



## 2018 'Not my crime, still my sentence' Campaign Briefing

### Background

Annually, Children of Prisoners Europe (COPE), organises a pan-European awareness-raising campaign with its members and affiliated partners across Europe. Entitled "Not my crime, still my sentence", the campaign takes place throughout the month of June and each year has a different theme. There are approximately 2.1 million children with imprisoned parents across Council of Europe Member States. These children may be exposed to a number of risks, including trauma, stigma and anxiety. Supporting and nurturing the child-parent relationship is an essential element in maintaining a child's well-being and healthy development, as well as in better preparing the imprisoned parent for reintegration into the family and society. The campaign aims at raising awareness about these children. Previous themes include online petitions in 2011 and 2012 as well as fundraising and awareness campaigns and replication of standard setting legislation and video production.

### Recommendation CM/Rec(2018)5

One of COPE's key achievements to date has been its collaboration with the Council of Europe on the Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents<sup>1</sup>. The Recommendation has 56 articles that cover everything from visits to staff training, from arrest procedures to work with the media and from through-care to provisions for children living in prison with their parents. This Recommendation provides a ground-breaking precedent for the rights of incarcerated parents' children as well as children's rights. The Recommendation is available to be shared widely and used in discussions with local and national authorities (Justice Ministries, prison administrations, etc.).

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<sup>1</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016807b3175](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807b3175)

## **The 2018 Campaign**

Given the significance of the Recommendation and the need to encourage widespread knowledge and implementation, the 2018 edition of “Not my crime, still my sentence”, focused on COPE members working with groups of children and young people affected by the imprisonment of a parent to re-write all 56 articles of the Council of Europe Recommendation. The aim was to rewrite the Recommendation in child-friendly language that effectively conveys the meaning of the provisions to them.

Thirteen organisations in the following ten countries participated: Croatia; Czech Republic; England and Wales (x 3); Ireland; Italy (x 2); Northern Ireland; Norway; Poland; Scotland (x 2); Switzerland. The groups were My Time; Probacja; Children Heard and Seen; Families and Friends of Prisoners/For Fanger Pårorende (FFP); Pact; Telefono Azzuro; NIACRO; REPR; Rijeka Regional Office of the Ombudsman for Children, Croatia; Children Heard and Seen Oxford; POPS; Families Outside; Children and Young People’s Commissioner Scotland.

The target groups of the 2018 campaign were national and regional prison administrations and Ministries of Justice, the Council of Europe and the media and general public. The objective of this campaign was to produce a version of the Recommendation that is understandable to children. This holds great importance as it allows children with imprisoned parents to have a better, more complete understanding of their rights. COPE fully believes in the agency of children and the importance of child participation in making decisions regarding this issue. The child-friendly Recommendation is a massive step in children being able to take a more active role in these conversations and decisions.

Member organisations were asked to set up small creative workshops with groups of children and young people that would centre around rewriting the articles. Each member received between 1 and 6 Articles (roughly 250 words per member). COPE sent articles to each member organisation. Member organisations were then asked to translate their assigned articles into their native language. They were then taken to the focus group of children. Facilitators worked with the children to rewrite the articles in child friendly language. Facilitators also assisted in explaining terminology and explaining the purpose behind the activity.

## **Child Participation Guidelines**

Due to the nature of the campaign it was important that member organisations have a good understanding and guide in the best practices for child participation. Child participation must be completed in a manner through which the goals of the campaign are achieved, the children feel validated and listened to and their needs are met. This is done through children being given appropriate, child-friendly information so they know what they are being asked to contribute to and should feel their opinions and ideas are respected and listened to. In order to allow children to fully

participate in the process and to ensure the result is a true contribution from the children, facilitators should also be flexible, open-minded and willing to take risks. The structure of the sessions can only be planned in advance to a certain extent. The structure of child participation was based on Eurochild's Child Participation Strategy<sup>2</sup> and its nine requirements;

1. **Transparent and informative** - Children need to be given as much information as possible, so that, should they get involved, they know what they are getting into.
2. **Voluntary** - Children should always have the right not to participate and to opt out.
3. **Respectful** - All participants, adult and children, respect each other and other people's ideas.
4. **Relevant** - Children have to be involved in decisions that are relevant to them.
5. **Child friendly** - Everything should be designed in a way that allows children to contribute.
6. **Inclusive** - All children are treated equally and are given a chance to participate.
7. **Supported by training** - Training should be offered by adult staff.
8. **Safe** - Children are not exposed to situations that make them vulnerable.
9. **Accountable** - Adults keep their promises, and children can let them know if something is not working.

