



Tools of the trade: influencing policy

- Have a credible spokesperson who can communicate issues in a lively and engaging way and who knows the subject matter.
- Support your proposal with rigorous research and evaluation.
- Produce good presentational material that makes people want to pick it up and read it, such as annual reports, newsletters, and promotional pamphlets.
- An engaging and user-friendly website with reciprocal links to other relevant organisations, fact sheets for policymakers, the press and researchers.
- Make sure you have a Key Facts information sheet that can be readily given out to your target audience. This will need to be amended according to who is being targeted (e.g., child psychologists, funders, politicians, the press, etc.).
- Make good use of statistics (present them often and in new ways). Present first hand case studies, children's quotes, etc.
- Choose your campaign issues carefully and try to make them achievable.
- Highlight the positive—use examples of good practice to argue your case rather than present negative arguments.
- Draw on pan-European experience; this can help lever support for new initiatives (e.g., Norwegian Red Cross).
- Develop personal contact with

key personnel within the relevant government departments and with ministers.

- Maximise the potential power of the media.
- Produce policy briefings and e-bulletins to send to parliamentarians, researchers and the media.
- Participate wherever possible in government consultations and legislative reforms.

Raising awareness

- Use celebrities (in moderation and carefully selected).
- Draw in other influential and useful individuals such as patrons, presidents or trustees of relevant NGOs. They can help with funding and PR.
- Make use of key dates such as ten-, twenty-, twenty-five-year anniversaries to put on high-profile events or launch specific campaigns.
- Use local as well as national media, particularly the radio.
- Use social media such as Facebook and Twitter to develop a following and a debate on the issue and keep them informed of news relating to children of prisoners.
- Hold receptions, conferences and special events with key themes, but choose your venue carefully.
- Ensure you have sound user representatives who can act as advocates.
- Use photos, drawings, cartoons or theatre to emotionally engage

the audience.

- Undertake joint initiatives with other NGOs, funders etc. to promote your cause.
- Provide specialist training to other professionals.
- Publish books and resources for children, carers and professionals working with children of prisoners.
- Use commercial companies for PR/fundraising. Other companies will donate gifts for children during holiday periods or for raffles; free travel tickets.
- Produce promotional material such as postcards/holiday cards to engage new audiences and promote your organisations.

Conclusions

At a national level, organisations are making significant strides in getting the issues of children with a parent in prison into national government policy. Many improvements have been made to the experience of children visiting prison as a result of the good practice work undertaken by organisations across Europe. Attitudinal change is hard to achieve and represents a major challenge in most European countries. Over the past five years the biggest challenge NGOs and governments have faced is the economic crisis, which has put huge pressure on funding for NGO services and on prison staff who facilitate NGO services in prisons. However, in some countries at least, the impetus to reduce

the prison population is in part finance driven. If that protects children from having to deal with parental imprisonment then that is beneficial. Nevertheless, public opinion and the power of the media that fuel the pressure to imprison across Europe make the job of NGOs working in this field, and of Children of Prisoners Europe, a daunting one at times. No European country has sufficient statutory obligation on prison authorities to provide any specialist service to children of prisoners. Particular emphasis should be placed on getting a budget line for work with children of prisoners through the European Parliament. There is growing consideration of alternatives to imprisonment for women and of the primary care needs of women offenders at the point of sentencing following the adoption of the Bangkok Rules in 2010. Whilst Norway, France and the UK, among others, now have requirements for prison authorities to ensure that prison visits conditions are suitable for children, the need to ensure standardised effective high-quality implementation remains.

The developments since the first prison visitor centre opened in the UK in 1969 in thinking and providing for children of prisoners across Europe are impressive. That initial missionary zeal that early NGOs had to spearhead change has remained in the work de-

scribed in this book: through different complexions of governments across Europe—some more sympathetic than others—and through more liberally funded to harsher economic times. The practical achievements are great, the discernment and thought in developing shared good practice stimulating and encouraging; more remains to change to support children with imprisoned parents in Europe.

“Finally, it is key that civil society actors play a leading role, bringing their expertise and knowledge of what works and ensuring that the rights of the children themselves take centre stage.”^{xxvii}

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'Parliamentary Assembly on Resolution 1663 from 2009 entitled "Les femmes en prison". Point 8.3 is particularly that information on prisoners' children be recorded and made public: "8.3. A consigner, dès l'incarcération d'une personne, le nombre, l'âge et le lieu de résidence de ses enfants et de la personne qui en a la charge (que la personne incarcérée soit un homme ou une femme), et à rendre ces informations publiques" This law sought to improve prison conditions (and therefore family-prisoner links). Unfortunately, it has meant that the governor of each prison now has his or her own power to make decisions with respect to visits. The national legal framework is not specific or protective enough to circumvent this, and ultimately it is down to the individual governor to make decisions on these matters. In practice, therefore, the application of policies and recommendations varies from prison to prison.

