



Establishing Baselines

Data collection towards better safeguarding
children with a parent in prison



CHILDREN OF PRISONERS EUROPE



Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working on behalf of children separated from an imprisoned parent. The network encourages innovative perspectives and practices to ensure that children with an imprisoned parent fully enjoy their rights under the United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, and that action is taken to enable their well-being and development.

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Table of Contents

I. Introduction: Where Are We?	2
II. Data	5
A. General Conditions	5
B. Prison Staff and Staff Training	14
C. Data Collection	15
D. Children Deprived of Liberty	17
E. Review of Practices	20
III. Conclusion: A Way Forward	22
Framing Future Data Collection	24

I. Introduction: Where Are We?

An estimated 2.1 million children are separated from a parent incarcerated in a European prison on a given day,¹ which is to say 2.1 million children at greater risk of stigma and trauma-related issues and their associated negative social consequences if not given adequate resources and supports, affecting children as individuals and as active participants in society.² The 'estimated' 2.1 million children is the statistic which Children of Prisoners Europe (COPE) and its member organisations across Europe use in their advocacy work on behalf of children with imprisoned parents. Yet this figure is not an estimate but an extrapolation, stemming from a chronic lack of robust, systematised data and data collection on children with imprisoned parents.³ The actual number of children impacted by a parent's imprisonment in Europe remains unknown; likewise, little is known about existing support arrangements for the child-parent relationship among prison administrations across Europe, the data presented in this report representing a first significant step in filling this gap. Given the stakes, it is a self-evident imperative that systematic data collection on the situation of these children and the supports available to

them be conducted, and that these data should have wide-ranging sources—namely those children who are themselves affected, child psychiatrists, social services, justice ministries and prisons, and imprisoned parents themselves.

Children frequently experience the stigma and discrimination associated with their parent's imprisonment. When looking at data collection involving children affected by a parent's imprisonment, it is important to emphasise the need to safeguard children from any further stigma, refusing all pathologising or reductionist notions of their being justice-bound themselves. Nor is it permissible to instrumentalise or objectivise them, highlighting the 'crucial' role they play in preventing a parent's recidivism or future offending. In short, the task of data collection and data presentation is the beginning of a process towards protecting their rights to contact and family life and meeting their needs, while supporting prison administrations to in turn support incarcerated parents and their children.

The work of data collection does more than extract information from families

¹ COPE network extrapolation using World Prison Brief figures for Council of Europe States and based on a 1999 study undertaken by the French institute for statistics, INSEE, which determined a parenting rate of 1.3 children per male prisoner.

² Felitti et al. 1998 in Ann Adalist-Estrin, 'Responding to the Need of Children and Families of the Incarcerated,' 2018.

³ Children of Prisoners Europe (COPE) produced a 2017 European Journal of Parental Imprisonment (Volume 5) that emphasizes this imperative and provides insight into the ethical and logistical difficulties in these forms of data collection.

affected by imprisonment and the prisons that affect them: It is more fundamentally an opportunity to develop long-term, human rights-based initiatives that support both prisons and families impacted by prison, and using this baseline data to evaluate and improve these rights-based initiatives. The benefits of this work compound and multiply: data collection leads to guidelines for good practice, which include taking active measures to treat children with dignity and sensitivity so as to help mitigate trauma by providing support. For it is not the adverse circumstances themselves which negatively impact children, but their ability or lack thereof to cope with their circumstances. Support for prison administrations in turn help them to support the child-parent relationship. Close contact between parents and their children allows relationships to develop more naturally, producing healthier children and making prisoners' re-entry easier and more natural.

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

Data collection of the sort conducted for this report will hopefully be the catalyst for European governments and their prison administrations to provide structures that support imprisoned parents and their children. To that end, the collection of data presented in this report is the first of its kind. It draws from a qualitative questionnaire designed by

COPE in 2017 and distributed to prison administrations and services in 47 member states (including Germany's sixteen Länder). The goal of this questionnaire was to ascertain the services and practices that European prisons currently implement as regards the treatment of children with imprisoned parents. In terms of responses received—all told, prison administrations from 27 member states and 13 German Länder responded—the degree of discrepancy between countries in implementing child-sensitive strategies was not insignificant, and suggests the need for standardising good practices.

What follows are a series of graphics summarising those responses to the questionnaire accompanied by brief data analyses that correspond to each of the twenty-eight questions and that derive mainly from those prison administrations that responded in full, or with more detail than simply 'Yes', 'No' or 'Partially'. This report amounts to a presentation of trends in the treatment of children in European prisons, and thus it comes with the qualification prison administrations throughout Europe—and even prisons within individual states—have a distinct structure. There are myriad examples of this. Prison systems often treat sentenced prisoners differently from those on remand. Some administrations have vastly different protocols for federal prisons and police detention centres, but both have relevant data. Some countries, such as Germany and Switzerland, leave the work of prison administration to its Länder and cantons, respectively,

although Switzerland has centralised prison oversight.

On the whole, however, the data presented in this report can be taken as a status report, a baseline from which to grow: Where are we as member states of Europe in our support for incarcerated parents and their children? With this question we discover both stories of success, wherein prison administrations are providing particularly

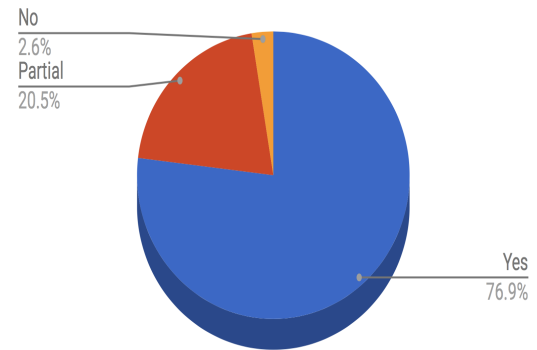
good support, in addition to their institutional priorities and their subsequent gaps, areas where the support for children of imprisoned parents is negligible or overshadowed by other administrative issues. Hopefully this report will serve as a touchstone for the introduction of new policy recommendations, and the successful programmes and policies reported here will become models for the design of similar measures in other countries.

II. Data

A. General Conditions

1. Are children authorised to visit an imprisoned parent within a week following the arrest and on a regular and frequent basis from then on?

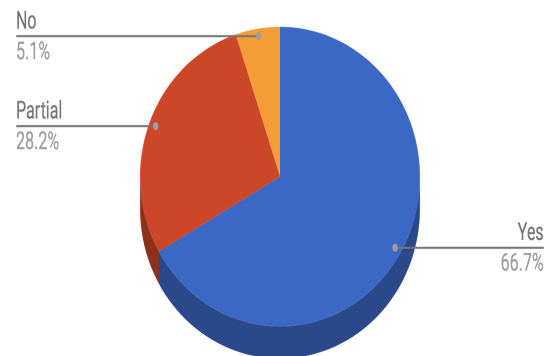
Over 75 per cent of countries do allow children to visit parents in prison early and with some frequency, but countries vary significantly in what regular and frequent mean in this context. This can range from one family visit per week in the case of French prisons (pre-trial detainees are allowed three visits per week) to only three hours per month or 1.5 hours every two weeks (remand) in the Czech



Republic. Hungary's police prison was the only administration to provide a detailed response stating that children are authorised to visit within a week following the arrest, which suggests that family visits during this time are not in the domain of Ministries of Justice and prison administrations writ large.

