

Justice

for Children of Prisoners

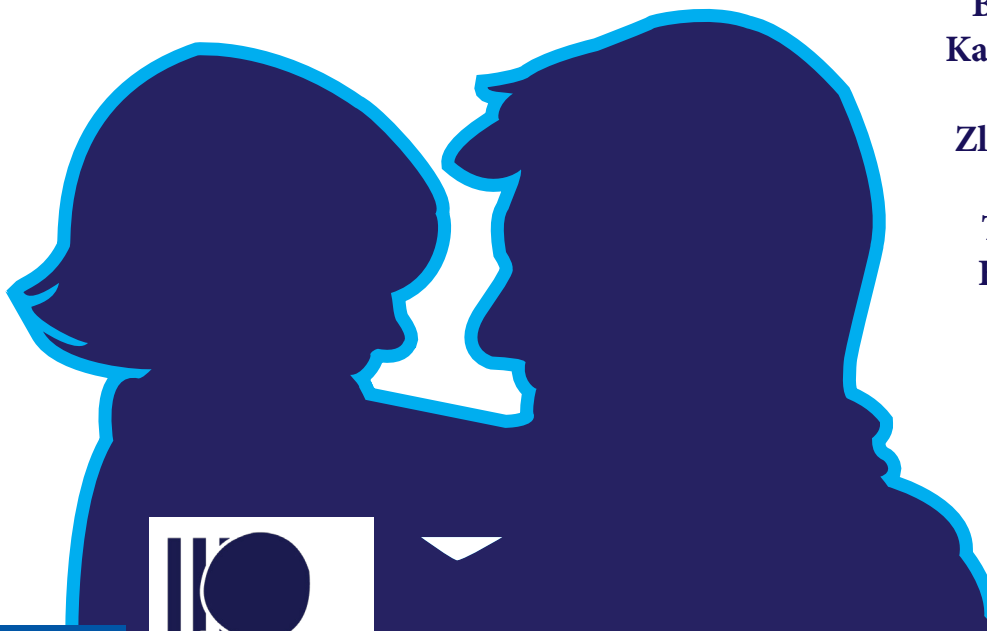
Special Edition Newsletter 2 of 4 - 2013

Prison Visits & Families

Impacts, Successes & Struggles

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Children of Prisoners Europe
formerly Eurochips

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Foreword

This newsletter focuses primarily on the more practical issues associated with visiting a parent in prison, as well as the emotional impact these issues can have on a child. Contact with an imprisoned parent can be impeded by systemic hurdles: lack of appropriate visiting facilities, visiting hours conflicting with school hours, limited modes of contact, including restricting physical contact during prison visits.

“children, like adults, are often influenced by the exaggerated depictions of prison settings seen on television, in films or online. Often, a single visit to their parent in prison can reassure them that they are alive and well and not being mistreated or neglected”

As discussed in our first newsletter, which studied the psychological impact of coping with the imprisonment of a parent, it has been demonstrated that it is usually better for the child of an imprisoned parent to visit the prison sooner rather than later, as their fantasies about the place where their parent is being held can be worse than the reality. The “unknown” can be argued to be scarier and more traumatic than the real prison experience. Children, like adults, are often influenced by the exaggerated depictions of prison settings seen on television, in films or online. Often, a single visit to their parent in prison can reassure them that they are alive and well and not being mistreated or neglected.

However, it must not be overlooked that the process of visiting an imprisoned parent – a figure usually representing stability and safety to a child – can be a traumatic process. The child’s ideas and images of a daunting and frightening place can have an effect on his experience of the visit. These preconceptions are exacerbated if the visit is not child-friendly, as is often the case. Imposing gates; the security search process; drugs dogs; stern pris-

on officers; the lack of play area or child-oriented decorations and pictures: all of this can heighten a child’s fears. Child-friendly prison design, regulations and initiatives can help children and parents reconnect.

Europe has many differences in the standard of provisions for children who visit their parents in prison – from setting up child-friendly initiatives such as prison leave for parents or family “fun days” inside prisons to a serious lack of resources for children as is the case in some European establishments.

In its focus on the process of visiting a parent in prison, this newsletter will look at various child-friendly initiatives put in place, changes that have been made to the prison system to improve it for children and the extent to which children are taken into account when planning a prison and its management. With articles from across Europe as well as from as far away as Australia, this newsletter explores the differences in situations for children of prisoners in a variety of contexts. We not only look at good practices and interesting initiatives but also at gaps in the regulations and areas where improvement of visiting conditions for children of prisoners is needed. The UN Convention on the Rights of the Child, the recently updated Bangkok Rules and the guidelines outlined in the European Prison Rules all lay out provisions for children and prisons: this newsletter considers the extent to which these recommendations are put into place in prisons across the world.

Hannah Lynn
Editor
Project Coordinator,
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1. The impact of incarceration on children's care

Over the past 50 years, researchers, practitioners and activists have from time to time investigated the circumstances of imprisoned parents and their children, with a view to improving both our understanding and how we respond. These studies have often been concerned with describing the care arrangements of the children. This simple focus has been necessary, in part, to “generate basic information in the face of limited formal data”.¹ Some researchers have commented briefly on the practical challenges of arranging care for dependent children when their parents are facing incarceration. Common problems described include: parents having limited time to make arrangements, often seen when parents are remanded into custody; lack of parental preparation for prison – with poor communication with legal representatives sometimes reported. It is also generally accepted that the chaos in which these families often live (due to co-occurring alcohol and drug problems, mental health difficulties, poverty, etc.) makes it difficult for them to make suitable care arrangements for their children, particularly in what may be a crisis situation.