See: Dujourdy, E., (2013). *The work of the European Prison Observatory Project*. In: Prisons across Europe: National Focuses on protocols relating to children of prisoners, COPE Special Edition Newsletter. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonsAcrossEuropeNewsletter.pdf>

ⁱⁱ Allen, R. (2012). Reducing the Use of Imprisonment: What Can We Learn from Europe?. *Criminal Justice Alliance*. Available online at:

http://www.criminaljusticealliance.org/CJA_ReducingImprisonment_Europe.pdf

ⁱⁱⁱ Ditchfield, J. (1994). Family ties and recidivism. *Home Office research bulletin*, 36.

^{iv} In general, ex-prisoners who are visited by a family member have a significantly lower re-offending rate: the odds are 39 per cent higher that they will re-offend within a year if they have received no visits. In: Ministry of Justice. Reducing re-offending: supporting families, creating better futures. Ministry of Justice and Department for children schools and families.

Crown copyright. Available online at: <http://dera.ioe.ac.uk/207/1/reducing-reoffending-supporting-families.pdf>

^v Jones, A. D., Gallagher, B., Manby, M., Robertson, O., Schützwohl, M., Berman, A. H., Hirschfield, A., & Ayre, L., Urban, M., Sharratt, K. (2013). A. Jones (Ed.), *Children of Prisoners: Interventions and Mitigations to Strengthen Mental Health*. University of Huddersfield. <http://childrenofprisoners.eu/wp-content/uploads/2013/12/COPINGFinal.pdf>

^{vi} Swedish Health and Medical Services Act 2 g § (1982:763) and chapter 2 of the Act relating to professional health care (1998:531). Available in Swedish at:

http://www.riksdagen.se/sv/DokumentLagar/Lagar/Svenskforfattningssamling/Lag-1998531-om-yrkesverksam_sfs-1998-531/

^{vii} Coping Report, *op. cit.*

See also: Scharff-Smith, P., & Gampell, L. (2011). Children of imprisoned parents. *University of Ulster and Bambinisenzasbarre, The Danish Institute for Human Rights, Denmark, European Network for Children of Imprisoned Parents*. Available online at:

<http://childrenofprisoners.eu/wp-content/uploads/2013/12/DIHR.pdf>

^{viii} Le défenseur des droits de la République française. (October 2013). Groupe de travail « Intérêt supérieur de l'enfant ».

Rapport « le maintien de liens à l'épreuve de l'incarcération ». Available online at:

<http://www.defenseurdesdroits.fr/sites/default/files/upload/rapport-gt-10-10-13.pdf>

See also: Rapport du Comité des droits de l'enfant. (2008): Examen par les états parties en application de l'article 44 de la convention. Supplément n° 41 (A/63/41). *Nations Unies: New York*.

^{ix} The Ombudsperson for Children, Croatia, (2013). *The Rights of Children of Incarcerated Parents: Proceedings of the Expert Panel Meeting*. Zagreb. Available to download at:

http://www.dijete.hr/hr/publikacijepravobraniteljja/doc_details/368-the-rights-of-children-of-incarcerated-parents.html

^x Irish Penal Reform Trust, (November 2012). *Picking Up the Pieces: The Rights and Needs of Children and Families Affected by Imprisonment*. Available to download at:

