



Implementation Guidance Document



Council of Europe Recommendation CM/Rec(2018)5
of the Committee of Ministers to member States
concerning children with imprisoned parents



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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I. Introduction

On any given day, some 2.1 million children are separated from a parent in prison across Council of Europe member states¹. In addition to being separated from their parent in prison, children with an incarcerated parent frequently face difficult circumstances as a result of the imprisonment of their parent; research has shown that without intervention, they are at greater risk of economic difficulties, loss of housing, family breakdown, stigma and mental health problems². However, constant meaningful contact between children and an imprisoned parent reduces these risk factors for children and allows parents in prison to maintain agency in their parental role³. Children should thus be allowed to maintain regular contact with their parent, and child-friendly protocols should be implemented to facilitate this contact, including protocols in prisons to support a child-friendly environment. Facilitating maintenance of the child-parent relationship through instituting child-friendly, material changes can raise children's chances of living a healthy adult life.

While awareness about the impact of parental incarceration on children among prison administrations, policy makers and child-care agencies has grown, policies that put children's rights, needs and perspectives first have yet to experience widespread adoption. Across Europe, more often than not, criminal justice systems fail to adequately safeguard children's rights and meet the needs of children with an imprisoned parent. Action is needed to provide support. The recent landmark recommendation put forward by the Council of Europe (CoE), Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents, offers a framework to address the shortcomings of the criminal justice system in accounting for these children. Children of Prisoners Europe (COPE) believes that by highlighting key issues and advising stakeholders on protocols for safeguarding the rights of children with imprisoned parents, the Council of Europe Recommendation CM/Rec(2018)5 can catalyse crucial policy change across Europe.

¹ Due to limited concrete, systematised data on children with imprisoned parents, this statistic is a COPE network extrapolation based on 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. The statistic is not inclusive of children of former prisoners, or adults who grew up with an incarcerated parent, who remain uncounted.

² See, for example: Jones, *Ibid.*; Poehlmann, J. et al. (2010) 'Children's contact with their incarcerated parents: research findings and recommendations', *American Psychologist* 65(6): 575.; and Murray, J. (2005) 'The effects of imprisonment on families and children of prisoners', in A. Liebling and S. Maruna (eds) *The effects of imprisonment*, Cullompton, Devon: Willan Publishing, 442-492.

³ *Ibid.*

This Implementation Guidance Document is structured as a companion to the CoE Recommendation. It is by no means exhaustive. Providing examples of good practice from our member organisations, it is designed to guide and support the many stakeholders that the Recommendation addresses by presenting actionable steps towards implementing the policies recommended therein. This guide provides a framework that can be implemented across Europe in each national context, and that serves as a reference document for developing child-friendly protocols at every stage of the criminal justice procedure, from arrest to sentencing to imprisonment and release, and for reviewing legislation, training prison and probation staff and instituting monitoring programmes.

What follows is an examination of each Article of the CoE Recommendation, prefaced by a list of the principle stakeholders it addresses and followed by a discussion of related good practices, with examples from the various countries where COPE has members. These good practice initiatives are not exhaustive; there remains significant work towards developing context-specific policies and protocols. With each recommendation put forth in this Guidance Document comes the underlying assumption that practices for supporting children and families through work with prison administrations, social services, children's ombudsmen and organisations, both governmental and non-governmental, can always improve and see change. It follows that adjustments to prison protocols will be greatly improved through broadened campaigns for data collection and information sharing, which can serve as a source of constant review and improvement. Likewise, this Guidance Document is an organic document, a work in progress, that will evolve and be enhanced as new information and data come to light.

Finally, the document includes an overview of the recent progress on monitoring and implementation of the Recommendation of the EuroPris Expert Group on Children with imprisoned parents, established in partnership with COPE in 2019, and a description of indicators for monitoring the progress of implementation, developed in partnership with the Child Ombudsperson's Office in Croatia.

We hope you find this guide useful and that it will help you to mobilise state and civil partners to work together and effect positive change for children with imprisoned parents.

II. Basic Principles (Articles 1-7)

Article 1

Children with imprisoned parents shall be treated with respect for their human rights and with due regard for their particular situation and needs. These children shall be provided with the opportunity for their views to be heard, directly or indirectly, in relation to decisions which may affect them. Measures that ensure child protection, including respect for the child's best interests, family life and privacy shall be integral to this, as shall be the measures which support the role of the imprisoned parent from the start of detention and after release.

Article 1 is fundamental to every Article that follows in the Recommendation CM/Rec(2018)5, laying the foundation for a human rights-based approach to discourse and policy development concerning the expansive issue of children with parents in European prisons. It reflects the intentional framing of children as individuals, each with individual opinions and needs within a particular context, whose stake in their parent's imprisonment affords them the right to be heard and taken seriously. Children's opinions should contribute to the development of practices and policies that better address their needs. Article 1 informs Articles that focus on developing practices, policies and facilities that respect children's best interests and their rights under the UNCRC, namely the right to information, the right to be heard and the right to maintain a parental relationship (Articles 9-10, 12, 14-15, 17-22, 25-31, 33-37 and 45).

Good practice: Prioritise the human rights of the child

- Create opportunities for consultations with children, adult visitors and facilities to collect comments and recommendations from visitors;
- Work with judges (e.g., by offering awareness-raising workshops) to advise on how they can consider the child's perspective in judicial decisions and encourage them to decide on measures which take into account the best interests of the child;
- Advocate for the use of sensitive child impact statements or assessments in court, which highlight the child's needs and best interests;
- Offer training for judicial authorities to raise awareness of the rights and needs of children with parents in conflict with the law. This training could be provided in conjunction with existing legal training programmes;
- Invite children affected by parental imprisonment (and their parents) to the table. This is a way both to centre reforms on the rights of the child and to honour the agency of children as active participants and equal shareholders in their parent's imprisonment.

Examples of good practice in Europe

- **Norway's** Organisation for Families and Friends of Prisoners (FFP) organise workshops allowing children of imprisoned parents to give input on their experience visiting their parents and to provide feedback as to how the experience could be changed;
 - **Norway's** sentencing guidelines stipulate that during the sentencing of the caregiver of a child, child welfare services and schools should be consulted with by the court in order to determine the best interests of the child. When deemed appropriate, courts are to hear the opinions of children regarding their opinions or preferences towards the sentencing of their caregiver⁴.
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Article 2 (addressing the judiciary and prison services)

Where a custodial sentence is being contemplated, the rights and best interests of any affected children should be taken into consideration and alternatives to detention be used as far as possible and appropriate, especially in the case of a parent who is a primary caregiver.

Article 2 highlights the role that the judiciary should play in making child-conscious decisions about alternative sentencing, especially when a detainee is a child's primary caretaker. Alternative sentencing by the judiciary as well as the use of noncustodial remand measures before sentencing, temporary home leave after sentencing and early release can all help to honour the best interests of the child, with due regard to judicial discretion.

Good practice: During sentencing, consider the best interests of the child

- Consider alternative measures to imprisonment for parents, which will have less of an impact on the child-parent bond;
- Consider pre-trial detention as a measure of last resort;
- Allow children to visit their parents in pre-trial detention;
- Minimise the time before a child is allowed to visit their parent if the parent is in pre-trial detention.

Examples of good practice in Europe

- **France's** Code of Criminal Procedure provides that whenever any defendant has exclusive parental authority over a child under the age of sixteen, the

⁴ Paurus, M. (2017), 'International Report on the Conditions of Children of Incarcerated Parents: A Survey of Prison Nurseries', Children of Incarcerated Caregivers: Minneapolis.

defendant may not be placed in pre-trial detention until the court has ensured the child's best interests are met.

- **Greece** allows mothers of children under eight years old who are serving a sentence of up to ten years to serve the sentence, or what remains of it, under home detention⁵.
- **Italian** criminal code holds that primary caregivers of children under the age of ten should not receive a custodial sentence⁶.
- **Scotland's** Criminal Justice and Licensing Act of 2010 legislates that, system-wide, courts should not pass a custodial sentence of three months or less, unless a court is 'of the opinion that no other disposal is appropriate'. A movement to eliminate all sentences of twelve months or less has been proposed⁷.
- In **England and Wales**, case law precedent has highlighted that courts should perform a 'balancing exercise' in sentencing to weigh interference with a child's right to family life against the seriousness of the offence⁸. Additional rulings⁹ upheld that criminal courts should take the domestic circumstances of a defendant into account, particularly where 'the family life of others, especially children, will be affected', and that courts should seek information on the likely effects of a custodial sentence on children.

Articles 3 & 4 (addressing the judiciary, prisons and prison services)

Article 3 *Whenever a parent is detained, particular consideration shall be given to allocating them to a facility close to their children.*

Article 4 *When deciding to transfer sentenced persons to or from a State in which their children reside due regard shall be given to the best interests of the child when considering the rehabilitation purpose of the transfer.*

⁵ *The United Nations Global Study on Children Deprived of Liberty* (Chapter 10: 'Children living in prisons with their primary caregivers'), Nowak, M. (lead author), 2019.

⁶ *Ibid.*

⁷ Final Business and Regulatory Impact Assessment: The Presumption Against Short Periods of Imprisonment (Scotland) Order 2019.

⁸ *R (on the application of Stokes) v Gwent Magistrates Court* and *R (on the application of P and Q) v Secretary of State for the Home Department*, both from 2001.

⁹ *R v Bishop* (2011) and subsequently affirmed in *R v Petherick* (2012).

Articles 3 & 4 address the geographic proximity of a detained parent to their children and stipulates that this should be considered in the event of pre-trial detention, during sentencing and during any subsequent transfers. The geographic proximity of an imprisoned parent to their child is an important consideration during initial allocation. Children have a right to contact with their parents and this right should not be denied due to a lack of consideration of distance or of a prisoner's financial situation. These Articles form the foundation for Articles 14, 16-18 and 22.

Good practice: Allocate and transfer detainees with due consideration for children's right to maintain parental contact

- Make relevant information on the location of the prisoner's children available to the appropriate authorities when transfers are being contemplated;
- Ensure that proximity to the children of the prisoner is an integral component of the decision-making process for the transfer.

Examples of good practice in Europe

- The **Latvian** prison administration reports that a person's place of living is the sole consideration made for their placement in prison¹⁰;
- In **Germany**, Hessian prison policy allows transfer to a facility closer to home 'where this is helpful for the [re-] integration process, e.g. for family reasons'¹¹.

Article 5 (addressing prisons and prison services)

The prison administration shall endeavour to collect and collate relevant information at entry regarding the children of those detained.

Article 5 addresses the lack of standardised approaches to data collection and highlights the need to collect information about children of prisoners upon registration of new prisoners. Not only does data collection allow prisons to play a role in accounting for the welfare of children in an immediate sense, but more rigorous data collection will allow for the development of better practices informed by hard data and make policy development easier. Standardised approaches to data collection will provide more accurate data on how many children have parents in a European prison, the exact number of which is still unknown. Data collection and its functions in research and policy are expanded upon in Articles 13, 51-53.

¹⁰ Children of Prisoners Europe (2018), 'Establishing baselines: Data collection towards better safeguarding children with a parent in prison'.

¹¹ Ibid.

Good practice: Standardise approaches to data collection

- In the training of prison administrators, incorporate explanation of the importance of collecting data on imprisoned parents and their children;
- Encourage local and national governments to require systematised data collection on the topic;
- Educate prison management on how data collection can positively impact the services available to children;
- Explain what kind of data should be systematically recorded, updated and made available to the public (e.g., the number of children affected, their age, their primary caregiver);
- Design surveys that collect data in a way that is sensitive to both prisoners and their children;
- Normalise the collection of data at all stages, from the parent's arrest to resettlement and in communal and cultural institutions, by standardising entry surveys in schools. Questions like *Does your child have any health difficulties? Do they have any disabilities? Have they had any Adverse Childhood Experiences¹²?* treat the imprisonment of a parent as having a serious effect on children, while simultaneously normalising the collection of that information;
- Advise that statistics should be made public and presented to national and international data collection bodies (e.g. Eurostat).