“some research, specifically with mothers, reports that women facing imprisonment may have even fewer resources to draw on, and when combined with hastily made plans, this may result in inappropriate and/or unstable placements for their children”

Some research, specifically with mothers, reports that women facing imprisonment may have even fewer resources to draw on, and when combined with hastily made plans, this may result in inappropriate and/or unstable placements for their children. Some local responses in Victoria, Australia, are seeking to influence what happens at

1. Flynn, C. 2013 Mothers Facing Imprisonment: Arranging care for their adolescent children, Women and Criminal Justice, 23 (1) pp. 43-62 [45]

critical times for families. Police now have the capacity to make online referrals for support for those they come into contact with, including children and families of offenders at the point of arrest. The Victorian Association for the Care and Resettlement of Offenders (VACRO) is also piloting a three-year project, providing family support and referral at a Magistrates court. Both of these initiatives will be subject to evaluation.

“many children have no secure care arrangements when their mother is imprisoned”

To date, however, no-one has examined the implications of poor care planning or arrangements for children. We do not know how or if children's care is “planned”, whether the systems which parents facing prison have to negotiate allow for any such planning, or what the consequences are for children. A small Australian study of maternal incarceration recently found that many children have no secure care arrangements when their mother is remanded/imprisoned.² In these circumstances it is not surprising then that children show a range of negative emotions: feeling let down, angry, distrustful, confused and anxious. These responses have been highlighted in past research as resulting from parental incarceration. What these more recent findings question, however, is whether attention to the processes of planning and arranging care for children and the provision of secure care can mediate against these negative reactions.

“the relationship between legal systems and the children of accused offenders is both ambiguous and tenuous”

We are currently undertaking a study specifically examining care planning practices and experiences when primary carers (mothers and fathers) are imprisoned across the Australian states of Victoria and New South Wales.³ This is research funded

2. Flynn, C. 2013, *op. cit.*

3. Criminal Justice Research Consortium, Monash University

1. The impact of incarceration on children's care

by the Australian Research Council, and supported by a number of industry partners.⁴ The study is gathering data from parents, carers and children; from expert practitioners and from secondary sources. A key part of the study has included gathering data from 113 stakeholders across the two states; these have come from a wide range of fields, including: police, the courts, prisons, non-government support organisations, foster

“children are largely seen and responded to as ‘appendages’ of their parents”

care, child protection, schools and legal practice. Early findings from data from those involved in the legal and court systems (police officers, magistrates, legal representatives) suggest that the relationship between legal systems and the children of accused offenders is both ambiguous and tenuous; some participants see this as problematic, but do not quite know what to do in response. Children are largely seen and responded to as “appendages” of their parents. Effective responses to children are inconsistent. This is influenced by the lack of clear guidance for professionals, or formal protocols requiring staff to respond to children; at times there appears to be a lack of awareness of existing mechanisms. Essentially, professionals have to actively look for children; those that do, draw on both their initiative and inquisitiveness; they consider their broader roles and responsibilities, or even act outside of their role. The ability to do any or all of these things is influenced by a range of factors, including: common sense, life experience, goodwill and the person's values. Good outcomes happen by accident rather than by design, because children are not routinely front-and-centre of thinking for those working in these systems. Suggestions for improving practices include incorporating a clear child focus, developing child-sensitive practice, as well as improved resourcing.

This research continues, and will be finalized at the end of 2014.

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⁴ Department of Justice, Victoria; Department of Human Services, Victoria; Office of the Commissioner for Children and Young People; Victorian Association for the Care and Resettlement of Offenders, SHINE for Kids; Prison Fellowship.

2. Relais Enfants Parents Romands (REPR): Our values

“You say: dealings with children are tiring. You’re right. You add because we have to strain to lower ourselves to their intellect: lower, stoop, bend, crouch down. Here you are mistaken. It isn’t that which is so tiring. Rather, it is because we have to reach up to their feelings: reach up, stretch, stand on our tiptoes, so as not to hurt them.”

– Janusz Korczack, 1942

The role of the Swiss French charity Relais Enfants Parents Romands (REPR) is to welcome families and relatives on their prison visits and to support children in their relationship with their imprisoned parents.

Our team is expanding and our activities are spread across the whole of French-speaking Switzerland: it was therefore crucial that we identify and elaborate the common values which form the basis of our work, in particular in relation to the children with whom we work.

Here is a preliminary outline of our work, which has been developed by our partners. The aim of our discussions was not to elaborate a kind of objective truth but to establish what orients our work, to lay down a philosophy of support. Indeed, simply supporting a child with respect to his or her relationship to an imprisoned parent is not enough. It is about knowing how to do so effectively and how we envisage this.

After exploring the main themes in our discussions, we felt it important to emphasise one aspect in particular: that, for the entire REPR team, our work is about supporting each child in their personal experience of the context in which they live. It is about guiding them in their own way through

this context; not without support, but above all in their own way.



A balance needs to be achieved between the way in which the child will create something himself out of what he is experiencing and the support we offer him.