In addition to this strategy COPE requires all its members to have their own Child Protection Policies in place. Member organisations were required to adhere to both their own policies as well as the COPE Child Protection Policy for campaign activities. Additionally, the children were not to be asked about their own personal experiences. The only goal of the workshop was to re-write the Council of Europe Recommendation in child-friendly language rather than to be a counselling or therapeutic exercise for the children. In order to ensure this, the facilitator(s) were asked to remain mindful and attentive to the children's reaction to certain stimuli or topics. It was also important for participating organisations to remember that these groups were not intended to be support groups. While children were not asked directly about their experiences, some voluntarily chose to speak on them. In these cases, facilitators were reminded to let the child do so and to comfort them if needed. They were also reminded not to ask other members of the group about the child's reaction.

It is important for facilitators and member organisation to remember children are not one homogenous group with one homogenous experience. These children are much

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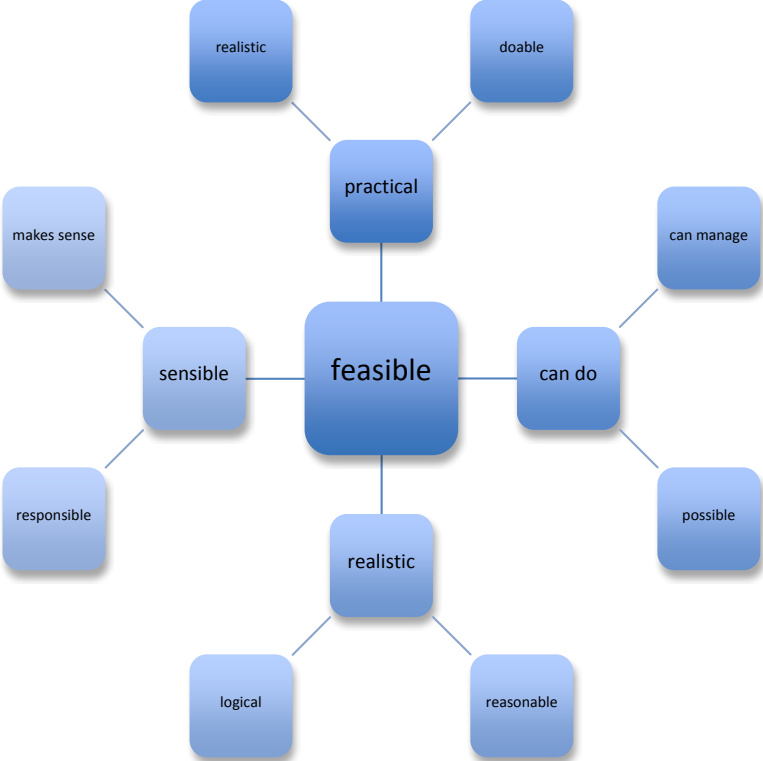
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more than their parent's incarceration and should be treated as children above all else. By identifying a child by a difficult experience such as parental imprisonment, we are reducing them to that difficulty, which is counter-productive and potentially harmful for the child. The facilitator(s) should be mindful of this, and should think of other ways to connect them (age, favourite sports, favourite subjects at school, etc.).

Another important aspect of the process was how the children came up with the language in the child-friendly recommendation. Facilitators were instructed not to influence the children's ideas by putting words in the children's mouth, but rather use examples and analogies to describe words and concepts a child might not understand. They were also instructed to avoid paraphrasing what the children say but rather write down as closely as possible to what the children actually said while acknowledging that some things may be lost in translation. Facilitators were welcomed to use alternative methods and aids such as drawings, images and diagrams to illustrate meanings. Spider diagrams were a helpful example. For example;

Article 29

Children shall be offered the opportunity, when **feasible** and in the child's best interests, and with the support of an appropriate adult, to visit or receive information (including images) about areas in which their imprisoned parent spends time, including the parent's prison cell.



It was recommended that groups consist of a minimum of five children to ensure a variety of opinions and reactions. Where appropriate, young children can be well placed to participate. An ideal age range may be between 9 and 13, but this will depend on the children and the facilitator(s), the group and the context.

Child participation was an essential piece of the 2018 campaign and therefore it was vital it was done correctly. Member organisations were sent a comprehensive guide in order to best establish and conduct child participation.

### **Examples of child-friendly articles post-campaign**

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

*Children Heard and Seen Banbury, (15 children ages 8-12) participation group's rendition-* "The people in charge need to be taught about how to work with children and their parents who are living in prison better and know the good ways and the bad ways."

*Article 9-* "remanded parent shall be done in such a way as to respect the children's right to maintain contact with them."

*Families and Friends of Prisoners/For Fangers Pa□rørende (FFP)'s Pariticipation Group's Rendition-* "Even though there are some restrictions that say that a person may not have any contact with other people outside the prison, children have rights of their own to have contact with their parent even if the parent is in prison."

