



Status Brief: Children of Roma & Traveller Prisoners

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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Roma and Travellers tend to be overrepresented in prison populations in Europe, though a deficit of current data makes exact numbers unavailable.¹ It is estimated, however, that over one half of sentenced prisoners in Bulgaria are Roma, and that Hungary and Romania have demonstrated comparable numbers. Viewed proportionally, Travellers make up less than one per cent of the general population in Ireland, yet nearly 25 percent of the female prison population. Reasons for overrepresentation include, *inter alia*, increased likelihood of racial profiling, greater incidence of poverty, and lack of eligibility for alternatives to incarceration before and during trial and after sentencing. With the exception of Ireland, the UK and Finland, there appears to be a notable lack of studies and attention to the specific situation and challenges faced by Roma prisoners and their children/families in those countries surveyed.



Coming in the wake of preliminary mapping efforts undertaken by the Children of Prisoners Europe (COPE) network across the region, this publication aims to bring together information, good practice and recommendations to provide a brief guidance tool for further investigating and addressing the specific challenges Roma and Travellers face in prison, especially in regards to their ability to maintain quality contact with their children. These efforts are underpinned by United Nations, European Union and Council of Europe treaties and by the European Prison Rules, notably Prison Rule 38(1) which stipulates that “special arrangements shall be made to meet the needs of prisoners who belong to ethnic or linguistic minorities.”

The information found in this briefing is based on research conducted through participation with COPE network members during 2017. Eighty-six COPE members received and disseminated a questionnaire inquiring specifically about current programs and other past experience with children of Roma and Traveller prisoners. Twelve prison administrations responded from nine European countries: Croatia, Czech Republic, Germany, Ireland, the Netherlands, Norway, Sweden, Switzerland and the UK.

A Note on Language

Following terminology that the Council of Europe employs, this publication uses the term ‘Roma and Travellers’ to refer to a wide range of groups:

- a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/ Rudari;
- b) Balkan Egyptians (Egyptians and Ashkali);
- c) Eastern groups (Dom, Lom and Abdal); and
- d) Travellers, Yenish, and persons who identify as ‘Gens du Voyage’ and Gypsies.

Challenges to Data Collection

Given the vast diversity of Roma and Traveller communities—ethnically, geographically, economically and otherwise—challenges to collecting data specific to the children of imprisoned Roma and Travellers are numerous. Although, for example, many European institutions and some NGOs have a particular focus on the situation of Roma and Travellers (including in relation to the administration of justice), work specific to maintaining the relationship between children and their Roma and Traveller parents in prison is scant. Roma- and Traveller-specific study has, with justification, focused primarily on questions of police attitudes and harassment, and on the response, or lack thereof, to hate crimes and racially motivated crimes targeting Roma and Traveller people.

For those studies that do focus on children of imprisoned Roma and Travellers, including the COPE member responses that inform this document, a lack of rigorous data makes it hard to generalise their conditions. Additional challenges arise when Roma and Travellers are imprisoned outside their own country and thus separated from an imprisoned parent. Just the same, there are some clear indications of trends specific to Roma and Traveller communities, just as there are overlapping similarities with conditions facing other children of prisoners.

Disproportionate Representation: Some Hypotheses

Racial profiling, a lack of legitimate opportunities for securing income, and ineligibility for alternative sentencing are the primary factors that contribute to elevated incarceration rates of Roma and Travellers, and that are priority issues to be addressed in the European Union's Framework for Roma Integration Strategies. The European Commission has linked monitoring progress in Roma integration to its wider growth agenda, Europe 2020. Other factors of disproportionate incarceration are as follows:

- The subjection of Roma and Travellers to police stop and search operations increases the

likelihood they will enter the criminal justice system;²

- Greater frequency in reporting offences committed by perpetrators from Roma and Traveller backgrounds;
- Discrimination in sentencing;³
- Difficulty in claiming state benefits⁴ and punitive denial of benefits⁵ increases the likelihood of both poverty and 'antisocial behaviour' (e.g., begging) leading to arrests, unpaid fines and imprisonment;⁶
- Greater reliance on court-appointed defence counsel, who tend to be less active in defending their clients due to poor wages;
- Alternatives to imprisonment before and during trial and after conviction⁷ (including early release) may be premised on the offender having a certain identity, residence, family and social network, job and roots in the community;⁸
- Because Roma are often amongst the poorest members of society, they are not in a position to post bail (pre-trial) or pay fines in lieu of serving a custodial sentence.



Roma, Gypsy, Traveller, Irish Travellers: Similarities and distinctions relevant to children of prisoners

Among the different communities and ethnicities under the Roma and Traveller umbrella, many of the challenges faced by imprisoned parents and their children are the same, but there are some significant distinctions given the geographical and environmental circumstances of different Roma-Traveller subgroups.