<http://www.iprt.ie/contents/2450>

- ^{xi} London School of Economics (November 2012). *Impact-monitoring Research Leads to Clear EU Policy Recommendations to Improve Services for Children of Prisoners*. Blog post available online at: <http://blogs.lse.ac.uk/impactofsocialsciences/2013/11/04/coping-project-children-of-prisoners/>
- ^{xii} Action for Prisoners' Families was successful in using performances of a play, *Homeward Bound*, at conferences, in schools and in prisons to great acclaim. It is now being made into a DVD with an accompanying education pack and will be made available to prisoners, prison staff and other professionals working with children and families or forming policy.
- ^{xiii} Bernstein, N., (2003). *Bill of Rights for Children of Incarcerated Parents*. San Francisco Partnership for Incarcerated Parents (SFPIP). Available online at: <http://www.fcnetwork.org/billofrights.pdf>
- ^{xiv} Paralele, (2013). *Children in the Shadows* (video report). Croatia. Contains footage on work with children of prisoners in Switzerland, Italy and Romania as well as Croatia. Available to view online at: <http://www.hrt.hr/enz/paralele/226299/>
- ^{xv} The Ombudsperson for Children, Croatia, *op. cit.* (2013).
- ^{xvi} *Ibid.*
- ^{xvii} Kilkelly, U., 'The best of both worlds for children's rights: interpreting the European CRC on Human Rights in the light of the UN Convention on the Rights of the Child', *Human Rights Quarterly*, vol. 23, no. 2, 2001, pp.308-326.
- ^{xviii} http://www.upr-info.org/IMG/pdf/UPR-FullCycleCalendar_2nd.pdf
- ^{ix} European countries that have ratified the Optional Protocol as of 14 January 2014: Albania, Germany, Montenegro, Portugal, Spain, and Slovakia. For additional information: <http://www.childrightsconnect.org/index.php/connect-with-the-un-2/op3-crc>
- ^{xx} For other details relating to international treaties, see Office of the High Commissioner for Human rights website and their Civil Society Handbook: <http://www.ohchr.org/EN/Pages/WelcomePage.aspx>
- ^{xxi} See more at: <http://www.familiesoutside.org.uk/universal-periodic-review/#sthash.epwTAp94.dpuf> and for links to UK documents: <http://www.togetherscotland.org.uk/resources-and-networks/universal-periodic-review/>
- ^{xxii} Penal Reform International, (2014). *UN Bangkok Rules toolbox*. Available online at: <http://www.penalreform.org/priorities/women-in-the-criminal-justice-system/bangkok-rules-2/tools-resources/>
- ^{xxiii} Norway's Execution of Sentences Act (2002) maintains that "Particular importance shall be attached to a child's right of access to his or her parents during the execution of a sanction"...and that "Visits should be carried out in a room designed for this purpose. The prison shall arrange for visits by children to be carried out in a considerate manner."
- ^{xxiv} Ministry of Justice, National Offender Management Service, (2011). *Providing Visits and Services to Visitors PS116/2011*. See also footnote *i* for France.
- ^{xxv} Norwegian Ministry of Justice and Public Security, (2004). *Execution of Sentences Act*. Available online at: <http://www.regjeringen.no/en/dep/jd/documents-and-publications/Laws-and-rules/reglement/2004/Act-relating-to-the-execution-of-sentences-etc.html?id=420593>
- ^{xxvi} Memorandum of Understanding, (March 2014). Bambinisenzasbarre and Italian Senate.
- ^{xxvii} Hainsworth, J., (2013). *The role of the EU in defending the rights of prisoners' children*. In: Prisons Across Europe: National focuses on protocols relating to children of prisoners, COPE Special Edition Newsletter. Available online at: <http://childrenofprisoners.eu/wp-content/uploads/2013/12/PrisonsAcrossEuropeNewsletter.pdf>

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About Children of Prisoners Europe

An estimated one million children in Europe are separated from an imprisoned parent each year. Yet few people are aware of the impact that a parent's incarceration can have on a child. Children of Prisoners Europe (formerly Eurochips) is a European-wide network which encourages innovative perspectives and practice to ensure that the rights of these children are fully respected and that action is taken to secure their wellbeing and healthy development. With the longstanding support of the Bernard van Leer Foundation, the network is a membership-based organisation made up of non-governmental organisations and individuals across Europe and beyond, linked by a staff team based at its Paris headquarters. Raising awareness among child-related agencies, prison services and policymakers to the specific needs of children of prisoners and promoting initiatives that take these needs into account, the organisation is seeking to:

Expand **programmes that support the child-parent relationship** and help minimise violence for children with an imprisoned parent — **Introduce the child's perspective** throughout the criminal justice process, from arrest to resettlement — **Foster cross-sectoral collaboration** among public and private agencies involved in supporting and making decisions about children of prisoners — Obtain **better information and greater visibility** for prisoners' children and **influence policy** on their behalf — Promote the **exchange of initiatives, expertise and good practice** for children with imprisoned parents — **Enhance the competence of professionals** within the field

With the support of



Kate Philbrick OBE, president of the Eurochips network (now COPE) from 2005-2009, has been working with and for children with imprisoned parents since 1986.

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Children of Prisoners Europe

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