Examples of good practice in Europe

- In detention centres in the **Netherlands**, initial processing of new detainees must include questions to determine if a prisoner has children and whether arrangements have been made for their care.

Article 6 (addressing NGOs, prisons, prison services, ministries of education, justice, housing, child welfare and children's ombudspersons)

National authorities shall endeavour to provide sufficient resources to State agencies and civil society organisations to support children with imprisoned parents and their families to enable them to deal effectively with their particular situation and specific needs, including offering logistic and financial support, where necessary, in order to maintain contact.

¹² Vincent J. Felitti et al. (1998), 'Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults: The Adverse Childhood Experiences (ACE) Study', *American Journal of Preventive Medicine* 14(4).

Prison services should collaborate with state agencies and civil society organisations to equip child friendly spaces, to train prison staff and to support families. In cases where prisoners are allocated to facilities far away from their children, logistical and financial support should be available to children to satisfy their right to remain in contact with their parent. Resources should be available across multiagency and multi-disciplinary groups that come into direct contact with children with imprisoned parents. Articles 41, 44, 48, 49, 50, 53-56 discuss the involvement of civil society organisations and multi-agency approaches when addressing the rights of children with imprisoned parents.

Good practice: Equip agencies and NGOs with the resources to help children with imprisoned parents

- Policymakers, legislators and criminal justice institutions should work together to develop policies and measures to provide financial and logistical support to children with imprisoned parents and their families;
 - Advise local authorities on how they can support children with imprisoned parents and inform them about the financial and logistical resources available to them;
 - Consider including training for local authorities to raise awareness of the legal resources available to children with parents.
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Article 7 (addressing police, prison staff and the judiciary)

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

Article 7 recommends that all prison staff who interact directly with the children of prisoner should receive appropriate training on child-related policies, practices and procedures. The Article suggests that police, prison staff and the judiciary receive additional specialised training to ensure that they can appropriately address and provide support and protection to children. Training is recommended for arresting officers, prison staff and the judiciary in Articles 8, 23, 24, 46-48.

Good practice: Training staff on child-friendly procedures

- Highlight both the importance of maintaining child-parent relationships and the key role that prison staff play in facilitating the preservation of family ties and maintaining dynamic security;
- Offer prison staff training sessions on children's rights and needs;

- If child-friendly training measures do not exist or standards have depreciated, reach out to NGOs, social services, or the children's ombudsperson to fortify or craft new policy;
- Appoint trained and specialised prison officers whose role it is to support children and their imprisoned parents during each visit;
- Review prisons' existing security procedures for children visiting their parents in order to make them child-sensitive.

Examples of good practice in Europe

- In **England and Wales, Italy, Norway, Sweden** and other countries, prison officers receive training on the impact of imprisonment on children and the needs of imprisoned parents as part of their initial training;
- **Sweden's** Prison and Probation Service has a Children's Ombudsperson responsible for any issues concerning children with imprisoned parents, and all staff receive an introductory children's perspective training, which includes issues about family relations, especially focused on the needs of children;
- **Greece's** Ministry of Justice, Transparency & Human Rights has organised training for prison staff with the aim to educate staff on the importance of maintaining family ties, and more specifically: (a) to support the smooth development of children; (b) to provide opportunities for practicing the parental role from distance; (c) to assist the reintegration of the prisoners and the role they can have in the process.



III. Police detention, judicial orders and sentences (Articles 8-11)

Article 8 (addressing police, the judiciary and child welfare services)

Due consideration should be given by the police to the impact that arrest of a parent may have on any children present. In such cases, where possible, arrest should be carried out in the absence of the child or, at a minimum, in a child-sensitive manner.

During arrests, officers should bear in mind the traumatising effects that a parent's arrest may have on a child. Police officers should be made aware of the possible negative impact of witnessing a parent's arrest on children. Article 8 suggests that arresting officers be provided training to conduct child-friendly arrests, thus mitigating the harm done during the initial moment of separation, and when possible, to carry out an arrest in the absence of the child. Child-sensitive arrests may in some cases necessitate the presence of social services.

Good practice: Child-sensitive arresting procedures

- When possible, conduct arrests when the child will not be present, for example during school hours;
- When children are present during arrest, measures for child-sensitive arrest should be taken. Children should not be in the room, for example, when their parent is being handcuffed¹³;
- Provide training to arresting officers about child sensitive arresting procedure and ensure that the officers are aware of the psychological consequences an arrest may have on a child such as¹⁴:
 - Remember that children are innocent. Speak to them with respect and concern;
 - Children often fear the worst when they are separated from a parent. Inform children about their parent's arrest; tell the truth (though keeping information provided age-appropriate) as opposed to lying with good intention;
 - Provide a safe place for children to go when houses are being searched;
 - Providing families with information about the next steps in the arrest and sentencing process where they can go for support;

¹³ Guidelines for child-sensitive arrest are unfortunately few and far between at the level of European governments. Lisa H. Thureau of the organisation Strategies for Youth released a 2015 report entitled 'First, Do No Harm: Model Practices for Law Enforcement Agencies When Arresting Parents in the Presence of Children,' which offers distinct police training protocols for child-sensitive arrest. The report can be accessed at <https://strategiesforyouth.org/news-events/our-publications/>.

¹⁴ Children of Prisoners Europe (2013-14), 'Children of Prisoners: The impact of witnessing arrest and how police can help'.

- Police should inform or involve social workers in the arresting process when a child may be present;
- Officers should be provided with a list of participating partner organisations and contact information so that they may take advantage of social services provided through interagency cooperation.

Examples of good practice in Europe

- Extensive work has been undertaken in some countries, for example in **Hungary**, to help the police in carrying out child-sensitive arrest procedures, and in some jurisdictions, there is a requirement that social workers are present or informed of an arrest when children are likely to be present.

Article 9 (addressing police, prisons and prison services)

Enforcing restrictions on contact of an arrested or a remanded parent shall be done in such a way as to respect the children's right to maintain contact with them.

Restrictions on contact between an arrested or remanded parent should respect the child's right to maintain contact with their parent. It is not particularly common for prison administrations to deny child-parent contact outright (restrictions to child visits tend to limit frequent contact, especially for inmates awaiting trial), but there are jurisdictions that impose strict security constraints that prevent children's visits. Article 9 intends that such restrictions are only implemented in exceptional cases where contact is not in the child's best interests. In all other cases, prisons should respect a child's right to maintain contact with their parent.

Good practice: Limit restrictions to the child's right to maintain contact with their parent

- Policymakers, legislators and criminal justice institutions should work together to develop policies and measures reflecting a child's rights to see their detained parent, and remove restrictions where they exist during arrest, pre-trial and remanded custody;
- Upon or shortly following arrest, families should be informed by police or social services of their right to visit the arrested parent;
- Create informational materials that outline a child's right to see their parent, the procedures necessary to take part in a visit, and what restrictions may prevent a visit.

Examples of good practice in Europe

- **Swedish** prisons provide rules and details about the visit system and information about numbers of visits, length of visits, numbers of visitors, etc., to both prisoners and their families, upon arrival at the prison¹⁵.
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Article 10 (addressing the judiciary)

Without prejudice to the independence of the judiciary, before a judicial order or a sentence is imposed on a parent, account shall be taken of the rights and needs of their children and the potential impact on them. The judiciary should examine the possibility of a reasonable suspension of pre-trial detention or the execution of a prison sentence and their possible replacement with community sanctions or measures.

The judiciary should be attuned to the impact a parent's imprisonment has on children and should therefore take the defendant's role as a parent into consideration during sentencing. This recommendation reflects the emphasis that contemporary international scholarship places on the broad need to make greater use of alternatives to imprisonment and is revisited within the context of children affected by imprisonment. The European Rules on community sanctions and measures on electronic monitoring set standards that have been agreed upon at the European level¹⁶. See Article 43 for more information about considering the parental role at the end of a sentence.

Good practice: Consider the defendant's parental role during sentencing

- Consider alternatives to detention during the pre-trial process to limit the damage to the child-parent relationship, for example requiring a suspect to reside at a specified address, to be supervised and assisted by an agency specified by a judicial authority, to submit to electronic monitoring, or other community sanctions;
- Policymakers, legislators and criminal justice institutions should work together to develop policies and measures to develop alternatives to detention where they do not exist;
- Inform the judiciary of the need to preserve the child-parent relationship.

¹⁵ EuroPris Family Relations Expert Group (2017), *Good practice collection family relations*, 16.

¹⁶ Council of Europe (2017), *Recommendation CM/Rec (2017) 3 on the European Rules on community sanctions and measures*; Council of Europe (2014), *Recommendation CM/Rec(2014)4 on European rules on electronic monitoring*.

Examples of good practice in Europe

- Sentences are postponed for pregnant women and mothers in **Georgia** who have given birth within a year¹⁷.
- Service of a sentence can be interrupted in the **Czech Republic** until the child reaches one year of age¹⁸.

Article 11 (addressing prisons and prison services)

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.

Special leave should be considered for prisoners when children have significant life events, including birthdays, the first day at school and hospitalisation. While opportunities for leave are most often available at the end of a sentence to facilitate reintegration, Article 11 envisions that home leave for parents be considered at an earlier stage of incarceration to help preserve the child-parent bond. See also Article 32, which discusses the importance of home leave for successfully reintegrating a family, and Article 42, which discusses the importance of authorising home leave to preserve the child-parent relationship during a sentence.

Good practice: Consider granting leave for significant events

- Allow for temporary permissions and leaves of absence to enable a parent to be present at important moments in their child's life;
- Where temporary leave is not available consider offering special prison visits where families can celebrate significant events in the child's life.

Examples of good practice in Europe

- **Georgia's** prison administration allows both pre-trial and convicted inmates 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'¹⁹;

¹⁷ UN Global Study on Children Deprived of Liberty.

¹⁸ Ibid.

¹⁹ Children of Prisoners Europe (2018), *Establishing Baselines: Data collection towards better safeguarding children with a parent in prison.*

- **Finland** provides outdoor visiting areas at some prisons that allow for the possibility of organising family days and special events for families²⁰.



²⁰ EuroPris Family Relations Expert Group (2017), *Good practice collection family relations*, 6.

IV. Conditions of Imprisonment (Articles 12-45)

a. Admission (Articles 12-15)

Article 12 (addressing the judiciary, police, prisons and prison services, social services)

Prior to, or on admission, individuals with caregiving responsibilities for children shall be enabled to make arrangements for those children, taking into account the best interests of the child.

The process of detention should cause as little disruption as possible to the life of the child. It is in the interest of children to be cared for by the most appropriate person in their parent's absence, and in the interest of an imprisoned parent to have autonomy in their role as a parent. This decision should be made in communication with social services. Article 27 further emphasises the importance of parents' continued responsibility to their child.

Good practice: Provide parents with the opportunity to make caregiving arrangements for their children

- Ensure that following an arrest a parent is given the means to make arrangements for their children. (e.g. over the telephone or in person);
- When circumstance permits, allow parents to return home in order to make arrangements for their children before serving their prison sentence.

Examples of good practice in Europe

- Several countries, the **Netherlands**, **Sweden** and **Norway**, allow mothers of young children to postpone the service of a sentence for a reasonable amount of time in order to arrange for childcare²¹;
- In **Slovenia**, if both parents are sentenced to prison, it is possible for them to alternate serving their sentences to provide continuity for children²².