Similarities include:

- Experience of long-term discrimination, marginalisation and exclusion;⁹
- Negative experiences with governmental authorities, including the police, prison officials and social services;
- Tendency for the level of standard education and literacy to be lower than in the general population, which can make accessing information, services and resources in prison difficult, and can hinder a family's ability to maintain in contact;^{10, 11}
- Tendency for Roma and Travellers to have more children and from a younger age than the general population.¹² This suggests a need to be alert to the importance of working with those in juvenile detention facilities as well as those in adult prisons;¹³
- Child-care often becomes a role taken on by extended family, which brings with it a myriad of benefits and challenges;
- Safety and the retention of cultural identity are primary concerns when children are placed in foster or state care;¹⁴
- Generally high levels of poverty and social deprivation reduce the possibilities of travelling to visit an imprisoned parent, the frequency of phone contacts and access to services and assistance;¹⁵
- Added difficulties of maintaining contact with family arise for those who are nomadic or semi-nomadic, or live on temporary sites so that mail may not be received, and internet access and mobile phone signals may be limited;¹⁶
- Lack of data is correlated with lack of support.

Distinctions include:

- Nationality and language;
- Settled versus nomadic customs;
- Some may be imprisoned in their own country, in which case Travellers are more likely to speak the language of that country;
- Some Roma may not speak the national language as their mother tongue (may also be an issue for communication between prisoner and child if the prison authorities do not permit the use of a

language they do not understand);¹⁷

- Those imprisoned in another country, like other foreign nationals, may not speak or understand the language of the place of imprisonment. The prisoner may be subject to deportation at the end of the sentence, even if there are family members in the country of imprisonment.¹⁸ Furthermore, they may be 'irregular migrants' which raises issues not only for the prisoner but also for the family/partner/spouse if they are also in the country irregularly and so may be afraid to visit or contact the prisoner.¹⁹ Those without nationality may have a temporary leave to remain;
- The child, or family members able and willing to look after the child may be in a third country, i.e. neither the country of origin nor the country of imprisonment, and may also not be easy to contact. This could also be complicated by immigration status or rules;
- In some communities, it is not common to name the father on the birth certificate, which creates problems for children wishing to visit their imprisoned father.



European Good Practice

Good practices regarding Roma- and Traveller-specific treatment and programmes are varied, often context-specific, and have been developed through collaboration with Roma and Traveller organisations, through employing Roma and Travellers in work that engages with prisoners and their children, and through organisational networks that connect Roma and Travellers both in and out of prison with broader Roma and Traveller communities. Given Roma and Travellers' generally negative experiences with respect to government authorities, underscoring the non-governmental status of COPE members and affiliates has been seen to be beneficial.

It is vital that good practices are shared broadly throughout Europe; this briefing, in combination with prior COPE publications, hopes to provide a catalyst for other shareholders in Europe's human rights, prison justice, and Roma justice communities to communicate good practices and discursive shifts. What follows are examples of good practice from seven countries.

Ireland

The organisation Irish Travellers in Prison Initiative (TPI), launched in 2014, works with a steering group that includes Traveller organisations. The TPI has identified five key action areas that have the potential to inform policy and practice in a pragmatic and sustainable manner. They are:

1. Building a knowledge base about Travellers in prison
2. Increasing and improving access to prison-based services for Travellers
3. Strengthening supports for families of Travellers in prison, and following release, via a multi-agency approach
4. Strengthening self-identity and self-advocacy for Travellers in prison by mainstreaming a peer support model
5. Increasing awareness and capacity through training and learning programmes to prison service and probation service staff.²⁰

England and Wales

Good practice for Roma and Traveller prisoners in England and Wales include:

- At HMP Woodhill, Gypsy, Romany and Traveller prisoners could apply for additional weekly telephone credit from their private cash if their only means of contact with family was by mobile telephone. A database of approved Traveller sites was maintained, and Traveller and Gypsy month had been celebrated.
- At HMP Leyhill, families of Gypsy, Romany and Traveller prisoners were able to collect visiting orders at the gate.

- At HMP Leeds, links have been established with community organisations to support Gypsy, Romany and Traveller prisoners on release. In addition, good practice guidance, developed in partnership with NACRO, is available to staff on the NOMS intranet. The guidance comprises several annexes including 'Myths and Facts' and 'A Brief History of Gypsies and Travellers in the UK'.²¹
- At HMP Ford there is a Gypsy, Travellers, Romany (GTR) Offender Representative who meets and greets new offenders which helps them to establish a feeling of belonging, and also a GTR staff member, who is a member of the education department, and is someone the prisoners can approach for help and guidance and to act as an interface with the prison system and prison officers.²²

- Friends, Families and Travellers (FFT) have hosted offenders on a Community Service placement within their organisation.