Values:

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

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 that we leave behind our own personal notions that we all have of how to be a parent, whether it is as parents or with reference to our own personal backstory 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 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 themselves with their parent in whichever way they feel is right, be that

2. Relais Enfants Parents Romands (REPR): Our values

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 freedom 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 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/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.

We have to be able to abandon the idea that an

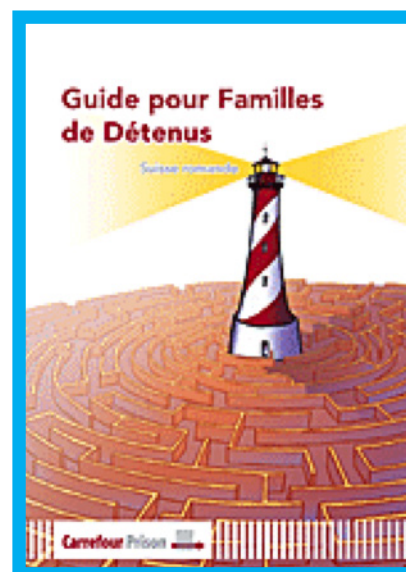
encounter must take place as quickly as possible.

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.

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Ludovic Bornand
Psychologist at REPR

Viviane Schekter¹
Director of REPR



Carrefour Prison's
Guide for the Families of Prisoners

1. This article has been translated from the original French version by Liz Ayre and Hannah Lynn

3. Families First, HMP Doncaster

The following is a question and answer session with Brenda Fraser, originally an outreach worker in the northeast of England. Brenda has set up an in-prison initiative called Families First which provides help, support and educational projects for imprisoned fathers and their children at HMP Doncaster. HMP Doncaster is a remand prison for male prisoners.

What drove you to set up your initiative Families First at HMP Doncaster?

As an outreach worker, I supported prisoners and their families on their release from prison. Over the years I noticed that by the time prisoners came out of prison, the ties between them and their families, their children, had been burnt and families were often falling apart. Although I started on a small scale, it was clear to me that I was onto something. There were others doing family support outside prison, but no one doing anything within prisons, with the prisoners. I had observed families on prison visits. I began to notice that there were two types of prisoner needing support: those who had been fathers up until the moment of entering the prison, and therefore who needed support maintaining this role; and those who were new to parenting, who had never held, fed, bathed or cared for a child before, and needed to be shown.

“I noticed that the ties between prisoners and their children had been burnt and families were falling apart”

I saw prisoners during visits who would spend a maximum of ten minutes with their baby. There would be next to no interaction with their child. At times, the toddler would simply go and play alone in the play area.

All I asked for at first was a hut outside on the grass where I would be able to hold special family visits.

Instead, the Governor at HMP Doncaster, John Biggins, offered me half the department! I now have a large classroom, another room for my project, Daddy Newborn (which won the Butler Trust award in 2012) and a kitchen. I have even acquired a bath where prisoners can bathe their newborns. These rooms are separate to the visits hall, and my courses and classes run separately to the normal permitted domestic visits. Prisoners can still have their normal visits once a week, plus book onto my classes, whether it is the Toddler Group, Daddy Newborn, parenting classes or father-child homework groups. There is also an outdoor area, similar to a regular park, where, weather permitting, these classes are taken outside.

“I saw prisoners who would spend ten minutes with their baby”

What are the principal values and aims of Families First?

Families First is all about educating both prisoners and their partners on the importance of play and interaction with their children. We run accredited parenting and child development courses, and there is a kitchen where families can cook together, which is a first for a British prison. The idea is to provide as close to a “normal” atmosphere as possible. It is not just about educating the prisoner but about educating the entire family. Visiting a parent in prison can be a very daunting experience for the child of a prisoner, and understandably. I believe Families First has changed this. If you change people’s surroundings, people naturally react and change their behaviour. We have made the entrance and search area more child-friendly, to make the process of the visit less traumatic for the children. The visits hall itself is now light, bright and airy and there is a soft play area and comfy seats. What we have tried to do is fetch the outside inside. We aim to give the family some normality and take away some of the pressure and stress. The staff who carry out the searches are friendly and well-trained to deal with children and there are cots for the babies while their mothers are being searched.

3. Families First, HMP Doncaster

***“what we have tried to do is
fetch the outside inside”***

What I have noticed happening is that a lot of prisoners decide to use Families First instead of the normal domestic visits as they find them more conducive to a relaxed atmosphere for their children's visits. Often a mother will bring her toddler along to the Toddler morning and will come alone to the regular prison visit at another point during the week. During the Families First Toddler group, the mother leaves the toddler with his or her father to allow the father to have some private bonding time with his child. While this is happening, the mothers congregate in a separate room and do arts and crafts for their children, which naturally turns into a sort of support group.

Families First also run special family days at Easter, Halloween and Christmas, and other national days and awareness days.

***Interview conducted by
Hannah Lynn
Editor
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4. Monitoring the welfare of prisoners and their families

The Criminal Sanctions Agency of Finland formed a working group to prepare new policies for child and family work in 2011. The policy working group published the principles of child and family work in the spring 2013. According to principles, it is important in the criminal sanctions field to take into account the UN Convention on the Rights of the Child, arrange child-friendly visits and organise the child and family work.