²¹ Paurus, M. (2017).

²² Ibid.

Article 13 (addressing statisticians, prisons and prisons services)

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.

Incorporating the collection of key statistics like the number of children a prisoner has, their ages and their current primary caregiver into the admissions process can quickly and easily fill the statistical void about children with imprisoned parents and ensure that the rights of these children are protected and supported.

Good practice: Collect data on children at admission

- Incorporate the collection of data about parental status into the collection of other vital information from a prisoner upon their admission;
- Assess what data is already being collected to identify whether additional information needs to be collected;
- Design surveys which would collect this data in a way that is effective and sensitive for both prisoners and their children;
- Update databases so that they include information on the number of children a prisoner has, their ages and their current primary caregiver;
- Make aggregated information about the total number and ages of children with imprisoned parents available to national and European policy makers.

Examples of good practice in Europe

- Approximately one third of European prison administrations take an active role in collecting demographic information data of children with incarcerated parents. In **Croatia**, the **German** Länder of Baden-Wurttemberg and Hesse, **Greece**, **Slovakia** and **Turkey**, this responsibility is shared by prison social services²³.

Article 14 (addressing prisons and prison services)

On admission and on a prisoner's transfer, prison authorities shall assist prisoners who wish to do so in informing their children (and their caregivers) of their imprisonment and whereabouts or shall ensure that such information is sent to them.

This Article reflects the child's right under UNCRC Article 9(4) to information about issues that affect them. Parents and authorities should use good judgement both in choosing

²³ Children of Prisoners Europe (2018), *Establishing Baselines*.

the language used and in the manner in which they give children information. Sometimes it is not in the child's best interest to hear news of a parent's imprisonment from someone other than a parent or caregiver.

Good practice: Allow prisoners to inform their children of their imprisonment

- Provide parents the opportunity and encouragement to inform their children about their admission to or transfer to a prison, either by phone or in person;
 - Ensure that a child's primary caretaker is made aware of the admission or transfer of a parent to prison, so that they may inform the child;
-

Article 15 (addressing prison and prison services)

Support and information shall be provided by the prison, as far as possible, about contact and visiting modalities, procedures and internal rules in a child-friendly manner and in different languages and formats as necessary.

Accurate, child-focused information about the procedures for visits can make prisons less daunting and impenetrable spaces, so as not to discourage children from visiting their parents in prison. Information about a parent's daily life in prison can help to provide a degree of familiarity with a parent's situation inside prison. Being transparent, honest and supportive reassures children experiencing separation, without denying the gravity of the situation. Article 15 also asks that rules be made available in a child-friendly manner and in different languages.

Good practice: Provide child-adapted informational materials

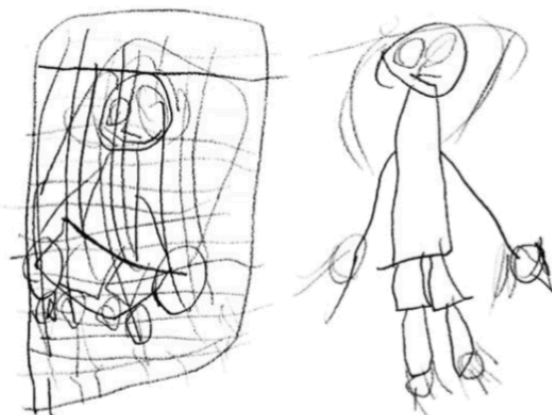
- Create child-centred informational material, like posters, leaflets and even maps of the prison that illustrate the rules and procedures of visits. Additionally, have this material available in other languages;
- Provide these informational materials to families or NGOs before a visit so that children can come to a visit equipped with knowledge about procedures;
- Encourage prison staff interacting with children to answer any questions children pose about visiting modalities, procedures and internal rules in a friendly, reassuring way.

Examples of good practice in Europe

- In some **Italian** prisons, a programme to 'find daddy' – 'Trovopapa' – helps children to be acquainted with their father's environment. A similar programme has been instituted in some **German** prisons. In other countries, posters illustrate

the search process adopted for children, including that search dogs will be used, to inform and reassure children²⁴;

- Many countries, including **Sweden**, have developed brochures and materials for children for prison visits. A good example is a colouring book that describes prison, which a child receives at the beginning of a visit to reduce stress and provide them with information about the prison²⁵;



b. Allocation, communication, contact and visits (Articles 16-31)

Article 16 (addressing prisons and prison services)

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 so as to facilitate maintaining child-parent contact, relations and visits without undue burden either financially or geographically.

Article 16 responds to the allocation of imprisoned parents in facilities far from their children and encourages that allocation decisions be made with due regard to the well-being of children and their ability to visit an imprisoned parent. The allocation of a parent should not place any financial burden on a child's ability to maintain contact

²⁴ Council of Europe (2018), *Explanatory Memorandum to Recommendation CM/Rec(2018)5 concerning children with imprisoned parents*, 7.

²⁵ EuroPris Family Relations Expert Group (2017), 5.

with a parent, to say nothing of the emotional stress that can come when a child needs to travel long distances to visit a parent.

Good practice: Allocate prisoners near their children and facilitate travel to prisons

- When assigning prisoners to a facility, consider placing prisoners near to their homes where possible;
- Provide families with information about public or private funding possibilities if the travel cost to visit is prohibitive;
- Put families in contact with the appropriate government and non-governmental organisations who can facilitate travel to a distant prison;
- Publish a guide for families living abroad with the information they will need to enter the country to visit a parent in prison.

Examples of good practice in Europe

- The prison administration of **Cyprus** has a budget specifically for transporting children to and from prison during visiting hours (Cyprus only has one prison);
- **Germany's** prison administrations allow inmates who have been allocated to far-flung prisons to transfer temporarily to prisons that are closer to families²⁶;
- The Assisted Prison Visits Scheme in the **United Kingdom** for disadvantaged low-income families provides financial support to ensure regular contact between children and imprisoned parents²⁷.

Article 17 (addressing police, prisons and prison services)

Children should normally be allowed to visit an imprisoned parent within a week following the parent's detention and, on a regular and frequent basis, from then on. Child-friendly visits should be authorised in principle once a week, with shorter, more frequent visits allowed for very young children, as appropriate.

Regular visits to parents in prison should be the status quo when in the best interest of the child. Studies in Denmark and the UK have also demonstrated the importance of an early first visit in reassuring children that their parent is safe and that imprisonment is not

²⁶ Children of Prisoners Europe (2018), *Establishing Baselines*.

²⁷ Philbrick, K., Ayre, E. & Lynn, H. (2014). *Children of Imprisoned Parents: European perspectives on good practices*, Children of Prisoners Europe (Montrouge, FR), 93.

synonymous with abandonment²⁸. Article 17 aims to set these parameters for the ideal frequency of visits to see parents in prison.

Good practice: Facilitating child visits early and often in the incarceration of a parent

- Engage prison management as to how child's visits can be made possible as early as pre-trial detention;
 - Suggest that prison management offer shorter, more frequent visits for very young children and longer visits for older children;
 - Child-centred visits can be offered outside regular visits and are not always counted as part of the maximum number of hours allowed for visits. They can be longer than standard visits²⁹.
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Article 18 (addressing prisons and prison services)

Visits shall be organised so as not to interfere with other elements of the child's life, such as school attendance. If weekly visits are not feasible, proportionately longer, less frequent visits allowing for greater child-parent interaction should be facilitated.

The logistical realities of a child's schedule should be taken into consideration when prison services are designing family visiting hours. Prison visits should not hinder students from attending school and other responsibilities, nor should children feel they are missing other significant social activities or important life events in order to visit a parent. Article 18 suggests a certain degree of flexibility on the part of prison administrations so that visiting hours are arranged logically, on weekends and holidays. Flexible visiting arrangements in cases where the parent is imprisoned far from home are discussed in Article 22.

Good practice: Maintain a flexible, child-focused visiting schedule

- Consider implementing a system for booking visits by phone in advance which can help children plan visits that do not conflict with the rest of their everyday lives, e.g., school hours;

²⁸ Ibid., 87.

²⁹ Ibid. p.100

- Explore implementing visits which vary proportionally in frequency and length depending on individual children's availability to see their parent;
- Reach out to children and parents to see if the visitation schedule is convenient for the children and their caregivers. Ask how the schedule can be improved;
- Review visiting times and booking arrangements, paying attention to the importance of scheduling visits on Sundays, public holidays and outside of school hours.

Examples of good practice in Europe

- **Finland, Slovakia**, among other national prison administrations, reserve weekends for family visits;
- Prisons in **Germany's** Rhineland-Palatinate organise a weekly 'family day'³⁰.

Article 19 (addressing prisons, prison services, social services, NGOs and caregivers)

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.

A caregiver's inability or unwillingness to visit the imprisoned parent (due to circumstances of illness, divorce, family breakdown, etc.), should not infringe upon a child's right to visit their parent. Children are entitled to contact in their own right and as such, a trained and child-sensitive third party, representing either the prison service, social service or NGO, should accompany a visiting child into the prison and through security procedures.

Good practice: Standardise procedures to provide child-sensitive accompaniment

- Standard practices should be in place to facilitate communication between children, prison services, social services and NGOs (see Article 49);
- Seek out and develop channels of communication with NGOs that will provide child-sensitive people to accompany children into the prison and through security.

³⁰ Children of Prisoners Europe (2018), *Establishing Baselines*.

Examples of good practice in Europe

- Affiliates of the NGO Fédération Relais Enfants Parents, which functions throughout **France, Belgium and Switzerland**, organise prison visits wherein volunteers, working with support from child psychologists and social workers, accompany children throughout the visiting process³¹;
- **Swedish** NGO Solrosen provides volunteers and professionals trained to accompany children to prison or on custody visits³²;
- **Catalonia's** Niños Sin Barreras accompanies children on visits when caretakers are not available; social workers from professional treatment teams are responsible for coordinating with Niños Sin Barreras³³;
- **Italy** has outlined a standardised framework accompanying children's visits in Article 2 of their Memorandum of Understanding, which states that children under the age of 12 are provided with options for accompaniment to prison, if they cannot be accompanied by a parent or guardian³⁴.

Article 20 (addressing prisons and prison services)

A designated children's space shall be provided in prison waiting and visiting rooms (with a bottle warmer, a changing table, toys, books, drawing materials, games, etc.) where children can feel safe, welcome and respected. Prison visits shall provide an environment conducive to play and interaction with the parent. Consideration should also be given to permitting visits to take place in the vicinity of the detention facility, with a view to promoting, maintaining and developing child-parent relationships in as normal a setting as possible.

Child-friendly spaces should be in place to 'soften' the impact of a stressful prison visit and to provide as comfortable a space as possible to allow for normal interaction between child and parent. The thoughtful curation of these spaces by child-friendly staff, ensuring that play areas are clean and equipped with age-appropriate toys, is paramount. These facilities should be accessible to children with disabilities.

³¹ Philbrick, K., Ayre, E. & Lynn, H. (2014), 90,

³² EuroPris Family Relations Expert Group (2017), 11.

³³ Ibid., 30.

³⁴ Children of Prisoners Europe (2018). 'Implementation Guide: Italian Memorandum of Understanding on Children of Imprisoned Parents', 6.

Good practice: Creating child friendly spaces for visits

- Ensure that visiting spaces where children will be present meet country specific minimum standards for hygiene, ventilation, light, a child-friendly atmosphere, utilities for taking care of infant children (changing diapers; heating meals, toys, etc.) and furniture which is adapted to the use by children of different ages³⁵;
- Consider in some cases allowing for visits in other locations in the vicinity of the prison, which, if the environment is suitable, may offer a more relaxed atmosphere because children avoid some of the more intrusive prison security regulations;
- Consider making the location of child-centred visits less restrictive. For example areas where children can move about more freely and have access to physical activities—swimming pool, gardens, gymnasium, play area³⁶;
- This could also be an opportunity to partner with NGOs or national authorities who can provide their support by helping to organise and equip these spaces with toys, changing tables, bottle warmers, etc.