2. Are restrictions that are imposed on contact between prisoners and the outside world implemented in a way that respects the child's right to contact with their separated parent as per the UN Convention on the Rights of the Child (UNCRC)?

Over 84 per cent of respondents maintain that any restrictions they place on contact meet UNCRC standards. Some countries approach the issue of parental contact with harsher restrictions than others. Slovakia reports that typical visits are carried out



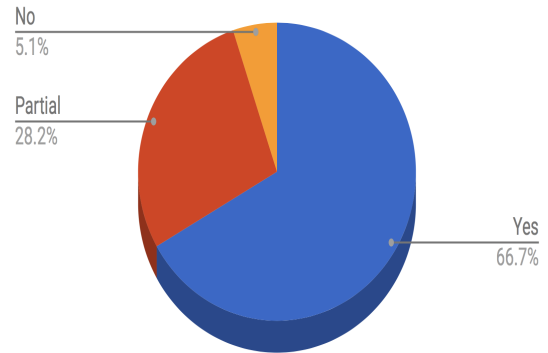
'without direct contact'. Latvia's Code of Sentence Execution, on the other hand, includes specific language that differentiates types of visits depending on the nature of the relationship, and in so doing enshrines the value of those relationships: short visits of one to

two hours 'facilitate the maintaining and renewal of socially useful contacts'. whereas long visits of six to forty-eight hours 'facilitate the maintaining of kinship and family contacts'. This degree of specificity within a

- Are visits organised so as not to interfere with school attendance (i.e., six days a week, including afternoons, Sundays, public holidays)?

Approximately two thirds of prison administrations take into consideration the importance of children not having to miss school for a prison visit. There are, however, vast differences in standards in this respect. Some countries reserve weekends for family visits (Finland, Slovakia, Germany's Hesse), while prisons in North Rhine-Westphalia designate

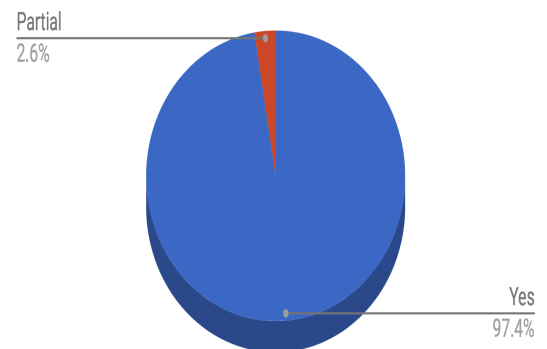
legislated code of conduct can be seen as a model for other country's prison administrations, which largely allow contact according to UNCRC standards, but to varying extremes.



only two additional visiting hours per month for children. Prisons in Germany's Rhineland-Palatinate, on the other hand, organise a weekly 'family day'. Ireland and Germany's Mecklenburg were the only respondents that do not take this issue under consideration.

- Are security checks carried out in a child-sensitive manner that respects children's dignity and privacy?

Respondents overwhelmingly reported that they demonstrated sensitivity to children's welfare in conducting security checks and that this was not a pressing issue. Some administrations expressed a concern that children are often used as couriers of illicit materials. Georgian prisons demonstrate good practice in conducting



security checks of children in the presence of accompanying adults and 'in full respect of children's psychology, dignity and privacy'. The Justice Ministry of Germany's North Rhine-Westphalia

was the only administration to expressly report that prison staff are trained in child-friendly security practices; their *Guidelines*

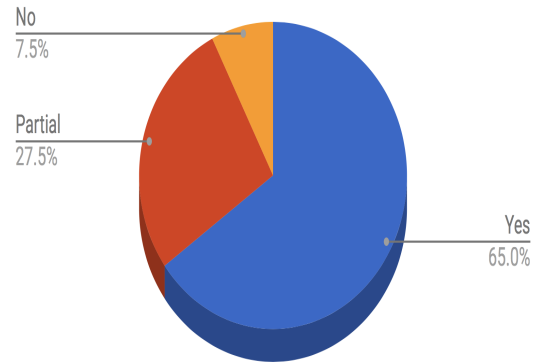
- Are children granted visits with their parents that offer privacy, when necessary and in specific circumstances? (e.g., when child needs extra reassurance, death in the family, etc.)?

There is significant disparity in prison leniency when it comes to the issue of extenuating familial circumstances. In general, prison administrations reported that incarcerated parents are confined to prison grounds, but can expect privacy, to varying degrees, during normal visiting hours. The prison authorities of Georgia and North Rhine-Westphalia were the only administrations to make mention

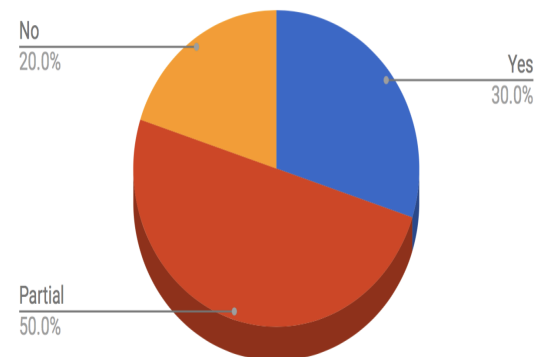
- Is a designated children's space provided in all prison waiting rooms (e.g., bottle warmer, changing table, toys, crayons, games)?

One third of national prison administrations reported the inclusion of a standard for providing child-friendly spaces in all prison waiting rooms. The majority of partial responses indicate a lack of standards for good practice. Some administrations noted that only

for *Promoting Visits from Minor Children* include training for child-appropriate communication, especially during security checks.



of special visits under extenuating circumstances; Georgia goes so far as to allow both remand and sentenced prisoners to take temporary leave from the prison grounds in the case of the death of a close relative, a life-threatening illness or 'for the performance of certain social activities'.

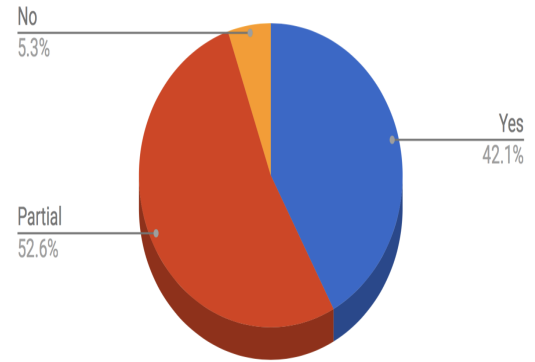


some prisons have a children's space (Finland, Georgia, Germany's Hesse and North Rhine-Westphalia). France is moving towards implementing

such spaces over time; their newly built establishments do, as a rule, include children's spaces, while their old institutions are gradually adding them.

7. Do prison visit facilities provide child-friendly spaces that allow for personal contact, and an environment conducive to play and interaction between children and their prisoner-parents?