Consideration of the UN Convention on the Rights of the Child

The Criminal Sanctions Agency shall take into account in its operation that a child who is separated from his or her parents has the right to meet and maintain regular contact with both parents. Visits may be forbidden if the visit is contrary to the best interests of the child. The staff of the Criminal Sanctions Agency shall protect the child from all forms of violence, negligent treatment or exploitation. The staff is obligated to support the parent in the performance of his or her child-rearing responsibilities while the parent is in prison or a client of a community sanctions office.

“the child’s best interests shall be taken into account”

The child’s best interests shall be taken into account first in decisions made by the Criminal Sanctions Agency if the decision has some effect on the child. When making such decisions, the opinion of the child shall be given due weight in accordance with the age and maturity of the child. Prisoners under the age of 18 years are provided an opportunity to complete basic education and offered study and career counselling. Prisoners under the age of 18 years are kept separate from adult prisoners unless it is contrary to the child’s best interests.

Child-friendly visits

Underage children are provided with an opportunity for visits with their parent where physical contact is allowed. The child’s best interests are taken into account when granting unsupervised visits.

“the use of the facilities reserved for unsupervised visits shall be increased”

The use of the facilities reserved for unsupervised visits shall be increased, if possible, so that the child has an opportunity to visit the parent as often as possible. It shall be possible for the child to meet the parent alone during an unsupervised visit or a parent-child visit when it is for the best interests of the child. Necessary cooperation with the child welfare authorities shall be required in the planning of unsupervised visits and parent-child visits. The visiting facilities shall be as close to the entrance as possible. The child perspective shall be considered when meeting children who are coming to a visit. Children are taken into account in the furnishings of the visiting facilities. In practice, this means that the facilities have, e.g., pictures that appeal to children. Prisons have facilities reserved for unsupervised visits that do not emphasise sexual needs. Community sanctions offices have also a child-friendly space, e.g., for supervised visits or if the client comes to the meeting with the child.

Organisation of child and family work

Every unit of the Criminal Sanctions Agency has a person responsible for family work with defined tasks. Every prison has also a person responsible for the maintenance of the visiting facilities. Child and family work is the duty of the whole staff of the Criminal Sanctions Agency.

In Finland, there are three criminal sanctions regions and each has its own assessment centre. The assessment centre focuses on the assessment of

4. Monitoring the welfare of prisoners and their families

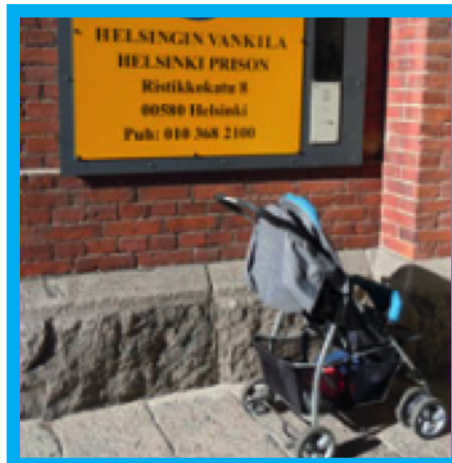
sentenced offenders and on the planning of sentence terms based on the assessment. Sentenced offenders receive an individual sentence plan, which aims to improve their abilities to live without crime. Each assessment centre has a person who is responsible for family work and who has basic knowledge of child welfare and child development. The assessment centres ensure that the child and family work and the child's best interests are taken into account in the sentence plans. The assessment centres contact the guardian or other person, who has the care of the child during the imprisonment, if issues related to parenthood come out during the preparation of the plan. They also contact the child welfare authorities if necessary. The assessment centres assess the child's best interests when making a decision on the placement of the prisoner.

“all those participating in the initial training of the field receive basic knowledge of child and family work”

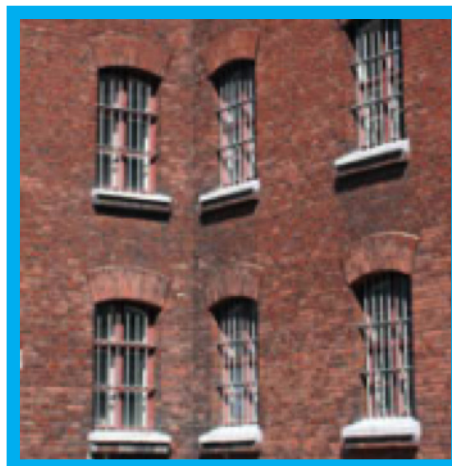
In the prisons, the officials assess the child's best interests when making various decisions (e.g. prison leaves, unsupervised visits). The prisons support the prisoner's parenthood. The prisons organise, for example, family camps and a variety of programmes and courses. The prisons also take into account the child's rights in the daily schedule (e.g. telephone call times, visits).

In Finland, we have a special Training Institute for Prison and Probation Services. The Institute sees to it that all those participating in the initial training of the field receive basic knowledge of child and family work. The Institute also takes part in the planning of the further training of family workers and arranges it.

*Kati Sunimento,
Senior Specialist
Criminal Sanctions Agency, Finland*



Entrance to Helsinki prison



Helsinki prison



Prisoners' telephone

5. A restorative approach: Considering the needs of all those involved

‘When will you come home, Daddy?’