Examples of good practice in Europe

- As of 2015, all **Finnish** prisons are required to have special visiting rooms for children who come to see their parent, where children are allowed physical contact with their parents. Imprisoned parents can also apply for special 'family visits,' up to a few days in length, which take place in rooms that resemble a living room, with a table, a couch and toys for children and their parents to play with³⁷. Finland's Vanaja Open Prison has a separate family house, where the family meeting can be arranged, if necessary, for a period of several days. Family houses contain four apartments of different sizes³⁸;
- **Estonia, Germany, Czech Republic, Netherlands, Sweden, Norway, Croatia and Finland** have separate family rooms in prisons that are available for family visits;
- In **Italy**, the 'Spazio Giallo' are children's waiting areas in prisons that are painted yellow and that have toys and activities, allowing children an opportunity to play while waiting to see their parent. Children follow a brightly decorated path laid out with giant footsteps as they approach the prison to make the experience less scary³⁹;

³⁵ Council of Europe (2018), *Explanatory Memorandum*, 7.

³⁶ Philbrick, K., Ayre, E. & Lynn, H. (2014), 100.

³⁷ Children of Prisoners Europe (2018), 'Implementation guide: Italian memorandum of understanding on children with imprisoned parents', 20.

³⁸ EuroPris Family Relations Expert Group (2017), 5.

³⁹ Ibid.

- **Scottish** and **Irish** prisons, as well as some prisons throughout **England** and **Wales**, offer Visiting Centre facilities where families can meet with prison employees and volunteer workers and receive information on matters relating to imprisonment⁴⁰;
- COPE member Relais Enfants-Parents Asbl has 'tri-lieux' spaces in several **Belgian** prisons that provide three different environments where children can play, create things or relax and read with their parents, depending on their mood and age. In certain prisons, a special committee of imprisoned parents sets up the 'tri-lieux' area with toys and books in preparation for the visit⁴¹.

Article 21 (addressing prisons and prison services)

Measures should be taken to ensure that the visit context is respectful to the child's dignity and right to privacy, including facilitating access and visits for children with special needs.

Child-friendly training should contain guidelines for treating children respectfully and appropriately, including specific guidelines considering children in a situation of disability. Prisons should be adapted both to provide information to and be accessible to disabled children. Except in cases when a child could be harmed, privacy should be afforded to both child and parent during visits.

Good practice: Facilitate privacy and accessibility

- When designing visiting spaces, ensure their accessibility to people in a situation of disability;
- Provide specific information to visitors with disabilities, including information about public transport to the prison and the layout of the prison's handicap accessibility. Information provided should be in an accessible format;
- Accommodations such as private visiting rooms should be made available to children with special needs such as autism.

Examples of good practice in Europe

- In the **United Kingdom** visits have been made available in private rooms for children with autism and other specific needs;
- **Swedish** prison services disseminates information for people with hearing impairments on the Prison Service homepage;

⁴⁰ Ibid., 4.

⁴¹ Children of Prisoners Europe (2018), 'Implementation guide: Italian memorandum of understanding on children with imprisoned parents', 20.

- In **Belgium** the website of the Federal Public Service of Justice is accessible to people with a disability. It obtained an Any Surfer Label, a quality label for accessible websites;
 - In **Croatia**, prison staff help guests with special needs, adapting the environment to allow for accessible prison visits or cooperating with the Association of Deaf and Blind when necessary⁴².
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Article 22 (addressing prisons and prison services)

When a child's parent is imprisoned far away from home, visits shall be arranged in a flexible manner, which may include allowing prisoners to combine their visit entitlements.

Flexibility of prison administrations is important in cases where frequent visits are not possible, as in cases when children have to travel long distances to see an imprisoned parent. Prisoners should be allowed to combine visit entitlements in the interest of the child's right to maintain contact with their parent.

Good practice: Flexibility surrounding scheduling visits

- Provide families with information about existing programmes offered by the state and NGOs to facilitate travel to distantly incarcerated parents;
- Explore the feasibility of providing financial resources or subsidies for transit costs where they do not exist;
- Reach out to NGOs or national authorities to partner in programmes that provide subsidised transport;
- When travel time limits the frequency of visits for a child, offer proportionally longer visits;
- See Articles 16 & 17 for expanded information on prison visits when children must travel a long distance to see a parent.

Examples of good practice in Europe

- Some NGOs provide subsidised transport (e.g., under a pilot scheme in **Croatia** and in **Scotland**)⁴³;

⁴² EuroPris Family Relations Expert Group (2017), 20.

⁴³ Council of Europe (2018), *Explanatory Memorandum*, 7.

- In **Russia**, prison visits may last several days in a row and the family stays in the prison, or in its immediate vicinity, during this period because of the long-distance travel involved⁴⁴.
- **Germany's** prison administrations allow inmates to transfer temporarily to prisons that are closer to families⁴⁵.

Article 23 (addressing prisons and prison services)

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.

Article 23 provides for child sensitive, dignified and safe security procedures before visits. During security screenings, it is imperative that children are not harmed psychologically or otherwise as a result of insensitive searches. Excessive searches such as body cavity searches are strictly prohibited.

Good practice: Conducting searches in a child-sensitive and respectful manner.

- The child should be prepared before the body search takes place and be informed how the procedure will be carried out, with reference to the child's age and maturity;
- Introduce any search dogs to children as if they were being introduced to a pet;
- Something as simple as the prison officer bending down to the child's level when searching them prior to entry to the prison can reduce the tension in a security check;
- Prison officers carrying out security procedures can explain to children what they are doing and why⁴⁶;
- Child-sensitive officers often develop their own ways of searching children in a playful manner, preserving their integrity in as unobtrusive a manner as possible; pretending to look for treasure, for example, or using their electronic search baton as a fairy wand;
- Analogies with searches for air travel can be useful in normalising the process and de-stigmatising the need for such checks.

⁴⁴ Ibid.

⁴⁵ Children of Prisoners Europe (2018), *Establishing Baselines*.

⁴⁶ Philbrick, K., Ayre, E. & Lynn, H. (2014), 94.

Examples of good practice in Europe

- **Swedish** prison guards aim to make the body search more playful and less unpleasant by using a hand puppet that distracts from the use of a portable detector⁴⁷.
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Article 24 (addressing prisons and prison services)

Any searches of prisoners prior to visits shall be conducted in a manner which respects their human dignity in order to enable them to interact positively with their children during visits. As far as possible, children shall be authorised to leave the visiting area prior to the imprisoned parent, as this can be traumatic for some children. Where prisoners are provided with clothes by prison authorities, this clothing shall not offend their dignity, particularly during visits with their children.

Prisoner searches should not be violent in general, especially before an imprisoned parent is about to visit with their child. Preservation of dignity remains the most essential consideration, especially when it comes to treatment of the family. As such, it is imperative that parents are given the greatest opportunity to interact positively with their children and inhabit their role as parent during the visit. Clothing and a prisoner's general presentation to the child should be as normal as possible, as a way of preserving a prisoner's sense of self and identity in relation to the child.

Good practice: Preserve a prisoner's dignity before a visit

- Have parents wear normal clothing instead of uniforms when their children are visiting (see Article 28);
 - Ensure that any searches or security measures for prisoners before visits with children are uncontentious and preserve a prisoner's dignity. A prisoner with a positive attitude coming into the visit will have a more meaningful and effective interaction with their child;
 - Invite visitors to leave the visiting area first, because the end of the visit may be particularly difficult for children and parents and children seeing their parent leave in response to prison officers' orders can exacerbate this difficulty.
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⁴⁷ EuroPris Family Relations Expert Group (2017), 40.

Article 25 (addressing prison services)

In accordance with national law and practice, the use of information and communication technology (video-conferencing, mobile and other telephone systems, internet, including webcam and chat functions, etc.) shall be facilitated between face-to-face visits and should not involve excessive costs. Imprisoned parents shall be assisted with the costs of communicating with their children if their means do not allow it. These means of communication should never be seen as an alternative which replaces face-to-face contact between children and their imprisoned parents.

The integration of information technology to facilitate communication when face-to-face visits are unavailable can be a productive way for parents and children to remain in contact. In cases where telephone and video conferencing requires a fee from individual prisoners, steps should be taken to make those services accessible for everyone. Offering access to parents via information technology helps to preserve the child-parent bond.

Good practice: Ensuring access to telecommunication or alternative information technology

- Offer to participate in experimental video calling or restricted access mobile phone programmes if they are offered by the national government;
- Ensure that telephone calling is available to all parents;
- Consider partnering with government or non-governmental actors to subsidise the cost of calls from prison if they are prohibitive.

Examples of good practice in Europe

- In **Northern Ireland**, prisoners at HMP Magilligan are allowed access to Skype to keep in contact with their family; initiatives for Skype contact are currently being developed in the **Czech Republic** and **Norway**⁴⁸, and imprisoned individuals in **Cyprus's** prison are allowed full access to Skype for prolonged parts of the day⁴⁹;
- In **Sweden**, following acceptance of an application, prisoners are allowed fifteen minutes of free calls with an extra five minutes per child each week⁵⁰.

⁴⁸ Philbrick, K., Ayre, E. & Lynn, H. (2014), 107.

⁴⁹ Children of Prisoners Europe (2018), *Establishing Baselines*.

⁵⁰ Ibid.

Article 26 (addressing prison services)

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.

Following the provision of communication technology discussed in Article 25, Article 26 urges prison administrations to approach the question of telecommunication between child and parent with flexibility, given differences in scheduling and to allow children to initiate phone communication themselves, taking into consideration the child's own sense of autonomy in his or her relationship with an imprisoned parent. For a child to be able to phone their parent when something significant happens in their daily lives can be important in affirming the relationship with their parent.

Good practice: Facilitating telecommunication

- Allow parents in prison to receive phone calls from minor children;
- Improve access to video calls for children and parents in prison.

Examples of good practice in Europe

- The **German** organisation Treffpunkt e.V. has created a programme to facilitate Skype 'visits' between children and parents in the interest of parents' connecting with children who are temporarily unable to visit and enabling children and parents to speak more often.

Article 27 (addressing prison services, schools, health care professionals and social services)

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.

Given that exercising parental responsibility is an important factor in reducing recidivism⁵¹, it is in the best interests of both the child and their parent for an imprisoned parent to take an active role in making decisions concerning their child. While the rigour and rigidity of imprisonment imposes limits on an incarcerated parent's daily life,

⁵¹ EuroPris Family Relations Expert Group (2017), 9.

parents should still be able to exercise their responsibility to their child by contributing their opinion to decisions made about their children's lives while they are in prison. Reminding and encouraging prisoners to take an active role in the educational, health and welfare decisions of their child not only fosters a stronger child-parent bond, but it also helps to preserve imprisoned parents' sense of purpose and responsibility⁵².

Good practice: Encourage parents to take active roles in their children's lives

- Parental responsibility programmes should become commonplace within prisons, and should expand to the community, through partnerships with other civic organisations such as schools and social services⁵³;
- Educators, health care professionals and social workers who work with a child with an imprisoned parent should seek out the counsel of both parents when it is in the child's best interests;
- Prisons should make telephones or video calling available to parents, so that they may communicate with professionals to make decisions about their child;
- Counselling for parents in prison should remind them that they are still responsible for their children;
- Explore the possibility of parental leave permits so that detainees can attend meetings about their children with schools.