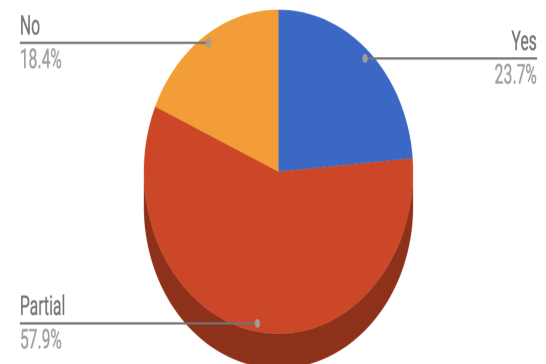
A majority of prisons do offer spaces that allow for personal contact, but this number often varies prison to prison. Georgia reports that most prisons allow contact only through glass partition, but those incarcerated in its low-risk detention centre and in its women's prison are allowed direct contact with children. Slovakian prisons include a 'Kid's Corner' in their visiting room, but



the administration notes they could be made more attractive and amenable to children. Some French prisons have had success in implementing activities for children and their parents, including a 'child-parent carnival' with performances and a petting zoo in the prison's gymnasium. Some Italian prisons have been the site of an annual 'game with dad'—a celebratory football game. The administrations of Latvia and Luxembourg reported that no arrangements are made to create more child-friendly visiting spaces.

8. Is age-appropriate information about visiting procedures and rules (e.g., what can be taken to visits, security procedures) in relevant languages readily available to visitors?

On the whole, it is more likely for prison administrations to provide informational material not to the child his or herself but instead to the accompanying adult. Some countries have however found ways of successfully introducing information to children; the



chaplaincy of Germany's Rhineland-Palatinate, for example, has created a child-appropriate illustrated leaflet entitled 'Besuch bei Papa' (Visiting

Daddy), and France has probation counselors and volunteers that welcome family members upon arrival and

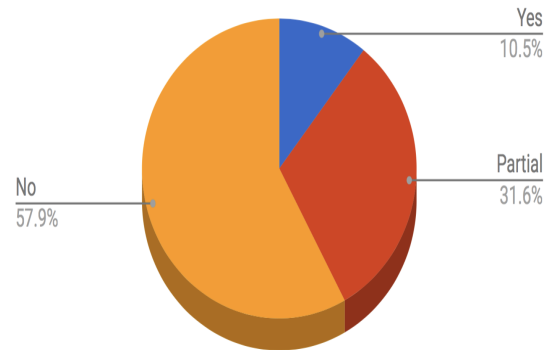
9. Is it possible for children to learn more about their parent's life in prison and, when feasible and in the child's best interest, visit or see photographs of areas in which their imprisoned parent spends time (e.g., cafeteria, recreation rooms, workshops, places of worship, parent's sleeping accommodation)?

Nearly 60 per cent of prison administrations do not provide clear information about an imprisoned parent's living situation. On the whole, the information prison administrations tend to produce online resources like

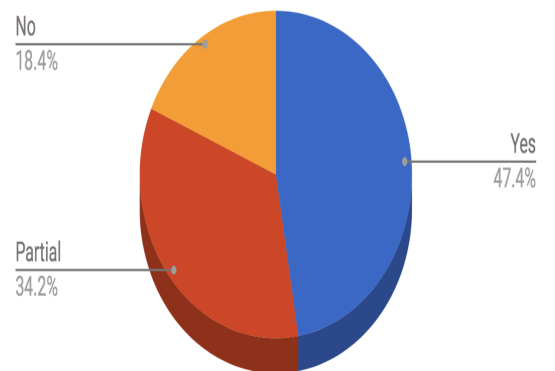
10. Are arrangements for child-parent activities made on a regular basis, not attributed as 'rewards' for prisoner's good behaviour?

There is consensus among prison administrations when it comes to the right of parents and children to maintain contact, but not all administrations arrange child-parent activities. Some respondents did not report programmes arranging child-parent activities (Hungary, Slovakia, Germany Mecklenburg-Western Pomerania). Many of those that do organise child-parent activities stipulate that

sensitively inform children about prison conditions and rules for entering.



selections of photos of facilities. Several prison administrations hold open house days for family members (Germany's Hesse and North Rhine-Westphalia), and Cyprus allows children to tour and spend time in their women's prison on Mother's Day.

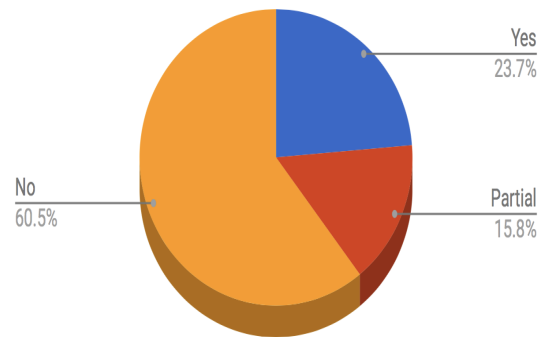


prisoners can lose the right to participate as a punishment (Finland, Mecklenburg-Western Pomerania). A small number of administrations reported that such activities are in fact used as incentives for good behaviour among imprisoned parents

(Georgia, Latvia).

11. Do prisons have a designated 'children's and/or family officer' specifically trained to support children during visits?

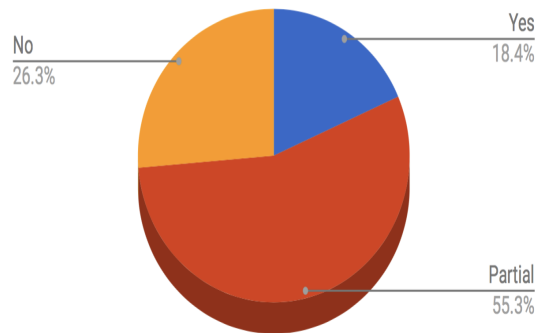
While it is true that a majority reported that there is no designated position in this regard, many prison administrations have other individuals on staff or off who fulfill this role, such as social workers (Czech Republic and Georgia), NGO staff members and volunteers (Croatia) and prison clergy (Hungary). Some German Länder suggest that all prison staff receive child sensitivity training; Saxony prisons staff a



'family member coordinator' and North Rhine-Westphalia prison and social education workers, who function as liaisons and family counselors. Finland's 'Let's Talk about Children' programme works with prison social workers (see Question 16) to discuss the role of prison staff in the treatment of children with imprisoned parents.

12. Is systematic use of telephone technology and IT (e.g., videoconferencing, mobile telephone systems, Internet, including webcam and chat functions) allowed when face-to-face meetings between the imprisoned parent and children prove difficult to arrange?