Latvia

The Ilguciems Women's Prison in Latvia in 2003 was reported as having its own children's home for children of prisoners up to the age of three. The nurses at the children's home speak Romani and a Romani woman worked there as a nanny for a time.²³

Croatia

In Croatia, the Ombudsperson for Children is a source of support for the imprisoned Roma in the same way as for other imprisoned parents and their children and has encouraged programmes to improve the parenting skills of prisoners, both for mothers and fathers (including juveniles/young adults) because of their identification of this as a particular need, especially for Roma. These programmes are general but have a significant participation by Roma because of the high proportion of Roma prisoners. A notable example is the 'Be a Man Club Turopolje', run by the organisation Status: M for the young males in that Correctional Institution, which includes a broad range of issues around gender equality, power relations, expressing emotions and domestic violence as well as parenting. In addition, the programme encourages the young men to continue to work with them in their own communities after their release and which has resulted in cooperation with the Croatian Roma Union and social welfare centres with large Roma populations.²⁴

Bulgaria

A similar programme for imprisoned Roma mothers launched by the association Child&Space is run at the only women's prison in Bulgaria. Child&Space support Roma mothers in writing to their children (low levels of literacy and difficulties in expression), and also have a mobile

family counselling service going from one Roma community to another, thus not only working in the community but also connecting life in the prison with life outside.²⁵

November 2017 saw the beginning of a Roma and Travellers Team training organised by the Office of the Directorate General of Programmes for staff at Sliven Prison, Bulgaria's sole female prison, examine ways in which discrimination can be tackled and how to work with women with special needs. Plans are in place to introduce the program to the male prison in Sofia. This kind of training session could provide an ideal platform for exploring ways in which to expand the frame to incorporate a more in-depth focus on the needs of children of Roma prisoners and on how prison staff can help support the relationship with their parent. As COPE launches a support initiative for imprisoned fathers in Sofia in 2018, we hope to work closely with prison staff to together foster ways to better address the needs of all children separated from a parent in prison.

Finland

The organisation Romano Missio has been working to support Roma people in Finland, and has been working with Roma women in prisons since 2010, overseeing initiatives such as a child protection unit for Roma children. Their Women's Turn project is a culturally sensitive service with practices that have been incorporated into the mainstream prison services, in which Roma

women work as mentors in prisons to support female Roma prisoners on an individual basis.

Their off-shoot “Voiva” (“able”) project, launched in 2011 in Vanaja women’s prison, explores eleven themes with Roma women, including motherhood. Discussions draw on a method called “the map of parental roles”, exploring parenting themes from guardian; to loving and nurturing; to setting boundaries. Other themes related to children include child-rearing practices common to Roma culture and the evolution of parenting over the years.

Finland introduced a Time for Change post-release resettlement project as a follow-up to Women’s Turn, engaging both Roma and non-Roma NGOs and public authorities dealing with crime.²⁶ As with Women’s Turn, a core principle of Time for Change is the involvement of Roma workers who enable participants to feel understood and to share openly in constructive dialogue about the causes of criminal behaviour and the possibility of other solutions. Having Roma colleagues in the prison helps to build mutual trust and understanding with the other staff. The programme is now being extended to male Roma prisoners.



Recommendations

1. The relevant European Union, Council of Europe and OSCE bodies should give attention to the specific situation of Roma and Traveller prisoners and their children and families.
2. The EU should organise a workshop on these issues with a view to informing the strategy for Roma Integration, providing a better understanding of the difficulties and challenges, and sharing good practice.
3. The experience and materials of the organisations and bodies working with Roma and Traveller prisoners and their children and families should be widely shared. The COPE website is interested in becoming a hub for this kinds of sharing.
4. COPE members and affiliates should take the examples set by the UK and Ireland in studying the situation of Roma and Traveller prisoners and their children/families and ensure that such studies specifically include foreign national Roma prisoners.
5. Encourage the European Network of Children's Ombudsmen (ENOC) to undertake a specific study of the situation of Roma and Traveller children who have an incarcerated parent.
6. Recognise the additional burden of stigma and exclusion carried by children of prisoners who are also Roma/Travellers.
7. Encourage contacts amongst COPE members in different countries, and/or with Roma/ Traveller organisations in different countries, where the prisoners' children are in another country in order to assist with maintaining contacts between the children and their imprisoned parents.