Examples of good practice in Europe

- In **Scotland**, parents have been able to attend meetings with the school and to speak to teachers on the telephone. Parents in prison can regularly attend the children's panel which makes decisions about children's well-being⁵⁴;
- In **Italy** prisoners can sometimes communicate with staff at their children's school via Skype⁵⁵;
- **France's** Relais Enfants Parents organises craft workshops, where imprisoned parents make gifts for their children, reinforcing the feeling of parental responsibility and offering a forum for prisoners to talk about and reflect on their responsibility for their child⁵⁶;
- A **French** pilot project called 'Aide aux devoirs' (help with homework) at Châteaudun prison, where imprisoned fathers were able to see their children's

⁵² Children of Prisoners Europe (2018), 'Papa Plus: Supporting the bond between children and imprisoned dads, accessible at childrenofprisoners.eu/2018/10/16/children-of-prisoners-europe-with-child-space-launched-the-papa-plus-initiative-at-sofia-prison-in-bulgaria/.

⁵³ EuroPris Family Relations Expert Group (2017), 9.

⁵⁴ Council of Europe (2018), *Explanatory Memorandum*, 8.

⁵⁵ Ibid.

⁵⁶ Philbrick, K., Ayre, E. & Lynn, H. (2014), 79.

report cards, with the aim of supporting the parenting role in a child's education. The fathers worked on school lessons and homework with their children⁵⁷;

- **Bulgaria's** Plovdiv 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';
- **Turkey** has implemented a 'Family Training Programme,' developed by the Ministry of National Education and administered to child psychologists and social workers. The programme works with parents of children under eighteen to raise awareness of and sensitivity to children's physical and psychological development⁵⁸.

Article 28 (addressing prison staff and administration)

Child-parent activities should include extended prison visits for special occasions (Mother's Day, Father's Day, end of year holidays, etc.) and other visits to further the child-parent relationship, in addition to regular visits. Consideration on such occasions should be given to prison and other staff in visiting areas being dressed less formally, in an effort to normalise the atmosphere.

Prisons should programme special events on holidays and special occasions in order to promote the formation of stronger familial bonds. Positive festive experiences provide both the opportunity for prisons to help foster meaningful child-parent contact and for the rigid tone of the prison atmosphere to be softened. Events like these, and measures such as wearing casual clothes, normalise the prison atmosphere and soften the protocols that define the prison atmosphere and calcify divisions between staff, prisoners, parents and children. Article 28 expands on the recommendation in Article 24 to uphold a prisoner's dignity in whatever ways possible, especially during visits with family.

Good practice: Organising special events for families on holidays

- Plan events on special occasions and holidays which the child can recall in the future;
- Reach out to NGOs with experience hosting holiday parties or visits to help organise these events;

⁵⁷ EuroPris Family Relations Expert Group (2017), 15.

⁵⁸ Children of Prisoners Europe (2018), *Establishing Baselines*.

- During special events staff may dress up differently (a sweatshirt or no hat and tie or wearing civilian clothing), distribute presents, sing songs, etc., to create as normal an atmosphere as possible so that the child is reassured that the parent is treated well;
- Hold the events in a large open space conducive to play or even outdoors.

Examples of good practice in Europe

- The 2014 **Italian** Memorandum of Understanding sets guidelines that 'allow the parent, during detention, to be present at important moments of their child's life, especially if they are underage, such as birthdays, first day of school, recitals, exhibitions, graduations, festivities';⁵⁹
- Relais Enfants Parents offers special visits for children on Mother's Day, Father's Day and Christmas in **French** prisons;
- **Germany's** Schleswig-Holstein prison holds special events for prisoners and their children such as: Christmas baking in the prison bakery, puppet theatre, magic shows, etc.⁶⁰.

Article 29 (addressing prison services, NGOs)

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.

Article 29 asks prisons to provide children with information about their parent's daily life in prison, on the premise that accurate details about prison conditions will prevent children from imagining that their parents are being poorly treated. Information provided to them in a sensitive manner can dispel their fears and worries. In some cases children may be able to see a parent's room in the prison. The information should be accessible to children with special needs including those with sensory and other disabilities.

Good practice: Provide information to children about a parent's life in prison

⁵⁹ Italian Memorandum of Understanding (2014), Article 3(2).

⁶⁰ EuroPris Family Relations Expert Group (2017), 30.

- NGOs may be able to work in partnership with the prison services to publish information for children;
- Child-sensitive information can be in the form of story books, maps, videos, cartoons or animations;
- Prison services can make their web platforms accessible to individuals with visual and auditory impairments by reaching out to specialised associations which work with the disabled⁶¹.

Examples of good practice in Europe

- **Denmark** has a number of films that contain general information about imprisonment and custody. These films aim to give children of different ages insight into what to expect when visiting a parent or relative in prison, and to inform children about where to seek more information and support⁶²;
- In **Finland**, there is an animated film about having a parent in prison. This film tells the story of a ten-year-old girl and her brother and their experience of their father being sent to prison;
- **Sweden** facilitates information for people with hearing impairments on the Prison Service homepage by pressing the 'lyssna' button. In **Belgium**, the website of the Federal Public Service of Justice is accessible to people with a disability. It obtained an Any Surfer Label, a quality label for accessible websites⁶³.

Article 30 (addressing prisons and prison services)

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.

Article 30 underscores the four preceding Articles in emphasising the importance of the child-parent relationship to the child's development. Contact between children and their parents is of fundamental importance to children. The right to parental contact

⁶¹ EuroPris Family Relations Expert Group (2017), 23.

⁶² Ibid., 22.

⁶³ Ibid., 20.

should only be restricted in circumstances where that would negatively affect the child. Children should not bear the punishment of separation from a parent because of restrictions imposed on the parent while in prison.

Good practice: Preserve the right to child-parent contact, when in the child's best interests

- Restrictions that can be imposed on a parent while in prison should make exception for contact between a parent and child, by phone or in person;
- Prisons can offer clear programmes or requirements a prisoner must accomplish to minimise the length of restrictions imposed.

Examples of good practice in Europe

- The **Swedish** PPS imposes visitation restrictions in cases where the parent has a history of abusive behaviour, but they will lift these restrictions after the prisoner participates in treatment, such as Integrated Domestic Abuse Programme, shows progress and demonstrates that they understand the consequences of their actions⁶⁴.

Article 31 (addressing prison services)

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.

Where non-contact visits are imposed (which should be the exception and not the rule), consideration needs to be given to how children can maintain contact, if in their best interests. Whilst it may be possible to offer a child-friendly space for children during a non-contact visit, the fact of seeing their parent behind glass may be traumatising for a child.

Good practice: Provide sensitive alternatives to direct contact visits

⁶⁴ Ibid., 38.

- Use video calls and other forms of telecommunication or letters for short periods when non-contact visits have been imposed. This could reduce the trauma of seeing their parent behind glass⁶⁵;
- Create child-friendly spaces inside of non-contact visit facilities;
- Make a prisoner's parental role a criterion when considering disciplinary sanctions.



c. Prison Leave, Good Order, Safety & Security (Articles 32-33)

Article 32 (addressing prisons, judicial authorities and prison services)

With a view to protecting children from the frequently harsh prison environment, preparing them for their parent's return, and having their parents present at significant events in their lives, home leave for prisoners should be granted and facilitated, where possible. This is especially important during the period before their release, providing more opportunities for them to prepare for resuming fully their parental role and its responsibilities on release.

Article 32 emphasises that prison leaves are an important step in the social rehabilitation of inmates and their re-acclimatisation to the home environment. In order to ensure as positive a return to the family environment as possible, it is important that prison leave be granted, when feasible, for prisoners.

Good practice: Facilitating prison leave

- See Articles 11 and 42
- Consider issuing parental leave before a prisoner is to be released, especially when the parent has the opportunity to participate in a significant event in the child's life (see Article 11);

⁶⁵ Council of Europe (2018), *Explanatory Memorandum*, 20.

- Partner with NGOs and/or social services which can provide information and social support for parents and children during the reintegration process.

Examples of good practice in Europe

- In **Scotland**, public social partnerships have been formed with NGOs like Families Outside to help reintegrate parents into their families once they are released⁶⁶;
- Prior to release, families of individuals detained in a **Belgian** prison have access to family counselling and family psychotherapy in preparation for reentry⁶⁷.

Article 33 (addressing prisons, prison staff and prison services)

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.

When visiting parents in prison, it is essential that children be protected from harmful behaviour both physically and psychologically and, as far as possible, children only witness positive and respectful interactions between adults in prison. Staff often acknowledges that children humanise the prison environment and thus contribute to greater mutual respect within the prison community. Some prison authorities have noted that optimising visits and developing relationships with families contributes to dynamic security, good order, improved safety and prisoner engagement in positive activities. It is important that the prison environment protects children with robust child protection policies and procedures.

Good practice: Mitigating traumatic experiences during visits

- During staff training, emphasise that children do not pose a threat to security but rather they can have a positive impact on the prison environment. Imprisoned parents who have regular contact with their children have been shown to have fewer behaviour issues, and studies have shown that the prison atmosphere is calmer after a visit⁶⁸;

⁶⁶ EuroPris Family Relations Expert Group (2017), 11.

⁶⁷ Ibid., 29.

⁶⁸ Children of Prisoners Europe (2018), 'Implementation guide: Italian memorandum of understanding on children with imprisoned parents', 11.

- Encourage and reward positive respectful interactions between prison staff and detainees, especially during visits where children are present. This will reduce tension between all parties involved: staff, prisoners and children;
- Use training as an opportunity to raise awareness about the stereotypes and biases staff bring with them; allow prison officers to explore their own attitudes and mindset⁶⁹;
- Encourage the prison staff to be positive role models for prisoners.

Examples of good practice in Europe

- **Germany**, Schleswig-Holstein: The Ministry of Justice provides staff training focused on family relations. Among the key aspects promoted is the importance of supporting the inmates to deepen links to their children⁷⁰;



d. Children Living in Prison (Articles 34-40)

Article 34 (addressing prisons, prison services and health care providers)

In order to ensure the right of a child to the highest attainable standard of health, appropriate pre-natal and post-natal health care, support and information shall be provided for imprisoned mothers. Pregnant women shall be allowed to give birth in a hospital outside prison. Instruments of restraint shall never be used on women during labour, during birth and immediately after birth. Arrangements and facilities for pre-natal and post-natal care in prison shall respect, as far as practicable, cultural diversity.

In the event that an imprisoned mother gives birth while detained, precautions should be taken at all stages to assure the health of both mother and infant. The focus in such cases should be placed on the utmost humane treatment of mother and child in the pre-natal phase, during labour and in the post-natal phase, to the same standards that mothers and infants are privy to in the outside community. Infants born to imprisoned

⁶⁹ Philbrick, K., Ayre, E. & Lynn, H. (2014), 142.

⁷⁰ EuroPris Family Relations Expert Group (2017), 34.

mothers need the same standards of health care as other children, which may mean visits by health professionals in prison or the infant's being taken out to community services.

Good practice: Facilitating health care of imprisoned mothers and their children

- Allow for ante-natal and post-natal care and treatment *equivalent to that available in the outside community*;
- When infants and young children are held in custodial settings, their treatment should be supervised by specialists in social work and child development⁷¹;
- Prison authorities should provide the nutritional requirements for the ante-natal period to a pregnant prisoner⁷²;
- Provide access to hospitals outside prison where pregnant mothers can give birth
- Prison regulations or rules should be reviewed and revised to include an explicit prohibition of restraints on women who are in labour, who are giving birth and who have just given birth⁷³;
- Make it possible for obstetricians, gynaecologists or other relevant specialists to visit a pregnant prisoner for ante-natal and post-natal care;
- Prison rules and practices should never discourage or prevent mothers from breastfeeding their babies.