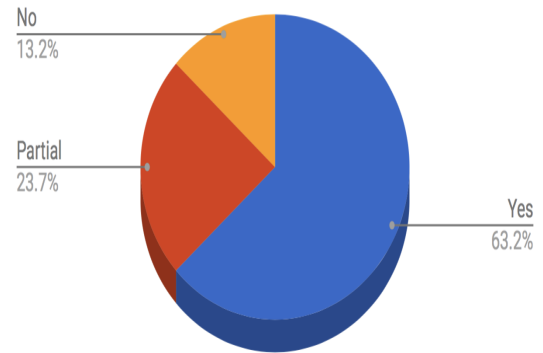
This question seems to have been interpreted as a survey of available telecommunication options as opposed to procedural alternatives in the case that parents and children are for some reason unable to meet in person. A vast majority of respondents do have a variety of options for



telecommunication, barring liberal use of the internet, from full access to Skype for prolonged parts of the day (Cyprus), to more restricted use of telephones only. Georgian prisoners may exchange one form of communication (e.g. a short visit) for a Skype call when in-person meetings cannot be arranged.

13. Do prison rules/practice allow for special leaves of absence for imprisoned parents for significant events in the lives of children (e.g., birthday, first day of school, hospitalisation)?

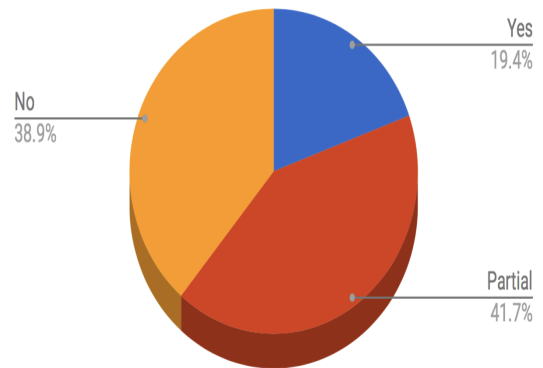
Sixty-three per cent of administrations reported that imprisoned parents may take short leaves of absence to visit children under special circumstances. In some countries, this is the case only in lower security prisons, and is decided by prison administrators (Croatia, Cyprus, France). In others, leave of absence takes different forms. Prisoners in North Rhine-Westphalia, Germany are allowed short-term leave with or without the escort of a prison employee, unescorted short-term leave or extended leave with overnight stays; 'relaxations of



detention conditions do not constitute rewards for correct behaviour. Rather, they constitute important treatment measures'. Latvia uses leave of absence as incentives for good behaviour and a 'conscientious attitude towards work or training', allowing young offenders eight hours' leave, prisoners in open prisons (low security) up to two days per month, and all other prisoners up to three twenty-four hour periods per year.

14. Is there support available for visitors' journeys to prison (e.g., financial support, placement in prison geographically accessible to children and families)?

About 40 per cent of prison administrations do not appear to feel that facilitating travel for families visiting imprisoned relatives is a significant issue. A good number are, however, either taking measures to locate imprisoned parents within proximity to families or are providing funds for children to



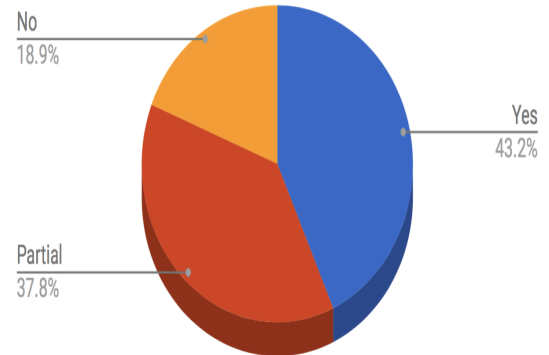
travel. Responses were mixed with respect to providing financial help: Cyprus was the only prison administration that reported having a budget for transporting children (though there is only one prison), while some rely on

nongovernmental organisations to provide transport funds (e.g., Croatia, Czech Republic, Germany Rhineland-PF).

15. Is proximity to/accessibility for visiting by the prisoner's family a consideration in placement in particular prisons?

Forty-three per cent of prison administrations reported that geographical proximity is a consideration in the placement of prisoners, which suggests proximity is not a primary concern. Latvia was the only respondent to report that a person's place of living is the sole consideration made for their placement in prison. Often, however, prisoners are located in the institution that suits their sentence. Croatia only has one women's prison, for instance, and thus does not factor in the family's

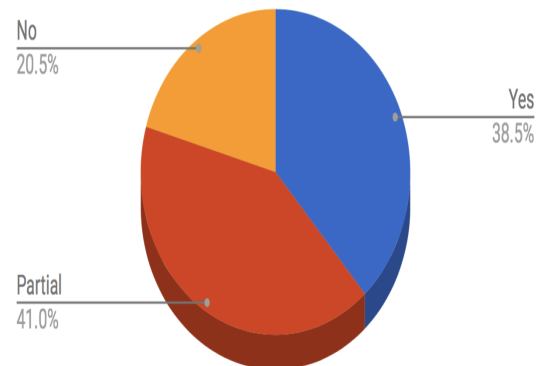
Germany's prison administrations allow prisoners to transfer temporarily to prisons that are closer to families.



place of residence. Those detained in juvenile custody or on remand detention in Germany's Mecklenburg are also placed in appropriate facilities, without regard to family proximity. Hessian prisons have a policy wherein transfer to a facility closer to home is possible 'where this is helpful for the [re-] integration process, e.g., for family reasons'.

16. Are parenting programmes that encourage the development of constructive parent-child relationships offered in prisons?

A majority of European prisons provide parenting programmes in some form, but programmes for the development of child-parent relationships take different forms, and are often specific to certain prisons, as opposed to being replicated nationally. One Bulgarian prison implements a programme called 'Active/



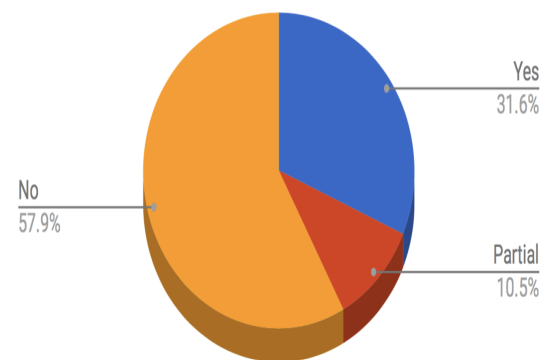
Positive Paternity' for fathers of children up to eighteen years old with the intention to include fathers in child care and to '[debunk] the myths regarding the

role of the father in the upbringing of children'. Some prisons in Germany's Saxony and North Rhine-Westphalia offer parenting classes for both mothers and fathers, with plans to expand the workshops. In Hesse, mothers in the mother-child facility receive educational support. Turkey has implemented a 'Family Training

Programme,' developed by the Ministry of National Education and administered to child psychologists and social workers alike, which works with parents of children under eighteen to raise awareness of and sensitivity to children's physical and psychological development.

17. Do family advisory groups provide feedback, evaluation and guidance on how to improve facilities, procedures and children's experience of prison visits?