Notes

¹ It is currently impossible to document fully the number of Roma and Travellers currently imprisoned, given the dearth of exact data, and given that some European countries do not provide prison population statistics by “ethnicity” and “race.”

² Report of the United Nations High Commissioner for Human Rights: Non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding (A/HRC/36/28 of 21 August 2017), para. 17; Barañi Project.

³ Written Comments of the Bulgarian Helsinki Committee Concerning Bulgaria for Consideration by the United Nations Committee on the Elimination of Racial Discrimination at its 92nd Session (March 2017), p. 30.

⁴ Pavee Point joint submission to CEDAW: for example being unable to demonstrate their right to reside in accordance with European Directive 2004/38 and other conditions. This problem may also mean that Roma and Traveller victims of domestic violence may not be able to access services or alternative accommodation.

⁵ Written Comments of the Bulgarian Helsinki Committee, *op cit*, p. 30.

⁶ Latvian Centre for Human Rights and Ethnic Studies: *Situation of Roma in Latvia*.

⁷ Barañi Project: Study of Romani Women in Prison in Spain (1999).

⁸ Committee on the Elimination of Racial Discrimination: General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005), para. 26(a) and (c); *Situation of Roma in Latvia*, p. 50.

⁹ See European Commission: Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma integration measures in the Member States 2016.

¹⁰ Families Outside response to COPE questionnaire; TPI Statagic Plan: 53.5% of Travellers in British prisons have self-reported literacy problems. p.6; *Overlooked and Overrepresented: Gypsy, Traveller and Roma children in the youth justice system* (The Traveller Movement, 2016); Pavee Point joint submission to CEDAW; *The situation of Roma in Latvia* (Riga, 2003).

¹¹ Rachel Doyle: ‘Hearing their Voices’ Traveller Women in Prison (Travellers in Prison Initiative, Draft, March 2017) .

¹² According to HMIP, in England and Wales Gypsy, Romany and Traveller prisoners were significantly more likely to report having children under the age of 18 (64% compared to 51%). According to *Overlooked and Overrepresented: Gypsy, Traveller and Roma children in the youth justice system*, one in ten of the boys (aged 15-18) in Young Offender Institutions reported that they had a child. In Ireland, the Pavee Point joint submission to CEDAW reports that “There are 252 married 15-19 year old Travellers of which 91 are males and 161 are females; 27% of Traveller women have had 5 or more children compared with 2.6% of women overall.” Also Families Outside response to COPE questionnaire, and Bulgarian Helsinki Committee, p. 30.

¹³ Maria Baum, Caritas Erzbistum Cologne, interview with Claudia Vogg, 25 April 2017; Republic of Croatia Ombudsperson for Children response to COPE questionnaire 14 September 2016.

¹⁴ Rachel Doyle: ‘Hearing their Voices’ Traveller Women in Prison (Travellers in Prison Initiative, Draft, March 2017).

¹⁵ Republic of Croatia Ombudsperson for Children response to COPE questionnaire 14 September 2016.

¹⁶ I-HOP Recognising the Needs of Gypsy, Roma and Traveller (GRT) Children Affected by a Family Member's Offending (10 July 2017).

HMP, p.10: Despite being more likely to report that staff had supported them to maintain contact with their family (40% compared with 35%), a greater proportion of Gypsy, Romany and Traveller prisoners than other prisoners reported problems with sending or receiving mail (52% compared with 45%) and access to telephones (35% compared with 28%).

¹⁷ Czech Ombudsman's 2009 Report states that it is prohibited for prisoners to speak Romani language to their preschool age children on telephone.

¹⁸ Response to COPE questionnaire by Hedy Brenner, Heilsarmee Gefängnisdienst (Switzerland).

¹⁹ Example from Terre des Hommes Belgium in email to author.

²⁰ Travellers in Prison Initiative (TPI) www.ssgt.ie.

²¹ UK response to OHCHR's questionnaire on minority issues, 2015.

²² Joseph Wenman, Jimmy Wenman, Frenny Green, Sean Price, Jessie Fuller, Aleta Blackall: HMP Ford Model of Good Practice Gypsy, Traveller, Romany (undated).

²³ Latvian Centre for Human Rights and Ethnic Studies: *Situation of Roma in Latvia*, Riga, 2003.

²⁴ See also Jurica Pacelat, Status: M, Croatia, "Strengthening parental competencies of young prisoners", in *European Journal of Parental Imprisonment*, pp. 5-7.

²⁵ Presentation by Vessela Banova, Therapeutic Director of Child&Space at COPE Annual Conference, Naples, 19 May 2017.

²⁶ European Commission: *Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma integration measures in the Member States 2016*, p. 25-26.



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