Examples of good practice in Europe

- In its tenth General Report, the (European) Committee for the Prevention of Torture (CPT) made general recommendations on ante- and post-natal care of women in prison: 'Every effort should be made to meet the specific dietary needs of pregnant women prisoners, who should be offered a high protein diet, rich in fresh fruit and vegetables'⁷⁴;
- In the **Netherlands**, in the 1970s, some Roma women living with their children in prison breastfed until the child was one and a half years old. Authorities have since ruled that a nine-month period should be sufficient. This also became the rule for the maximum stay of a child in a closed prison in the Netherlands⁷⁵.

⁷¹ Council of Europe Committee for the Prevention of Torture (2000), *10th General Report on the Committee for the Prevention of Torture's activities covering the periods 1 January to 31 December 1999* (CPT/Inf (2000) 13[EN] ed.).

⁷² Penal Reform International & Thailand Institute of Justice (2013), *Guidance Document on the United Nations rules on the treatment of women prisoners and non-custodial measures for women offenders: Bangkok rules*, 87.

⁷³ *Ibid.*, 68.

⁷⁴ Philbrick, K., Ayre, E. & Lynn, H. (2014), 113.

⁷⁵ *Ibid.*, 115.

Article 35 (addressing prison services and either a country's official registrar or department of health or whatever body issues birth certificates)

A child born to an imprisoned mother shall be registered and issued with a birth certificate without delay, free of charge and in line with applicable national and international standards. The birth certificate shall not mention that the child was born in prison.

Following UNCRC Articles 7 and 8, and provisions in the Nelson Mandela Rules, children have a right to an official name and identification that does not indicate their mother's imprisonment⁷⁶. This ensures that children born to mothers in prison are not stigmatised by a birth certificate which indicates their mother's imprisonment.

Good practice: Provision of birth certificates

- Review the formatting of birth certificates issued in prisons to ensure that there is no indication that the certificate was issued inside a prison;
 - Ensure that there are no barriers (financial or procedural) that an individual born in prison must overcome to receive a birth certificate.
-

Article 36 (addressing prisons and prison services)

Infants may stay in prison with a parent only when it is in the best interests of the infant concerned and in accordance with national law. Relevant decisions to allow infants to stay with their parent in prison shall be made on a case-by-case basis. Infants in prison with a parent shall not be treated as prisoners and shall have the same rights and, as far as possible, the same freedoms and opportunities as all children.

While opinions diverge on the appropriateness of allowing children to stay with a parent in prison, during sentencing it can be determined that it is in an infant's best interests to remain with their mothers unless there are serious reasons for separating them, or a better alternative for the infant's care outside of prison. The child's emotional and physical wellbeing, their development of strong early attachment to their mother and the emotional bonds that are enhanced by breastfeeding are fundamentally important

⁷⁶ United Nations Office of Drugs and Crime (2015), *The United Nations Standard Minimum Rules for the Treatment of Prisoners: The Nelson Mandela Rules*, accessible at https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf.

considerations in assessing the best interests of each child. The emphasis again should be placed on the humane treatment of mother and child.

Good practice: Case-by-case consideration

- Ensure that decisions about allowing a child to stay with an imprisoned mother are made on a case-by-case basis. There should be thorough consideration of each individual child and whether it is best for them to stay in prison⁷⁷;
- Conduct a review of the number of and ages of children cohabitating to ensure that only infants are living in prison with their mother and to inform decisions about providing adequate facilities.

Examples of good practice in Europe

- In **Denmark**, where it is seen as a right of prisoners (both male and female) to have their child live with them in prison, and where in one of the open prisons, children may stay up to the age of seven, social welfare authorities make the decision about where the child will live according to the child's best interests⁷⁸;
- **Norway** does not allow infants to live in prison on the basis that it is not in their best interests. Instead mothers have the option to serve part on their sentence inside of 'mother and child houses' operated by third parties outside of the prison⁷⁹.

Article 37 (addressing prison services and NGOs)

Arrangements and facilities for the care of infants who are in prison with a parent, including living and sleeping accommodation, shall be child-friendly and shall:

- *Ensure that the best interests and safety of infants are a primary consideration, as are their rights, including those regarding development, play, non-discrimination and the right to be heard;*
- *Safeguard the child's welfare and promote their healthy development, including provision of ongoing health-care services, and arranging for appropriate specialists to monitor their development in collaboration with community health services;*

⁷⁷ Philbrick, K., Ayre, E. & Lynn, H. (2014), 120.

⁷⁸ Ibid., 119.

⁷⁹ Ibid., 121.

- *Ensure that infants are able to freely access open-air areas in the prison, and can access the outside world with appropriate accompaniment and attend nursery schools;*
- *Promote attachment between a child and their parent, allowing the child-parent relationship to develop as normally as possible, enabling parents to exercise appropriate parental responsibility for their child and providing maximum opportunities for imprisoned parents to spend time with their children;*
- *Support imprisoned parents living with their infants and facilitate the development of their parental competency, ensuring that they are provided with opportunities to look after their children, cook meals for them, get them ready for nursery school and spend time playing with them, both inside the prison and in open-air areas;*
- *As far as possible, ensure that infants have access to a similar level of services and support to that which is available in the community, and that the environment provided for such children's upbringing shall be as close as possible to that of children outside prison;*
- *Ensure that contact with the parent, siblings and other family members living outside the prison facility is enabled, except if it is not in the infant's best interests.*

Article 37 details the considerations that need to be made in order to ensure that infants and children living in prisons and detention centres receive the same services, treatment and opportunities as children living in the outside community. The primary aim should be to produce a child-centred environment, free from the trappings of incarceration, that affords children equality of health, a sense of self and access to the same opportunities afforded to their peers⁸⁰. Special emphasis should be given to efforts not to stigmatise children who reside with a mother in prison, and above all, children staying with their mothers in prison should never be treated as prisoners themselves.

Good practice: Providing safety and support for both parent and child

- Ensure that the child lives in a safe, child-friendly facility within the prison. Ideally this environment would use an open scheme⁸¹;
- Provide a private facility for mothers and children where the mother can fulfil her parental responsibilities like feeding and changing the child;
- Ensure that cohabitating children can regularly attend daycare centres and preschool establishments;
- Ask and consider the perspectives of the children living in prison with their parent when determining what is in each child's best interests;

⁸⁰ Council of Europe Committee for the Prevention of Torture (2000).

⁸¹ Philbrick, K., Ayre, E. & Lynn, H. (2014), 131.

- Foster the normal development of motor and cognitive skills of children, especially infants, living in prison;
- Ensure that the infant can visit paediatricians, appropriate medical specialists and other medical professionals, so that they are afforded the same standard of care as children outside of prison environment;
- Partner with NGOs or social services that can accompany babies on excursions to the outside world to acclimate them to the environment or to nurseries and daycare facilities;
- Make outdoor areas, like gardens, available for mothers and their children to play and spend time in;
- To the extent that is feasible, offer facilities or opportunities for parents to look after their children, to cook meals for them, to get them ready for nursery school and to spend time playing with them, both inside the prison and in open-air areas;
- The psychological/emotional needs of such children should be closely monitored to assess any adverse effects of living in a closed institution and measures taken to reduce the negative psychological impact of institutionalisation, based on individual needs⁸²;
- Offer visiting opportunities to the infant's father and other members of the family outside prison to spend time exclusively with the infant⁸³;
- Staff training, prison policies and programmes should ensure that the children staying with their mothers in prison are never treated as prisoners.

Examples of good practice in Europe

- In some **Croatian** and **Greek** mother-baby units, children staying in the prison go out on excursions or to a community nursery accompanied by volunteers from local NGOs⁸⁴;
- **Spanish** prisons house mothers with children in 'external mother units' that allow mothers to exercise the parental role, allow children to attend schools in their community and outside of prisons where mothers can exercise their parental roles in a way that hinders the child's normal development as little as possible⁸⁵.

⁸² Penal Reform International & Thailand Institute of Justice (2013), 91.

⁸³ Philbrick, K., Ayre, E. & Lynn, H. (2014), 131.

⁸⁴ Council of Europe (2018), *Explanatory Memorandum*, 9.

⁸⁵ Philbrick, K., Ayre, E. & Lynn, H. (2014). *Children of Imprisoned Parents: European perspectives on good practices*. Paris, France: Children of Prisoners Europe. p.127

Article 38 (addressing prison services, NGOs and social services)

Decisions as to when an infant is to be separated from their imprisoned parent shall be based on individual assessment and the best interests of the child within the scope of the applicable national law.

The focus on the individual child is particularly important here. It is vital that infants transitioning to life outside the prison are supported to the greatest extent possible by the state or other social service agencies, including the provision of appropriate alternative care for the child.

Good practice: Case-by-case consideration, with focus on the rights of the child

- Child welfare agencies should have primary responsibility for assessing the advantages and disadvantages of removing a child from prison. The assessment should be undertaken in coordination with the health care specialist who has been responsible for the health care of the child in prison, the prison social worker and psychologist who have been involved in the child's developmental care;
- Issues to take into account should include: the conditions in prison; the quality of care children receive in prison and what quality of care they can expect to receive outside prison; and the remaining length of sentence of the mother. The child, if capable of forming his or her own views, the mother and other family members/relatives outside prison should be consulted during the decision-making process⁸⁶;
- Apply the statutory suggested limit for cohabitation with flexibility so that children are not separated from their parents prematurely⁸⁷;
- The process should focus on the individual child; the decision must be made on a case-by-case basis;
- The actual separation must be carefully prepared well in advance and undertaken with sensitivity and kindness;
- Prior to separation, provide several family visits where the child can be introduced to the entire family and continue to build relationships that will ease the child's integration into the outside world⁸⁸; provisions for meaningful contact between parent and child post-separation must be made.

⁸⁶ Penal Reform International & Thailand Institute of Justice. (2013) Guidance Document on the United Nations rules on the treatment of women prisoners and non-custodial measures for women offenders: Bangkok rules. p.91

⁸⁷ Council of Europe (2018), *Explanatory Memorandum*, 10.

⁸⁸ Philbrick, K., Ayre, E. & Lynn, H. (2014), 103.

Article 39 (addressing prison services, state departments, the judiciary and social services)

The transition of the infant to life outside prison shall be undertaken with sensitivity, only when suitable alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials, where appropriate.

Article 39 underscores the importance of case-by-case attention to the well-being of children in the process of moving out of a mother's care within the prison to a longer-term, better adjusted living situation. Attention to context, environment and the child's ability to make such an adjustment is of the utmost importance, as is due consideration as to whether the child is ready to transition out of the prison environment and the proximity of the mother.

Good practice: Reintegrate children as naturally as possible

- The decision to remove a child from prison should only be undertaken when satisfactory alternative care arrangements have been identified⁸⁹;
- Partner with NGOs and social services which can offer information and social support to families as the child is reintegrated into their family (see Article 32);
- During the transition, provide the child with overnight visits to his or her family outside of prison where the child can be introduced to the entire family and continue to build relationships that will ease the child's integration into the outside world⁹⁰.

Article 40 (addressing prison services, NGOs and social services)

After infants are separated from their parent in prison and they are placed with family or relatives or in other alternative care, they shall be given the maximum opportunity possible and appropriate facilities to meet with their imprisoned parent, except when it is not in their best interests.

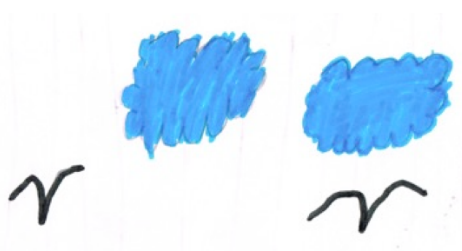
⁸⁹ Penal Reform International & Thailand Institute of Justice (2013), 91.