Nearly 60 per cent of prison administrations do not have family advisory groups in place. Among those prisons who do have reviewing procedures, the variety of responses given reflect a broad lack of standardisation. Some prisons rely on external state agencies to provide feedback (Cyprus, Rhineland-Pf); others receive review from NGOs (Finland, France). In Turkey's 'Family Training Programme,' discussed in Question 16, a 'psycho-social support service' comprised of psychologists and social workers reviews the interactions between imprisoned

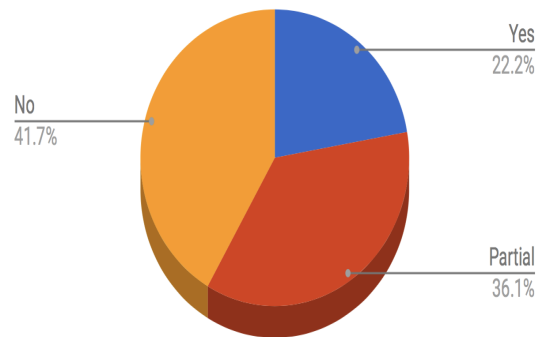


parents and their children to determine the effectiveness of the training programme. Estonia reported that regular meetings are held between prison staff and families to discuss tactics for improving familial relationships. French prisons rely on a network of organisations through working with UFRAMA, a union of organisations working in prison family rooms and welcome areas, to evaluate families' experiences with prison facilities and procedures.

B. Prison Staff and Staff Training

18. Is training provided for all relevant prison personnel on how a parent's imprisonment and the prison setting can impact dependent children and on how to make visits child friendly?

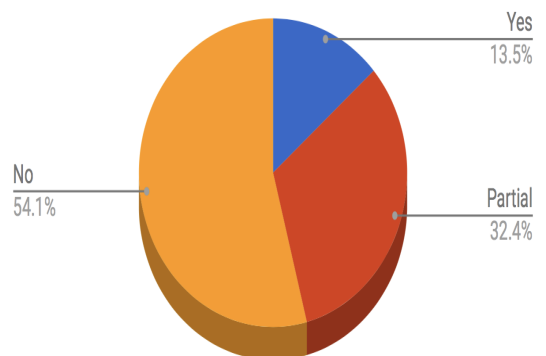
Twenty-two per cent of prison training programmes educate about the impact of parental imprisonment on children, and provide information on how to make visits child friendly. Germany's North Rhine-Westphalia prisons require a family sensitivity training course for all prison staff, that, among other things, aims to 'widen the



participants' horizons as to how prison sentences can be executed in a family-friendly manner.' Greece discussed the introduction of a programme on the topic of the 'collateral damage of imprisonment of parents on children'.

19. Are specialised and trained staff present in child-friendly facilities during visits?

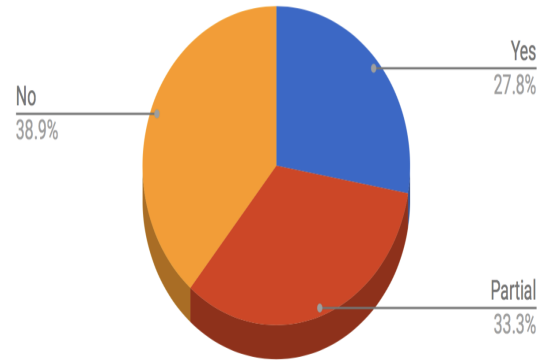
On the whole, prisons staff monitor child-friendly facilities, while 13.5 per cent have staff trained specifically for those facilities. Germany's Baden-Wurttemberg was the only administration to report that caregivers from an external organisation are present to accompany children in visiting areas. Children visiting parents in Georgian prisons are accompanied by a member of



the legal staff, present for the purpose of protecting the child's human rights, but not necessarily trained in child sensitivity. Prisons in Hesse, Germany employ trained, child-sensitive staff exclusively for family activities.

20. Is training available for relevant staff on how to support the child-parent relationship?

Twenty-eight per cent of prisons train staff to provide active support for the child-parent relationship. In Finnish prisons, this work falls within the responsibilities of prison social workers; France relies on their prison counselors and probation officers as the link between prisons and families, and otherwise allows that role to be filled by NGO partners. The family sensitivity training course that

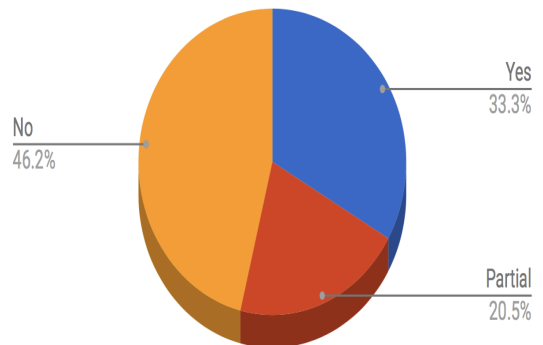


North Rhine-Westphalia reported implementing (see Question 18) encourages prison staff to 'find positive ways of starting up conversation with prisoners and their relatives' among other tactics for supporting familial relationships.

C. Data Collection

21. Is information collected about the number and age of children whose parents have been imprisoned?

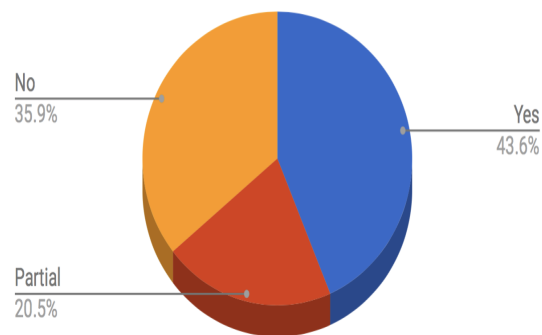
One third of prison administrations collect information about children when their parents are imprisoned. For those prison administrations that do take an active role in collecting demographic information data of children with incarcerated parents, respondents suggested that the responsibility is frequently



shared by prison social services (Croatia, Germany Baden-Wurttemberg, Hesse, Slovakia) and psychologists (Greece, Turkey).

22. Are inquiries made to ascertain who is caring for children in lieu of the parent in custody?

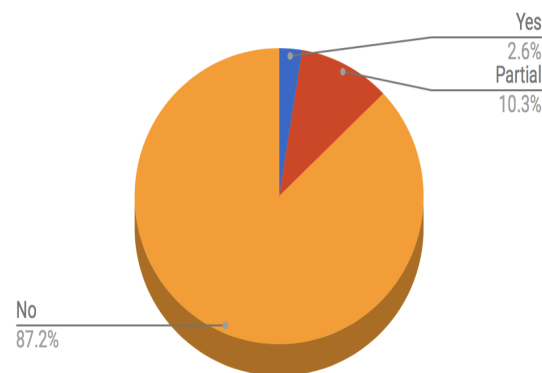
Roughly 45 per cent of prisons inquire as to the status of children whose parents have been imprisoned, but a majority leave this responsibility to police (e.g., Czech Republic) and child welfare services (e.g., Croatia, Germany Baden-Wurttemberg, Hungary, Slovakia). Turkey reports that psychologists and social



workers who work in their prisons' psycho-social services hold interviews for the children of prisoners and direct them to relevant institutions.

23. Are statistics on children of prisoners made available for public use?

Statistics on children with imprisoned parents are not available for public use in nearly 90 per cent of respondent countries, due to privacy concerns.