‘Well, not yet,’ I tell her. ‘When?’ she asks again. She’s never asked before and my heart is beginning to race. ‘Well, soon,’ I say. ‘Can you come home today?’ she asks. ‘Come home with us?’ she says. ‘I can’t just yet,’ I tell her. And I’m looking into her eyes and she is holding mine with hers. ‘Why not?’ ‘Well, when you’re grown up and you do something wrong and you get caught, the police put you in prison and you have to stay here until it’s time for you to go.’ ‘Can’t you say sorry and they would let you go?’ My eyes are beginning to fill and I don’t want my daughter to see me cry. I try to speak but the lump in my throat is stopping me and she touches my hand.

The pains of separation are powerfully reflected in this excerpt from the story of a man who came to the prison I governed, HMP Grendon. It was a different sort of prison because it not only took offending seriously but also considered the consequences for all those concerned. It tried to meet the needs of those involved in the crime and although the focus was on those who had offended – the prisoners, they were the people we could work with – the emphasis was to ensure there were no more victims and that the communities of care could be safer. The aims of the prison as a therapeutic community were restorative in nature, and we worked hard to meet the needs of those involved with the prisoner and those affected by the crime. Families were clearly critical in this concern.

“the support needs of offenders’ families has been a neglected area of social policy”

We held the first family days on the wings for the men to share their experience of being in prison with their partners. We held regular children’s all day visits and had a child-friendly waiting room for families as well as creating as relaxed an atmosphere in the visits room as possible. We involved partners in some of the case conferences held with outside authorities to help plan the future for the men and their families. I remember one occasion where, with the help of social services and our own probation staff, we arranged for a man who

was a serious offender to meet with his two children, and over a day of activity, play and meals, he tried to let them know that he had killed their mother and grandmother, and that he still loved them. It was considered important for the children to hear it from their father, and those looking after them felt it was right for their development. It helped the man take full responsibility for what he had done.

Meeting the needs of those affected by crime is the main aim of restorative practice. These basic needs include:

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

All these are part of the work that could be addressed in meeting the needs of those who can

5. A restorative approach: Considering the needs of all those involved

be considered as secondary victims of the crime – the family of the offender. Clearly our experience of working with families has been sadly neglected, although there are clear guidelines and encouragement to work towards meeting their needs through multi-agency approaches so that children are not disadvantaged. The burden of responsibility on the offender for meeting this need can be considerable, and whilst going through the pains of imprisonment it can be difficult for them to focus on the needs of others, but there are many ways that prisons now are moving towards supporting positive parenting. The visiting arrangements for families have received increasing attention over the years. Attention to a welcome after the journey, to the possibility of refreshments and relaxing to prepare for the visit are all important features reflecting care. There are developing courses on sound parenting and an emphasis on the significance of staff attitudes towards family members when they visit the prison. A key component that drives this movement is the realisation that resettlement within a family has a critical part in reducing reoffending.

“focusing on and meeting the needs of children of prisoners also can have a major influence on their life chances and so calls for our attention and action”

Focusing on and meeting the needs of children of prisoners also can have a major influence on their life chances and so calls for our attention and action. The support needs of offenders’ families has been a neglected area of social policy – although recognition of the crucial role that children and families can play in supporting an offender to reduce reoffending is beginning to grow. In addition to this ‘reducing reoffending’ driver for policy change, there is also an acknowledgement that the stressed and/or fragmented nature of many offenders’ family relationships results in an increased likelihood of inter-generational transmission of offending behaviours. As such, offenders’

families need support in their own right – as part of an early intervention effort to reduce social exclusion and the potential for future offending.

Areas for action include identifying families in need of support, providing support to vulnerable families, developing interagency coordination, policy development and building the evidence base. There is much to do with this focus. The work of the Troubled Families initiative, which in England focuses on the needs of families considered to be in greatest difficulty of functioning without calling upon heavy public services, will show what can be done to meet the needs of many, but there is a special concern about the stigma of being associated with crime that can make this group be considered less deserving of attention. Given the issues outlined above, we know what needs to be done and that it calls for action to improve the lives of thousands of children.

Tim Newell
Retired prison governor,
now working in restorative practice

6. Where is my parent? I have a right to know

The imprisonment of a parent is very stressful for the child and often leaves long-term effects on the child. On the one hand, the child loses a parent; on the other hand, these children are often rejected by their peers. A particularly complex situation presents itself when a parent is in prison for violence against one of their children or a very close relative.

“a parent who is in prison does not stop being a parent, and a child has a right to both parents”

A parent who is in prison does not stop being a parent, and a child has a right to both parents. This right is in accordance with the child's best interests. The best interest of the child is not only the right to parental contact. Other factors are also very important, such as when and under what conditions that contact takes place, in whose presence or under whose supervision it takes place, how well the child is prepared for the visit, whether or not the meeting is an expression of the will of the child, etc.

“prisoners have the right to receive visits from their children and other family members once a month. The duration of the visit is usually one hour”

According to the Law on Execution of Criminal Sanctions of the Republic of Srpska/Bosnia & Herzegovina,¹ prisoners have the right to receive visits from their children and other family members once a month. The duration of the visit is usually one hour. In some prisons, depending on the circumstances, a child's visit can be extended. If necessary, the parent-prisoner can apply to the governor of the prison to request an extra visit from the child in the same month.