*Article 11-* Significant events in a child's life – such as birthdays, first day of school or hospitalisation – should be considered when granting prison leave to imprisoned parents.

*Pact, with thanks to Young People visitng HMP Swansea, Wales, UK Child Participation Group's Rendition-* "Parents in prison should be able to go to special days like Christmas, exam results days and birthdays and celebrate with their children."

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

*Pact with thanks to Young people visiting HMP Berwyn, Wales, UK's Participation Group's Rendition-* "When arriving at the prison the staff should make notes of how many children a prisoner has, how old we are and who is looking after me (like my Mum, Nana or Grandad) and for them to make sure to keep the information up to date."

*Article 16-* Apart from considerations regarding requirements of administration of justice, safety and security, the allocation of an imprisoned parent to a particular prison, shall,

where appropriate, and in the best interests of their child, be done such as to facilitate maintaining child-parent contact, relations and visits without undue burden either financially or geographically.

*SOS Il Telefono Azzurro Onlus Child Participation Group's Rendition-* "In addition to consider the needs of those who decide the rules of justice to defend and protect people, when a parent go to prison, when it is possible, he or she must be sent to the jail that is the nearest to his or her children, so it is possible for them to be together, without much costs and long travels."

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

*NIACRO Child Participation Group's Rendition-* "When the parent or guardian is not able to come up with a child on their visit other options should be carried out, such as being brought up by a trusted worker or family member."

*Article 23-* Any security checks on children shall be carried out in a child-friendly manner that respects children's dignity and right to privacy, as well as their right to physical and psychological integrity and safety. Any intrusive searches on children, including body cavity searches, shall be prohibited.

*Rijeka Regional Office of the Ombudsman for Children, Croatia Child Participation Group's Rendition-* "Children should be checked before they enter the prison in a polite manner. When a prison guard checks a child, this security check should be comfortable and painless. Violent and painful checks ARE PROHIBITED. Unpleasant checks ARE PROHIBITED. It would be best to use scanners. Prison guard should lead the child to the parent after the security check."

*Article 26-* Rules for making and receiving telephone calls and other forms of communication with children shall be applied flexibly to maximise communication between imprisoned parents and their children. When feasible, children should be authorised to initiate telephone communications with their imprisoned parents.

*POPS Child Participation Group's Rendition-* "Phone calls between children and their parent in prison should be allowed at a time that suits them. Where possible children should be able to call their parent in prison."

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

*My Time's child participation group's rendition-* "If it's safe, good and healthy for the child, parents in prison should be allowed to be involved in their kids' everyday life (such as school, health, after school clubs etc)."

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

*Probacja's child participation group's rendition-* "Parents should be encouraged to meet regularly with their children to help keep a good relationship between them. Punishing the parents by reducing or stopping visits with their children should be avoided. This makes everything that has been stated before more difficult."

*Article 31-* A child's right to direct contact shall be respected, even in cases where disciplinary sanctions or measures are taken against the imprisoned parent. In cases where security requirements are so extreme as to necessitate non-contact visits, additional measures shall be taken to ensure that the child-parent bond is supported.

*Children Heard and Seen Banbury, 15 Children ages 8-12 Child Participation Group's Rendition-* "Children should be allowed to see their parent who's living in prison even when mum and dad are in trouble, it's not the child's fault that mum and dad were naughty. If they are in more trouble then the people in charge should do more to make sure that the children still get to have a good time with mum or dad."

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

*Families and Friends of Prisoners/ For Fangers Pårørende (FFP) Child Participation Group's Rendition-* "The prison has to do everything it can to make sure that the prison is a safe place to be for the prisoners, for the people working in the prison, and for adults, youth and children who come to visit the prison. The prison shall have a friendly and positive atmosphere, and everybody has to be nice to each other. The prison shall have good rules and shall make certain that no one harms each other. The prison will be a safer place for all when prisoners and prison staff talk together, and it's not just a place consisting of high walls and locked doors."

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

*REPR Child Participation Group's Rendition-* "In order to prepare family life after the prison, we need to go step by step. For example: the parent should come home some days."

### Challenges

While the 2018 campaign was a success, it did not come without some challenges. The largest challenge that was faced was collecting the responses. Requests were sent to member organisations by COPE in March 2018. Member organisations chose to participate or decline. The advice given was to immediately begin establishing child participation groups and the Recommendation would be sent to the member organisations in April when they could begin to rewrite the Articles using child friendly language. However, member organisations required more time than expected. It was also more difficult than expected to receive the drafts from the member organisations than expected. The first draft of the Child-Friendly Recommendation was completed in November while our original goal was the end of September.

### Moving forward

In 2019 COPE plans to use the child-friendly version of the Recommendation for the creation of an illustrated booklet to be used in future advocacy initiatives.



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