D. Children Deprived of Liberty

24. How many children are currently living with parents in prison and up to what age? Up to what age in years?

This question alone demands quantitative data, and so the following chart, assembled as part of the recent UN Global Study on

Children Deprived of Liberty, serves as an inventory of current figures and standards regarding children residing in prison with a parent. It includes responses to the COPE-Council of Europe questionnaire (as of March/April 2017) and information from the EU Fundamental Rights Agency.

		No. children residing with parent in prison*	Maximum age (years) (COE questionnaire)*	Maximum age (years) (FRA report)**	COE comments*	Applies to (Mother/Father)**
1	Bulgaria Fast-track: Vessela Banova (Child & Space)	3	3	1 (Execution of Penalties and Detention in Custody Act 3 April 2009, Art. 85 (2))	3 children born in January 2017; May 2016; June 2016	M
2	Croatia Fast-track: Maja Gabelica (Dep Child Ombuds; COPE)	0	3	3 Execution of Prison Sentence Act (Zakon o izvršavanju kazne zatvora) (1999), Official Gazette (Narodne novine), Art 111	Imposed by law (for mothers only) that children born during mother's sentence could stay with her up to age 3. At the moment, no such cases, but one female prisoner is expecting birth in May. Usually up to 6 children with mothers in special maternity department (maximum of 8 during last 10 yrs).	M
3	Czech Republic Fast-track: Lucie Rybova (Czech Helsinki Committee; COPE)	9	3	3 Law on Serving of Imprisonment (Zákon o výkonu trestu odnětí svobody), No 196/1999, 30 June 1999 § 67		M
4	Cyprus Fast-track: Leda Koursoumba (Child Ombudsperson)	0	N/A	1(2) Prison General Regulations (Οι περί φυλακών Γενικοί Κανονισμοί) N. 121/97, Regulation 46 (1)		M
5	Denmark	5	3	1(3)		M+F
6	Estonia	4	4	3		M
7	Finland Fast-track: Dr. Paulina Tallroth/Ministry of Justice, Finland PB 25/FIN-00023 tel. + 358 50 5225199 paulina.tallroth@om.fi	20	3	2(3)	Last year (2016) there were about 20 children, up to age 3	M+F
8	France Fast-track: Dr Alain Bouregba (Pres, FREP; COPE)	21	1.5 (2)	1.5	22 nov 2016: 21 enfants (de 18 mois, exceptionnellement 24 mois, maximum). Nous ne disposons pas d'information en temps réel sur l'âge des enfants.	M
9	Georgia	4	3	non-EU	Article 72 of the Imprisonment Code of Georgia: on mother's request and with approval of child care and custody authorities, possible to arrange appropriate conditions for mothers and children under age 3. Currently 4 children under age 3 living with parents at No. 5 Penitentiary establishment for women.	non-EU

10	Germany (Baden Württemberg) <i>Fast-track: Claudia Kittel or Klaus Roggin (COPE)</i>	6	3	school age (NB: German data not split by Lander)		M
11	Germany (Bavaria)	20	3			
12	Germany (Brandenburg)	0	N/A		No child-parent living areas	
13	Germany (Hamburg)	2	3		In open prisons mother-child cells located in female unit	
14	Germany (Hesse)	13 (age 0 to 4)	3-6*		Children can be accommodated in closed mother-child institutions up to age 3, and in open mother-child institutions to age 6	
15	Germany (Lower Saxony)	12	5			
16	Germany (Mecklenburg-Vorpommern)	1	3		Currently one young mother (22) with son (7 mos) in Neustrelitz juvenile prison. Mother-child unit accommodates two mothers, each with two children aged 3 or younger. Only prison to have separate facilities	
17	Germany (North Rhine-Westphalia)	19	6			
18	Germany (Rhineland-Palatinate)	0	N/A			
19	Germany (Saxony)	2	3		Possible in open prisons	
20	Germany (Saxony-Anhalt)	0	N/A			
21	Germany (Schleswig-Holstein)	0	N/A		Not possible	
22	Germany (Thuringia)	2				
23	Greece <i>Fast-track: George Moschos (Child Ombudsman)</i>	15	3	3		M
24	Hungary (prison administration) <i>Fast-track: Attila Juhasz (Vice-chair PC-CP)</i>	4		1		M
26	Ireland <i>Fast-track: Fiona Donson (Univ College Cork; COPE)</i>	4		1		M
27	Italy <i>Fast-track: Lia Sacerdote (Pres, Bambinisenzasbarre, COPE)</i>	1 (19 April 2017)	3	6	Italian legislation provides that children can live with parents in prison up to age 3.	M(F)
28	Latvia <i>Fast-track: Anna Krasanova (Child Rights Division, Ombuds Office)</i>	22		4	Child can live with imprisoned mother up to age 1; after that, mother returns to cell and child stays in mother-child unit	M
29	Lithuania Marius RAKŠTELIS: Head of Penitentiary and Probation System Unit of Administrative and Criminal Justice Department, Ministry of Justice, Lithuania	5	3	3-4*		M
30	Luxembourg <i>Fast-track: Marie-Jeanne Schmitt (Service Treffpunkt, COPE)</i>	1	None			M

31	Macedonia Fast-track: Directorate for Execution of Sanctions of Republic of Macedonia Jasmenka Donchevska [dis@mt.net.mk]	0	1			non-EU
32	Malta Fast-track: George Busutill (Mid-Dlam gahd-Dawl Foundation)	0	N/A	1		M
33	Montenegro	0	N/A	non-EU		non-EU
34	Poland Fast-track: *Ewelina Startek (Probacja Foundation, COPE)	43	3	3	Mother-child homes organized within selected prisons, in which child may stay, upon mother's request, until age 3, unless educ/ health circumstances, confirmed by doctor or psychologist, make it recommendable to separate child from mother or to lengthen/ shorten this period. Decisions require consent of the welfare court.	M
35	Romania Fast-track: Luca Catalin (Dir, Alternative Social; COPE)	2	1	x		
36	Slovakia	Not relevant for CoE		3(5)	Not possible for children to live with parents in prison. Prison administration considering establishing facility for imprisoned mothers with children.	M+F
37	Slovenia Fast-track: Lucija Bozikova (Prison Service; Europris Family Ties Expert Group)	0		1(2)		M
38	Sweden Fast-track: Madelein Kattel (Dir, BUFF; COPE)	20	1	infant	Approx. 20 children/ year, up until child turns 1 (some exceptions)	M+F
39	Switzerland Fast-track: Viviane Schekter (Dir, REPR; COPE)	3	3	non-EU	Children live with mothers only at Hindelbank prison	non-EU
40	Turkey Fast-track: Fulya Giray Sozen (Altinbas Univ, TCY-OV; COPE)	593	6+	non-EU		non-EU