1. Law on Execution of Criminal Sanctions in Bosnia and Herzegovina

According to data from prisons in the Republic of Srpska/Bosnia & Herzegovina, there are about 350 children whose parents are in prison.² Prison staff claim that a large number of prisoners very rarely or never see their children. The reasons for this vary from case to case, but can be generally summarised as:

- Troubled relations between spouses,
- Distance of residence of the family,
- Poor financial situation of the prisoner's family.

Also, children's reactions to these situations vary and are dependent on their age, the attitude of the other parent and family members, the reactions of the child's neighborhood and the kind of offence for which a parent is serving a sentence.

Ensuring contact between a child and a parent who is in prison is one of the obligations that arise in practice. Also, it is very important to keep in mind what the consequences of the child's visit to prison can be for a child, first and foremost in relation to their psychophysical development. Children's reactions can vary greatly, in particular those of an emotional nature, such as fear, embarrassment, shame and feelings of abandonment. The parent with whom the child lives very often does not have an answer to the child's questions, or quite simply, this parent does not want to talk with their children about the situation.

“children who do not have adequate psychosocial support feel guilty about the situation”

In this context, it is very important that the child knows that his parent is in prison. However, in practice, the child often does not know the truth. Children often hear the truth at school or in their neighbourhood. This is an additional traumatic experience for them. A child needs to know that

2. Annual report on the work of The Ombudsman for Children of the Republic of Srpska/B&H 2010, p. 99

6. Where is my parent? I have a right to know

a parent who is in prison has not left him/her and that he/she still loves the child. This will positively reduce the child's confusion. Often, in practice, recorded cases show that children who do not have adequate psychosocial support feel guilty about the situation.

Particularly complex situations arise when the other parent refuses to take the child to visit their parent in prison. In this situation, these cases are handled by competent social welfare centres. However, generally, in practice, the complete situation is observed exclusively with regards to the rights of the parents, not the children. In doing so, the child's opinion is not taken into consideration, so that in all these proceedings children's rights are abused on several grounds.

It is necessary to begin a comprehensive professional and public debate in order to raise awareness of the need to protect and support these children. It is very important that all decision-makers respect the children's opinions and demonstrate the necessary sensitivity. Additional efforts by relevant institutions, parents, school staff and all of society are required to help and support these children. It is necessary to increase professional knowledge relating to this issue, particularly because this issue is not even mentioned in public. Children whose parents are in prison are on the margins of our society.

Children are not guilty for the actions of their parents, and they have the right to and the need for their love and attention.

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7. Kecskemét Penitentiary Institution's Mother and Baby Unit

Since there is no special Ombudsman for children's rights in Hungary, in accordance with the provisions of Art. 1 (2) of the Act on Commissioner for Fundamental Rights (Ombudsman):¹ "In the course of his or her activities the Commissioner for Fundamental Rights shall pay special attention, especially by conducting proceedings ex officio, to the protection of a) the rights of children."

In 2012, following the agendas of the European Union, the Council of Europe and the European Network of Ombudspersons for Children (ENOC), the Ombudsman focused on child-friendly justice presenting the findings and results of his enquiries both at the national and European level.

The Ombudsman initiated on-site investigations in the frame of the project on child-friendly justice in juvenile penitentiary institutions as well as in the penitentiary institution of Kecskemét, which has a special unit for mothers and their newborns.

The institution is capable of holding a maximum of 45 detainees. At the time of the inspection, there were 36 detainees in the institution, among them 14 young women under the age of 18. The "mother-baby" unit – established upon an earlier recommendation of the Ombudsman – can house 20 infants (one of the bigger cells is suitable for twins). On average, there are five to six mothers and their babies – born in the Central Hospital of the Prison Service – staying here. At the time of the investigation, five young mothers and their newborns were stay-

1. From 2008 the Commissioner fulfilled this role more effectively launching special, proactive method with annual children's rights projects concerning issues mentioned as follows. In 2008 the Ombudsman concentrated on rights awareness-raising among children, in 2009 on children's right to protection against violence, in 2010 on family and children in care and in 2011 on children's right to the highest attainable standard of physical-mental health, in 2012 on child-friendly justice. The enquiries carried out and their results were published in project-books downloadable from the ombudsman's website. See: [Annual Reports in English](#)

ing in the unit, which looks more like a hospital than a prison (with fairytale stories illustrated on the inside of the outer wall).



Mural on the inside of the unit

Fathers may visit their children at any time, even on a daily basis. Otherwise, mothers may have visitors once a month; however, when the father is visiting, the mother may be present, too. In practice, fathers typically neither visit their children nor the mothers (currently only one infant out of five has regular visitors). Although there is no systematised protocol, as a reward of good behaviour, mothers may take their children into the city in a pushchair provided by the institution.

The UN Convention on the Rights of the Child (UNCRC), which entered into force in Hungary in 1991, contains several articles relating to detention and children. It is extremely important that

7. Kecskemét Penitentiary Institution's Mother and Baby Unit

the presiding authority respects the protection of these rights. Although we do not have exact data, the number of infants concerned is estimated to be around tens of thousands. According to the 2009 penal statistics of the Council of Europe,² in Hungary, the total number of detainees was 16,459 – the number of women: 1,065 (6.5 per cent). The European average stood at 4.9 per cent. In order to protect these children's rights, one should consider all possibilities that would serve the best interests of the child while meeting the expectations of the criminal justice system.