⁹⁰ Philbrick, K., Ayre, E. & Lynn, H. (2014), 103.

Article 40 provides the assurance that children who have become accustomed to being in close proximity to an imprisoned mother maintain the right to visit frequently so as not to abruptly unsettle children in an important period of development.

Good practice: Facilitate the entry of children into life beyond their mother's care

- Information should be provided to the mother and the child about the alternative care arrangements and how the mother and child will be able to keep in contact with each other following their separation⁹¹;
- Once a child has been removed from prison and placed with other family members, relatives or an institution for children, prison authorities and those responsible for the child's continued upbringing should work in cooperation to ensure that the child can visit his/her mother as frequently as possible and that the mother is allowed frequent home leave to visit her child, unless exceptional security considerations exist⁹²;
- Formerly cohabitating children are entitled to the same visitation and communication rights as any other child with an imprisoned parent (see Articles 16-33).



e. Sentence planning and preparation for release (Articles 41-43)

Article 41 (addressing prisons, prison services and social services)

In order to promote positive parenting, consideration shall be given in sentence planning to include programmes and other interventions that support and develop a positive child-parent relationship. Specific support and learning objectives include preserving, and exercising as far as possible, their parental role during imprisonment, minimising the impact of imprisonment on their children, developing and strengthening

⁹¹ Penal Reform International & Thailand Institute of Justice (2013), 91.

⁹² Ibid., 92.

constructive child-parent relationships, and preparing them and their children for family life after release.

Sentencing decisions and the planning that follow should take into consideration and ultimately treat imprisoned parents as active participants in a relationship that has profound bearing on the well-being of their children and promote positive parenting with that in mind. The child's best interests are served when their parent exercises their parental responsibility to the best of their ability, which can be significantly enhanced by family counselling programmes and open communication between parents and prison staff.

Good practice: Minimise the impact of imprisonment on children

- Offer parenting courses to allow parents to explore their role as a parent and develop strategies for the future. This can be with a multiagency or NGO partner programme;
- Multiagency and NGO partners can also be enlisted to create workshops informing prisoners about their rights as parents;
- Counselling for parents in prison should reinforce the idea that they are still responsible for their children and encourage prisoners to actively seek opportunities to make parenting decisions about their children's lives⁹³;
- Offer craft workshops in which imprisoned parents create objects for their children, such as those run by Relais Enfants Parents associations (France, Belgium)⁹⁴.

Examples of good practice in Europe

- **Swedish** prisons offer a programme called 'study circles' where detainees, in groups facilitated by prison staff and former prisoners, can talk together about their experiences as a parent. This opportunity for reflection resulted in increased engagement by imprisoned parents with their children, i.e. more visits, telephone calls and requests for home leave by participating prisoners⁹⁵;
- In **Spain**, the NGO Niños sin Barreras offers Legal workshops which cover the law as it relates to the parenting function and the rights of the child, including input from jurists⁹⁶;

⁹³ Children of Prisoners Europe (2018), 'Papa Plus: Supporting the bond between children and imprisoned dads', accessible at childrenofprisoners.eu/2018/10/16/children-of-prisoners-europe-with-child-space-launched-the-papa-plus-initiative-at-sofia-prison-in-bulgaria/.

⁹⁴ Philbrick, K., Ayre, E. & Lynn, H. (2014), 76.

⁹⁵ Ibid., 82.

⁹⁶ Ibid., 79.

- Relais Enfants Parents (**France**) and the **Italian** association *Bambinisenzasbarre* run support groups for imprisoned mothers and fathers. These information groups are staffed by psychologists, judges, social workers and representatives of institutions to raise awareness on the different aspects of the child-parent relationship and parental roles. The groups also help reinforce parenting skills⁹⁷;
- **Germany's** Saxony prisons staff a 'family member coordinator'; North Rhine-Westphalia prison have social education workers, who function as liaisons and family counsellors⁹⁸.

Article 42 (addressing the judiciary, prisons and prison services)

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.

Good practice: Facilitating parents' transition out of prison

- Consider sentencing parents to open prisons to facilitate communication and contact with children;
- Bear in mind a prisoner's parental role when considering granting home leave;
- Take advantage of technology like electronic monitoring when parents are granted home leave;
- During the release and reintegration process, consider proximity to children when assigning a parent to a halfway home;
- Offer prisoners home leave for visits home and thus reduce the need for children to physically visit prisons.

Examples of good practice in Europe

- In Berlin (**Germany**), imprisoned mothers in open prisons can go home every day to take care of the children. The scheme allows mothers to spend sixteen hours a day at home taking care of family and household; she leaves prison in the early morning, goes home, wakes up the children, prepares breakfast and takes

⁹⁷ Ibid.

⁹⁸ Children of Prisoners Europe (2018), *Establishing Baselines*.

school-aged children to school, then returns home and takes care of the other children and household⁹⁹;

- In **Norway** prisoners have access to regular home leave once they have served one-third of their sentence¹⁰⁰;
- **France** offers Unités de Vie Familiale where the families of prisoners can visit with an imprisoned parent for up to three days at a private apartment facility at certain prisons¹⁰¹.

Article 43 (addressing the judiciary and prison services)

For the same purpose, decisions regarding early release shall take into account prisoners' caregiving responsibilities, as well as their specific family reintegration needs.

Good practice: Consider parent's position as caretaker

- When deciding on an early release the judiciary should weigh the need to re-establish a parental role for both the prisoner's children and the prisoner;
- Prioritise granting home leave or additional visits to prisoners who are about to be released so that they can begin to build a strong relationship with their children as they reintegrate.

⁹⁹ Ibid., 103.

¹⁰⁰ Ibid., 106.

¹⁰¹ Ibid., 104.



f. *Through-Care and Policy Development (Articles 44-45)*

Article 44 (addressing prison services, probation service, social services, NGOs, child welfare services)

In order to promote healthy child development and to help former prisoners reintegrate with their children and families, support and care shall be provided by prison, probation or other agencies specialising in assisting prisoners, as appropriate. Prison authorities, in co-operation with probation and/or social welfare services, local community groups and civil society organisations, shall design and implement pre- and post-release reintegration programmes which take into account the specific needs of prisoners resuming their parental role in the community.

Prison services, probation agencies and social services provide an important outlet through which prisoners in the resettlement process can receive parental guidance and important familial counselling that help imprisoned parents to gain insight into the issues affecting their child and their parenting. Children need parents to exercise their parental role in the community as soon as they reasonably can and it is often helpful if they can redevelop familiarity with this role prior to being released.

Good practice: Facilitate the reintegration of prisoners into the community

- Seek out partnerships with NGOs and social services to create programmes and support groups inside of prison that encourage good parenting skills and focus on the unique challenges of parenting from prison;
- Provide information about support offered by social services or NGOs to parents and their families, even if they are reintegrating after a short sentence;

- Encourage prisoners to stay involved in the counselling and group parenting programmes they participated in during prison as they are released and reintegrated.

Examples of good practice in Europe

- In **Catalonia**, a Mothers Unit offers a comprehensive training programme on parenting issues addressed to mothers in prison. There is also the possibility for mothers from the Mothers Unit (inside prison) to attend parenting courses in a Dependent Unit for mothers with children located outside prison. In addition, there are residential spaces offering parenting courses that can be attended by female prisoners during their sentences. Courses are offered on subjects that relate to parenting, such as sexual education, health and maternity¹⁰²;
- The **Croatian** 'Prisoner as a parent programme' (PaP) is carried out by specially trained treatment and security staff. The programme aims to promote parental competence of prisoners who, in the supportive environment of workshops and through experiential and group work, share their parenting experiences as well as learn and acquire new skills; reinforce responsibility for their own parenting processes, for the quality of the relationship with the child and for maintaining family ties¹⁰³;
- Network after ended sentence (NES) Oslo, **Norway** has a network of 160 volunteers who follow up regularly with 280 participants, all of whom share the fact that they are seeking a new social network without crime or use of illicit substances. The 280 participants are parents to more than 400 children. One of the most important tasks of this programme is to assist participants in their role as a father or a mother and provide them with positive experiences that they can build on¹⁰⁴.

Article 45 (addressing prisons, prison services, justice departments and public policy writers)

Any new policies or measures designed by or for the prison administration which may impact child–parent contact and relations shall be developed with due regard to children’s rights and needs.

¹⁰² EuroPris Family Relations Expert Group (2017), 25.

¹⁰³ Ibid.

¹⁰⁴ Ibid., 3.

This Article speaks to the notion that the fundamental rights of children should take precedence above all else, and that the children of imprisoned parents should not suffer as collateral damage of a parent's mistake. It is in line with Article 3 of the *United Nations Convention on the Rights of the Child (1989)*, which states that:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration; and,
2. State parties undertake to ensure the child such protection and care as is necessary for his or her well-being.

Good practice: Prioritise the rights of children when writing new policies

- As part of the criteria evaluating future prison policies, include consideration of how the proposed policies will affect children's ability to visit their parents and the rights of these children;
- Evaluations of this nature should be made at both the local and national level when considering new policy.

Examples of good practice in Europe

- In **Norway**, each prison has designated child-responsible persons to ensure that the child perspective is adequately considered when new policies are being created¹⁰⁵.

¹⁰⁵ Council of Europe (2018), *Explanatory Memorandum*, 10.



V. Staff Working with, and for, Children and Their Imprisoned Parents (Articles 46-49)

Article 46 (addressing prisons and prison services)

Staff who come into contact with children and their imprisoned parents shall respect their rights and dignity. Prison administrations should select, appoint and resource designated 'children's and/or family officers' whose role should include support for children and their imprisoned parents, facilitate visits in child-friendly settings, provide guidance and information, in particular to children newly confronted with the prison environment, and liaise with relevant agencies, professionals and associations on matters related to children and their imprisoned parents.

Through sensitivity training and the implementation of child-friendly policies, prisons can mitigate the traumatising effects that children face in the context of the tense, rigid, often fearful environment of the prison. It bears emphasising the positive impact of responsible, well-trained staff members in accompanying and counselling children throughout the visitation process, especially when staff members can share information in a child-friendly manner.

Good practice: Provide training to staff to ease the discomfort of the prison setting

- Prisons should provide appropriate training about the needs of, the rights of, and sensitivity towards children to designated staff members who will supervise prison visits, conduct searches and manage visitor reception;
- Suggest that prison management appoint trained and specialised prison officers whose role is to support children and their imprisoned parents during each visit; the officers chosen to participate in the training should be decided by the prison administration heads¹⁰⁶;

Examples of good practice in Europe

- The **Danish** Prison and Probation Service trains specially appointed prison officers to become 'child officers' in every prison. They are trained to be aware of the family relations of the prisoners, of the importance of having appropriate visiting facilities and to provide information to the family. The 'child officers' are trained to make special arrangements for the children, supporting the possibilities for the prisoners to maintain good and evolving relations with the children. The 'child officer' provides colleagues with general knowledge about the children of

¹⁰⁶ Children of Prisoners Europe (2017), *Implementation guide: Italian memorandum of understanding on children with imprisoned parents*, 24.

prisoners. The 'child officers' are trained to cooperate with NGOs such as the Red Cross and SAVN, which are supporting children with a parent in prison¹⁰⁷;

- In **Ireland**, Family Liaison Officers are selected and trained to deliver a bespoke parenting programme both within the prison and also within the community¹⁰⁸;
- In **Finland**, Family Liaison Officers speak with prisoners about their children and support prisoners in preserving healthy family relations. They also prepare family meetings in order to find out about a visitor's / family member's background before the meeting (with respect to safety matters) together with the official responsible for the safety of the prison;
- **Finland's** 'Let's Talk about Children' programme works with prison social workers to discuss the role of prison staff in the treatment of affected children¹⁰⁹;
- Every **Swedish** prison has a trained 'children's ombudsman' tasked with the responsibility to advocate for the best interest of children with imprisoned parents¹¹⁰.