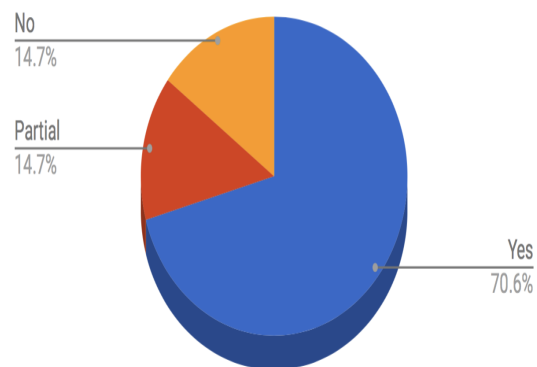
Source: COPE (based on PC-CP/COPE questionnaire and Fundamental Rights Agency data)

* Responses to COE/COPE questionnaire (as of March/April 2017)

** EU Fundamental Rights Agency

25. Are imprisoned mothers/fathers and their children housed separately from the rest of prison population?

Seventy per cent of mothers—and from the more detailed responses provided, only mothers are permitted to keep their children in prison with them—have access to a designated facility within the



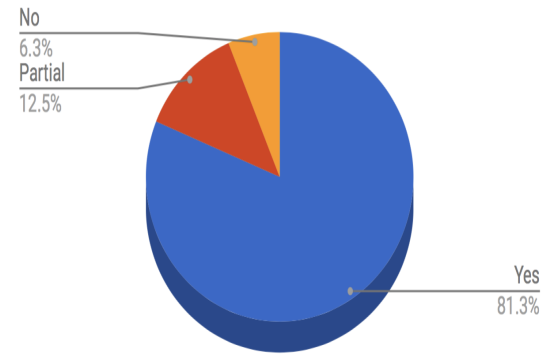
detention centre. In some women's prisons, such as the

open prisons in Hamburg, Germany, children are mixed in with the general population within the female unit. Elsewhere, including in Croatia, France,

Georgia, Hesse (Germany), and Latvia, mothers with children occupy an entirely different building within the facility.

26. Are all of your facilities for children living with mothers/fathers designed specifically to accommodate for children?

Over 80 per cent of prisons that house mothers with children do for the most part have facilities to accommodate them, and at times include educational facilities and programs. Georgian prisons have appropriate facilities including playgrounds and designated areas in libraries, and also provide medical services; Turkish institutions organise

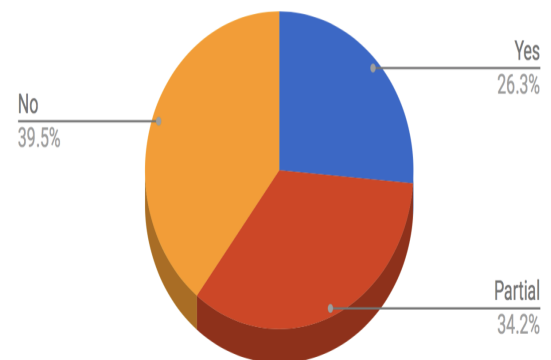


children's activities under the guidance of 'psychosocial service specialists,' and some have preschools and kindergartens, affiliated with the Ministry of National Education, on the prison grounds.

E. Review of Practices

27. Is the implementation of child-friendly practices as described above reviewed at least every two years?

Approximately a quarter of prison administrations regularly review child-friendly practices, and for those administrations that do, most include the review of child-friendly practices in general prison monitoring. Some administrations reported that prison review takes place on a rolling basis, without specifying the nature of that



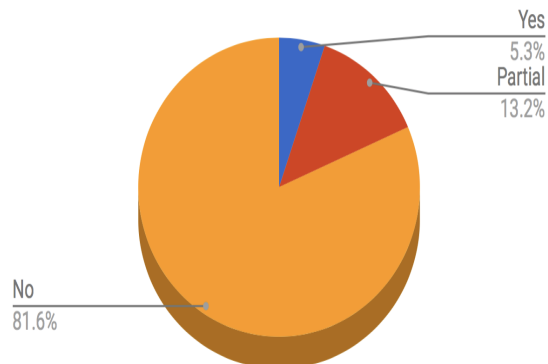
review (Czech Republic, Germany's Rhineland-Pf). Some reported receiving internal monitoring (Finland, Georgia, Germany's Rhine-Westphalia and Saxony), while others rely on

external organisations to provide review (France, Germany's Hesse). In other words, review of

child-friendly practices is not standardised.

28. Is there a standing committee meeting at least twice each year involving children's ombudsperson, prison authorities and NGOs, if relevant, to consider matters relating to children of prisoners and prisons?

Cyprus and Luxembourg were the only respondents to report that a standing committee on the rights of children with imprisoned parents exists. Very few European prison administrations conduct regular meetings with prison



authorities, children's ombudspersons and NGOs. Those few that do so tend to rely on reporting from the ombudsperson, not during regularly scheduled meetings (Cyprus, Greece).

III. Conclusion: A Way Forward

This pan-European data on children of imprisoned parents, the first of its kind, is a study in both the importance and limits of data collection. It provides a crucial baseline understanding of how European prisons moderate the relationship between prisoners and their children, which allows policymakers and prison administrators to improve the policies and protocols that affect the conditions of children with a parent in prison. Working in the European context can present certain challenges—every country is its own cultural, political and economic milieu, and standard regulations and protocols are accordingly unique—yet is also an enormous asset, not just from a regulatory standpoint, but in the ability to share diverse strategies of good practice. This report does reveal significant differences in the priorities and standards of Europe's prison administrations, but it was not designed to be a comparative study to define which national ministries of justice and prison administrations are succeeding and which ones are failing to provide support for children of imprisoned parents. Instead, the baseline practices highlighted in this report are the foundation for the development of stronger rights-based practices throughout Europe's prisons, and many initiatives outlined by European countries demonstrate good practices that can be shared and implemented elsewhere.

This report also functions as a bid for further data collection, sprung from the need to provide additional support across the board, to form and strengthen relationships with prison administrations, and to help make some of Europe's prisons more receptive to the rights-based support schemes that better protect the development, welfare and future of Europe's children. The year 2019 will bring more data collection as a follow up to the work done here. COPE is working even more closely with prison administrations and justice ministries across Europe, as well as with EuroPris, contacting those bodies that responded to the 2017 Council of Europe-COPE questionnaire reported on here in order to understand the ways in which programmes are developing, and especially to provide a forum for administrations to state their needs, to provide feedback on the effectiveness of programmes and practices that are currently in place, and to generate their own ideas surrounding current practices and how they might change and be better supported.

It may be helpful for prison administrations, ministries of justice, international governing bodies, NGOs and policy advocates to have an opportunity to request guidance when designing policy, protocols, or programmes. Greece's prison administration was unique in responding to many prompts by asking expressly for NGO support and suggestions of good practice, noting their interest in, for

example, 'implementing educational programmes for prison staff with special issues on child-friendly methods.' It may be constructive to extend a future survey to prison administrations to ask what support governing bodies themselves would like to receive. How, in other words, can organisations work reciprocally with ministries of justice and prisons themselves not only so prisons can receive guidance, but so prisons can make good practice recommendations through organisations to other administrations. What works; what doesn't?