“one should consider all possibilities that would serve the best interests of the child”

According to the current Hungarian regulations, an infant may live with their incarcerated mother until they turn six months old. With the warden's permission, some children may stay until the age of one. Currently this is only possible with the warden's permission and so not all children born in the Central Hospital of the Hungarian Prison Service can stay with their mothers after 6 months. The current regulation runs counter to the requirement of equal treatment and directly jeopardizes the right to protection of children of detained mothers.

The Ombudsman also enquired into the implementation of the rights of the child in connection with mothers in pre-trial detention. According to the Criminal Proceedings Act, if a mother is held in pre-trial detention, an extraordinary procedure shall be conducted, i.e., after indictment the trial should be set to the earliest possible date and a verdict should be reached as soon as possible. It usually takes at least a full day to transfer the detained mothers to the venue of their trial. The child-friendly character of the Hungarian justice system could be strengthened if the presiding judge, when setting the trial date, kept in mind that a mother who brings up her child in a penitentiary institution should be called for trial at the earliest possible date and the trial should be as

² (SPACE I, p.53)

short as possible.

The Act on the Commissioner for Fundamental Rights does not allow the Ombudsman to make recommendations to the courts or to the National Judiciary Office. Nevertheless, the Commissioner deemed important to point out that the current practice may lead to the infringement of the mother's right to a fair trial and the right of the child to care and protection.

The conclusions of the report intended to stress the importance of conducting an extraordinary procedure and setting the trial date carefully in the case of detained mothers; the Ombudsman recommended that the Minister of Interior consider the amendment of the relevant provisions of the Justice Minister's Decree 5/1998 (6 March) on providing healthcare to inmates in order to let the detained mother live with her child until the child is one year old and to repeal the provision entitling the warden of a penitentiary institution to decide if a mother in detention could keep her child after the first six months.

The Minister of Interior accepted the proposal and the provision in question was modified.

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8. Conditions of prison visits: Freedom Gate Greece

When the idea of founding Freedom Gate Greece was born, we knew it would be a challenging task. Until 2012, no other organisation in Greece had activities and supportive structures for prisoners' families. With the support and encouragement of Children of Prisoners Europe (COPE) and its member organisations, we have already prepared a solid base and we are ready to start our activities. We decided that our first task should be to set up support groups for prisoners' children and peer support groups for relatives. We so far do not have any details of our target group; no statistics or information are available and we are going to start collecting data – mapping, for example, the number of prisoners' families, their needs and desires. We will be contacting all thirty-four prisons in Greece and making records of what they have available for visitors. We will also be documenting the needs of the prison staff. The information detailed below been collected from visitors in just a few prisons but it is enough to give a realistic picture of the situation overall. With the exception of a few prisons which are situated in urban areas, the main problems of the visitors are therefore the long distances to travel, problems with access and the inconvenient visiting hours of the institutions.

“long distances to travel, problems with access and the inconvenient visiting hours”

According to the Greek correctional law (ratified with law 2776/1999 Gazette 291/24.12.1999) Chapter 7 Article 52 Paragraph 3: “The visits are held in a suitable area of the prison where there is only visual supervision. Visits of spouses and children of prisoners are held in an appropriate place of the prison.” This article has never been applied, however. There are no special, suitable or appropriate places for family visits in Greek

prisons. Children have hardly any opportunities for physical contact with the incarcerated parent (with some exceptions in the women's prisons). In some prisons there are open spaces with tables with a low partition and children can be held by the parent for a short while. The duration of these so-called “free visits” is usually only a maximum of 10–15 minutes and they are not available in all penitentiaries.

“no special, suitable or appropriate places for family visits in Greek prisons”

In the biggest prison of Greece, the institution of Korydallos (juridical prison for pre-trial detention), which currently accommodates almost 2,500 inmates (whereas the official capacity of this prison is approximately 900 inmates), the situation and conditions are unacceptable overall. The visits are held on a daily basis (on weekdays), for two hours in the morning and two hours in the afternoon per block (there is a total of six blocks in this institution). There are approximately 100 visitors on each visit and they stand under a primitive shelter whilst queuing to register and before entering in groups of 30. The duration of the visit of each group of 30 is no longer than 20 minutes. Inside the visiting area, in each visiting room, there are five to seven telephones that the visitors



8. Conditions of prison visits: Freedom Gate Greece

use to communicate with the prisoner. Most of the phones are broken so it is almost impossible to communicate. There are no partitions or booths to separate one family from the next. There are no chairs or any other furniture in the rooms and there is no ventilation in the whole visiting area so the space is extremely cold in winter and very hot in summer. The noise level is very high and the space unclean (the windows are dirty and therefore the light is poor). There are no provisions for child-oriented visits. Due to these poor conditions, many women choose not to bring their children to the visits at all.

From the correctional staff's point of view, the situation is not much better. They work long shifts under difficult conditions which creates various exhaustion symptoms. They receive no specific training with respect to visitors. There are reports that social workers in prisons receive no training concerning the families of prisoners and must finance any additional family-specific training or supervision themselves. To address this problem, Freedom Gate Greece is working to provide support for professionals who come into contact with prisoners' families through their work.

Tina Törrönen
CEO/Founder
Freedom Gate Greece

9. Visiting an imprisoned parent : The impact on the child

The experience of having a close relation in prison can be a difficult and delicate situation for any individual, but is often considerably more so for the child of a prisoner. Children are unique in their ways of dealing with stressful situations. While they may sometimes appear to be more adaptable or even resilient than their adult counterparts, this is often a sign that they have quite simply put in place an emotional barrier behind which they are protecting themselves from confrontation with the situation at hand. The stress, complexity and, sometimes, confusion associated with the process of having a parent in prison may have a significant effect on the emotional, psychological and physical well-being and development of a child. The incarceration and separation, and the disappearance of the parent can be risk factors for the child.¹

For the purposes of this article, the term “child” signifies anyone under the age of 18. Children of different ages, like children from different backgrounds, culture, upbringing, financial situations and family stability, are liable to react very differently when placed in a similar stressful situation. The impact of having a father in prison may differ from that of having a mother in prison; the COPING project suggests it may be equally significant.² This is not to mention the differences that are observed from country to country.

“trauma’, ‘anxiety’ and ‘stress’ are words often given to the psychological process of a child who experiences the imprisonment of a parent”

“Trauma”, “anxiety” and “stress” are words often given to the psychological process of a child who experiences the imprisonment of a parent. To

1. Bouregba, A., 2010. ‘Soutenir les relations enfants-parents compromises par l’incarcération : un enjeu de santé publique’: Audition à un groupe de travail du parlement européen.

2. Jones, A. et al, 2013. ‘The COPING Project: Children of prisoners: Interventions and mitigations to strengthen mental health’. University of Huddersfield, p.65-67

what extent are these emotions perceived by the child? Many children describe themselves as trying to remain strong and positive about the future and are seen to be supportive of their non-imprisoned parent or guardian. It often appears that children who remain in contact with their imprisoned parent maintain a more positive approach to the situation. It has been demonstrated that it can be beneficial for the child to maintain an open relationship with their imprisoned parent; it may be easier for them to deal with and come out of the situation in a stable and healthy manner. As Alain Bouregba argues, a child whose development is not based on sufficiently stable links with his parents is forced to become independent too soon. Such psychological (and physical) autonomy can generate a psychopathological risk for the child.³

“the traumatic separation of a child from his parent due to imprisonment can lead to fears of abandonment and jeopardise the child’s development”

Visible and physical signs of stress frequently displayed among children with a parent in prison include concentration problems, sleep issues and disruptions, headaches, nightmares, depression symptoms, eating disorders, separation anxiety and aggression. According to Manby, Monchuk and Sharratt in their report *The Importance of Maintaining Family Ties During Imprisonment*, imprisonment of a parent suggests an increased risk for the mental health of the child. While the “nature and severity of the impact” does inevitably vary, some of the most commonly noted effects include “a sense of loss and confusion, stigma leading to feelings of shame and low self-esteem, social withdrawal, anger and aggressive behaviour, and decreased school attendance and performance”. The impact of parental imprisonment on a child’s mental health may be long-term. Children of imprisoned parents have demonstrated higher

3. Bouregba, A., 2010, *op.cit*

9. Visiting an imprisoned parent : The impact on the child

levels of depression and anxiety in adulthood.⁴

The traumatic separation of a child from his parent due to imprisonment can lead to fears of abandonment and jeopardise the child's development. Regular, child-centred visits to the prison play a crucial role in working through these issues. Extensive work with the parent can assist them in their parental role, to help their child and so influence better outcomes for them. Encouraging and maintaining the child-parent bond reduces the negative effects of imprisonment and allows for the child's healthy development. It has been demonstrated that children who visit their parent in prison show better emotional adjustment and are able to deal with the situation in a more positive way than those who do not. Prisons should therefore be equipped to welcome children on visits with child-friendly play areas, appropriate and sensitive security search techniques as well as longer, child-centred visits to allow children to settle and feel comfortable in this very unfamiliar situation.

“on the basis of descriptions given by children, it is believed that the panic and anxiety that comes hand-in-hand with not knowing where one's parent is or how they are doing, is greater and more difficult to deal with than the stress or trauma experienced when visiting the imprisoned parent in prison”

It is interesting to compare the reactions of children who are prevented from visiting their parents with those of children who are able to visit the prison on a regular basis. Some prisoners rather their children did not see them in the context of the prison; they believe that prison is no place for a child, even if it is only the visiting area, and they would rather the child did not visit at all. This may

4. <http://eprints.hud.ac.uk/17986/>

not be in the child's best interests. In general, on the basis of descriptions given by children, it is believed that the panic and anxiety that comes hand-in-hand with not knowing where one's parent is or how they are doing, is greater and more difficult to deal with than the stress or trauma experienced when visiting the imprisoned parent in prison.

Part of this stems from the idea that children's fantasies about the unknown are often worse than the reality. This argument is reinforced in the COPING Project country report focusing on Germany, where Urban, Bieganski and Starke highlight that contact with one's imprisoned parent can be beneficial to the child's coping strategies: “Many of the children get a better understanding about the imprisonment, and the conditions and restrictions by talking with their detained parents” and, “children with contact with their imprisoned parents offer positive opinions about their relationship and attachment to their fathers and stepfathers in prison”.⁵

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5. Jones, A. et al, 2013b. ‘The COPING Project: Children of prisoners: Interventions and mitigations to strengthen mental health. Country Report: Germany’. University of Huddersfield.