Future surveys will do well to improve on issues that became apparent after administrations responded to the 2017 survey on which this report is based. Future questionnaires would benefit from a certain refinement, incorporating more specific questions that then elicit more specific responses. Take for example Question 5, '*Are children granted visits with their parents that offer privacy, when necessary and in specific circumstances? (e.g., when child needs extra reassurance, death in the family, etc.)?*' This question attempts to glean information on several different factors, and accordingly the responses received covered a broad spectrum of information. Some focused solely on the question of privacy (a majority reported that privacy is afforded no matter the circumstances); others discussed the question of special visits and temporary leaves of absence in the case of emergency. In the case of Question 10, '*Are arrangements for child-parent activities made on a regular basis, not attributed as 'rewards' for prisoner's*

good behaviour?' it is easy to see how 'child-parent activities' might be construed differently from 'regular visiting hours.' Specific wording will receive a more specific answer. Greater specificity in responses as well—demanding details excerpted from legislated practices or administrative protocols, for example—facilitates researchers, organisations and policy makers to analyse more comparatively.

Question 21, which asks, '*Is information collected about the number and age of children whose parents have been imprisoned?*' raises an important issue in the question of data collection. One third of prison administrations reported that they do collect information on children with imprisoned parents. It is not hard to see how data on the children of imprisoned parents might be collected by different institutions that prisoners pass through (police, prisons, social services etc.), which raises the question as to what body or bodies are responsible for data collection. The answer is clear: if every institution or organisation through which a prisoner passes asks after the child, the lesser the chances are of that child falling through the cracks or being neglected.

To that end, efforts to normalise requests for data are key at all stages, from the parent's arrest to resettlement, and in the communal and cultural institutions through which children pass. Standardising entry surveys in schools, for example, with three basic questions—'*Does your child have any health difficulties? Do they have any disabilities? Have they had or are they*

experiencing any Adverse Childhood Experiences?⁴—treats the imprisonment of a parent as having a serious effect on children, while simultaneously normalising the collection of that information.

It goes without saying that the data in this report represent merely a small pool

in a great sea of data that need to be collected and analysed in the future. More data collection means more support for children with imprisoned parents by way of support for the prison administrations and staff that mediate their situation. The goal is to better grasp and enhance the role that prisons take in this regard.

Framing Future Data Collection

When we talk about a child losing a parent to incarceration...only through a child maltreatment lens, the meaning that gets made...is that children of incarcerated parents are maltreated children, harmed by their parents and thus better off without them. If however, the parents who are in prison or jail are seen as potential supports for these children, as buffers from the toxicity of the stress, then a different meaning is made of the loss. It becomes more profound and less dismissible.

—Ann Adalist-Estrin, 2014

Aside from the logistical difficulties of collecting data, the challenge of gathering information about incarcerated parents and their children is fundamentally a question of trust. As analysts of penal discourse have noted, the tendency to use punitive language that makes prisoners feel culpable—as opposed to the 'socially inclusive' language in systems that value 'penal welfarism'—can affect how parents view themselves, especially in their role as parents, and affects how they understand their relation to authorities.⁵

The same discursive shift applies to both children of imprisoned parents and the prison staff that mediate the child-parent relationship: children are no longer seen as wards of an unfortunate situation, but individuals whose voices are heard; imprisoned parents are no longer viewed as delinquents, but self-respecting and motivated caregivers; the prison staff that mediate the child-parent relationship become agents of change whose support for the child-parent relationship creates a more

⁴ Parental imprisonment is one of ten Adverse Childhood Experiences (ACEs) that have been seen to significantly affect the well-being of children, along with physical and sexual abuse; physical and emotional neglect; mental illness; mother treated violently; divorce; and substance abuse (Feletti et al., 1998).

⁵ Muth, Bill et al., 'A Critique of the Prison Reentry Discourse: Futurity, Presence, and Commonsense,' 2016, *The Prison Journal*, Vol. 96(3): 392–414.

respectful prison atmosphere and injects meaning into the role of prison officer.

Accordingly, changing the way questions are asked when collecting data changes how children, parents and the institutions that mediate the child-parent relationship are understood and understand each other. Trust is crucial to collecting accurate data. As Ann Adalist-Estrin puts it, 'The people gathering information in some way have to be trusted by the people being asked the questions...the fearfulness that folks have about how [their information] is going to be used has to be allayed.'⁶ In the case of collecting information from an imprisoned parent, that means asking questions that frame them as parents before they are prisoners, that take into consideration the profound emotions behind being separated from a child and honor the gravity of the relationship in and of itself. Trust is also built by establishing the intention behind collecting data, focusing on support for the child's rights, and stressing the importance of information sharing in facilitating their participation in their child's life.

When collecting data from prison administrations and staff, the request for information should highlight the value of the prison's support for the child-parent relationship, focusing on support for the

parent as a factor that contributes to dynamic security—the notion that prisons will function more smoothly if support for families is improved, and that stronger family contact has been seen to contribute to lowered rates of recidivism⁷. Dynamic security also expands the role of the prison officer, imbuing it with a certain investment in or responsibility for the prisoner's rights and rehabilitation.

There are two programmes currently in place in Norway that reflect a non-punitive discursive approach to both supporting the child-parent relationship and improving dynamic security through reframing the role of the prison officer. Prison officers in Norwegian Correctional Services undergo a two-year training programme, 'where the consciousness about ethics, attitudes and a humanistic approach, plays a central role,' which includes attention to prisoners as parents. Through thoughtful framing and training programmes, prison officers become 'not merely prison guards in the old-fashioned sense of the word', but assume a key role in rehabilitation: 'We look upon them as 'agents of change''⁸.

In the organisational sector, Norway's Organisation for Families and Friends of Prisoners (FFP) recognises children themselves as not merely deserving of being heard, but as helpful agents with

⁶ Adalist-Estrin, Ann, 'Building Bridges V: Ann Adalist-Estrin Keynote Speech,' Central Connecticut State University, February 1, 2010. Accessed at <https://vimeo.com/42385459>.

⁷ See for example, The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, Lord Farmer, August 2017, UK.

⁸ Dynamic Security: Question Submitted by Republic of Lithuania Prison Department on 06/03/2017, EuroPris Knowledge Management System, accessed at <https://www.europis.org/epis/kms/?detail=173>.

ideas. FFP organises workshops that allow children of imprisoned parents to give input on their experience visiting their parents and to provide feedback as to how the experience might change. The act of inviting children and parents affected by imprisonment to the negotiation table is both a way to make reforms that centre the rights of the child and a way of valuing the agency of children as active participants in their parent's imprisonment.

One of the particularities of intentionally framing the language surrounding children with imprisoned parents around these concepts of 'socially inclusive' language, humanistic, child-friendly penal policy, is that in doing so, those

intentions become subsumed in language as opposed to articulated outright. This is why analysts use Critical Discourse Analysis to examine policies and academic texts related to incarceration. Framing discourse takes place at a linguistic and conceptual level, which is to say, the language conveys meanings without explicit explanation. When collecting data however, the explanation behind that language can be spelled out, and can be a starting point for a more personal, human conversation that fulfills the need for information and recognises the needs of the person being interviewed.