Article 47 (addressing prison services and NGOs)

Staff who come into contact with children and their imprisoned parents shall receive training in areas including how to respect children's needs and rights, the impact of imprisonment and the prison setting on children and the parental role, how to support imprisoned parents and their children and better understand the specific problems they face, how to make visits child-friendly and to search children in a child-friendly manner.

Child-friendly training of staff members is an indispensable measure in preserving children's dignity and sense of well-being when visiting a parent in prison. Staff members who are attuned both to the sensibilities of children and to the potentially harmful impacts of being searched or otherwise subject to distress can help to soften the impact of rigid prison protocols and regulations in an intimidating environment. Trained staff members can also serve as a mediating buffer in familial situations that have the potential to be emotionally traumatising.

¹⁰⁷ EuroPris Family Relations Expert Group (2017), 35.

¹⁰⁸ Ibid., 39.

¹⁰⁹ Ibid.

¹¹⁰ Muth, B., Warner, K., Gogia, K. & Walker, G. (2016), *A Critique of the Prison Re-entry Discourse: Futurity, Presence and Common-sense*, The Prison Journal Vol, 96(3), 395.

Good practice: Training prison staff

- Prison staff training should raise awareness about the existence of this group of children; the number of children affected by parental imprisonment; children's experiences throughout the process from arrest to release; and how their attitude and approach in dealing with children will have an impact on the child;
- Interactive learning, where prison staff experience through role play or otherwise what a child with a parent in prison experiences, can change their perspective¹¹¹;
- Ensure that the prison staff is trained on the provisions of the UNCRC and Council of Europe Recommendation, so that all prison staff members understand that positive treatment of children is mandatory and not a 'soft option';
- Staff need to learn child sensitive methods of conducting searches and making visits child-friendly; and the importance to the child's well-being and development of supporting parents in exercising their parental role while in prison, and in preparation for release¹¹².

Examples of good practice in Europe

- Many countries (e.g. **England and Wales, Italy, Norway, Sweden**, among others) as part of their initial training for prison officers offer training on the impact of imprisonment on children and the needs of imprisoned parents¹¹³;
- **Latvia**: The State Inspectorate for Protection of Children's Rights in collaboration with the Local Governments Training Centre of Latvia trains Latvian Prison Administration staff on a regular basis on children's rights¹¹⁴;
- The Children's Ombudsperson of **Sweden's** Prison and Probation Service (PPS) is specifically responsible for any issues concerning children with imprisoned parents, and all staff receive an introductory children's perspective training, which includes issues about family relations, especially focused on the needs of the children¹¹⁵.

Article 48 (addressing prison services, social services and NGOs)

¹¹¹ Council of Europe (2018), *Explanatory Memorandum*, 10.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ EuroPris Family Relations Expert Group (2017), 34.

¹¹⁵ Ibid., 35.

In order to ensure efficiency and quality of the support, protection and care provided to children and their imprisoned parents, staff training programmes shall be evidence-based, reflect current national law and practices and international and regional human rights law and standards relating to children, and shall be revised regularly.

Not only should staff training programmes take into consideration the needs of children and families generally, but programmes should also receive regular review and should develop as other programmes develop in the field. NGOs and civil society organisations should be given an active role in contributing to these developments.

Good practice: Train prison staff according to current legal and human rights codes

- Ensure that the staff training covers the provisions of the UNCRC, the Council of Europe recommendation and other contemporary national, European and international laws;
- The content of any training programmes needs to keep pace with changes nationally, regionally and internationally;
- Review training procedures at regular intervals to ensure that they are in line with current legislation;
- Turn to the expertise of NGOs which have assisted prison administrations in developing relevant training programmes with research-based findings¹¹⁶.

Examples of good practice in Europe

- Because of the presence of a Children's Ombudsperson in the **Swedish** Prison and Probation Service (PPS), training programmes for staff members in contact with children and for those responsible for leading Parental Groups receive regularly renewed training. Training programmes are developed in conjunction with the Swedish NGO Bufff (Children and Youth with Parent/Family member in Prison)¹¹⁷.

g. *A Multidisciplinary and Multiagency Approach*

¹¹⁶ Council of Europe (2018), *Explanatory Memorandum*, 11.

¹¹⁷ EuroPris Family Relations Expert Group (2017), 35.

Article 49 (addressing prison services, social services, NGOs, ministry of education, health services, police and child welfare services)

The relevant national authorities should adopt a multi-agency and cross-sectoral approach in order to effectively promote, support and protect the rights of children with imprisoned parents, including their best interests. This involves co-operation with probation services, local communities, schools, health and child welfare services, the police, the children's ombudsperson or other officials with responsibility for protecting children's rights, as well as other relevant agencies, including civil society organisations offering support to children and their families.

In order for each child to receive the most appropriate support, all agencies need to be aware of the potential challenges faced by them. Given the number of actors whose work affects the child in the criminal justice system, including police, courts, prisons, child welfare, health and education resources and NGOs, a holistic, multi-agency and multidisciplinary approach is required.

Good practice: Communicate inter-organisationally

- The benefits of investing in support services and care should be weighed against the cost to society of providing for children with imprisoned parents;
- All social sectors of the government that come into contact with children with imprisoned parents, including child welfare, health and education services and relevant NGOs, have a role to play;
- Agencies and NGOs that support, review and regulate work done with children need to be resourced adequately to do their work, to train their staff and to be able to effectively and efficiently help children and their families.

Examples of good practice in Europe

- In **Scotland**, a wide variety of agencies deciding on child protection and offending issues, as well as teachers and social workers, can attend training sessions in the prison to understand both the issues and the reality of visiting for children. These sessions are organised by a national NGO¹¹⁸;
- In 2014, COPE network member in **Italy**, Bambinisenzasbarre, successfully advocated for the adoption of a Memorandum of Understanding on children with imprisoned parents (MOU) signed between the Italian Minister for Justice, the National Ombudsman for Childhood and Adolescence and Bambinisenzasbarre¹¹⁹.

¹¹⁸ Ibid.

¹¹⁹ Children of Prisoners Europe (2018), *Implementation Guide: Italian Memorandum of Understanding on Children of Imprisoned Parents*.



VI. Monitoring (Article 50)

Article 50 (addressing departments of education, interior, justice and children's ombudspersons as well as prison services and police)

The competent ministries, as well as children's ombudspersons or other national human rights bodies with responsibility for protecting children's rights, shall monitor, report regularly on and take any appropriate measures regarding the recognition and implementation of the rights and interests of children with imprisoned parents, including infant children living in prison with their parent.

To ensure that the needs and rights of children with imprisoned parents are properly taken into consideration, government ministries, civil society organisations and NGOs are responsible for monitoring how the rights of children are respected, including notably how the best interests of children are being protected by the respective agencies.

Good practice: Monitor and share information between organisations

- Monitor, regularly review and report on the extent to which the rights of children with a parent in prison are protected, on the degree to which the best interests of children with imprisoned parents are being served, and on how the best interests of children with imprisoned parents are being determined;
- Law enforcement and partner organisations should ensure that they meet regularly to exchange information on individual cases, as well as to evaluate the effectiveness and efficiency of joint operations;

Examples of good practice in Europe

- The **Croatian** Ombudsman's Office team regularly visits prisons to monitor visiting facilities for children and to meet with prison staff¹²⁰.

¹²⁰ Children of Prisoners Europe (2017), *Implementation guide: Italian memorandum of understanding on children with imprisoned parents*, 36.

Box Feature: Indicators and monitoring initiatives

When it comes to implementing the CoE Recommendation CM/Rec(2018)5 more generally, there have been additional initiatives for engaging with the provisions and putting them into practice. We outline some key efforts below.

EuroPris

In October 2019, the EuroPris Expert Group on children with imprisoned parents held a meeting in Cork, Ireland on how to best support EuroPris members in the implementation of the Council of Europe Recommendation. The expert group comprises 11 experts from European Prison Administrations representing the following countries: Cyprus, Germany, Hungary, Ireland, Latvia, the Netherlands, Norway, Romania, Scotland, Slovakia and Sweden. The group promotes knowledge exchange between members and the development of good practice recommendations that service the needs of the wider EuroPris network. Members present at the meeting discussed the progress of their country in terms of meeting the Articles outlined in the Recommendation.

EuroPris members reviewed a checklist designed to monitor whether different Articles of the Recommendation have been implemented, with categories considering whether or not the country has 'good practice' concerning specific Articles; whether the implementation of particular Articles should be improved; whether the Articles should be implemented; or whether implementation is in progress. One example is that of Latvia and its progress concerning the section of the Recommendation entitled 'Allocation, communication, contact and visit' (Articles 16-31). For this section, good practice has been identified concerning Articles 23, 24, 28; the implementation of Articles 16, 18, 21, 22 should be improved; Articles 17, 20, 26, 27, 29, 31 should be implemented; there is progress being made in the implementation of Articles 19, 25, 30.

Members of the expert group discussed four main practices which currently exist and whether or not these practices are applied in the countries represented in the expert group. The practices highlighted include: a checklist for tracking section by section progress of the implementation of the Recommendation; data collection concerning children with imprisoned parents — whether it is standardised and systematised; availability of Skype or videoconferencing contact between imprisoned parents and their children; whether partnerships exist between the prison service and local NGOs.

Moving forward, the EuroPris Expert Group on Children with imprisoned parents will explore how to better work with national administrations to advance the collection of statistics, the use of digital media, improve multisectoral cooperation, incorporate the best interests of children and focus on support provided to children before and after detention.

Development of indicators to measure progress

COPE partnered with the Children's Ombudsman's Office Croatia to develop three categories of indicators to monitor implementation of the Articles of CM/Rec(2018)5, towards establishing an ethical code and ethical standards for research involving children. The three categories of indicators are as follows:

1. Structural indicators: normative standards covering areas such as prison environment, systematised visits conditions including waiting rooms, visiting hours, nursery conditions, child checks, data collected upon entry.
2. Process indicators: relevant to initiatives and efforts on national, regional and local levels, including action plans, strategies, policies, campaigns, programmes, schemes. These include the work of COPE and COPE members across Europe, as well as of other like-minded child rights and prison reform advocates, professionals and practitioners.
3. Outcome indicators: individual and collective achievements that foster the development of children based on human rights and good practices.



VII. Research and Evaluation (Articles 51-54)

Article 51 (addressing the departments of education, interior, justice and children's ombudspersons as well as prison services and police)

Multi-disciplinary and multi-agency expert groups, involving children with imprisoned parents, should be established in order to assess how children experience parental imprisonment, contact and relations with their imprisoned parent and to suggest improvements to current policies and practices.

Research regarding children with imprisoned parents is rapidly developing and is carried out in different cultural contexts. Children in different countries may experience things differently; it is therefore important that the voices of these children (collected through sensitive, child friendly NGOs or through children's ombudspersons' expert groups, among others) are heard and input is sought from professionals working with these children to ensure that policy and practice meet their needs and rights.

Multidisciplinary and multiagency expert groups, involving children with imprisoned parents, should be established in order to assess how children experience parental imprisonment, including the nature and scope of contact they have with their imprisoned parent. Such groups would be best placed to suggest improvements to current policies and practices.

Good practice: Standardise inter-agency data collection

- Define a purpose and concrete objectives for multi-disciplinary/multi-agency groups;
- Make a list of all relevant stakeholders (agency representatives, NGOs, social workers, child welfare professionals, psychologists and criminologists) who should be invited to join the working group;
- List the expected results and cross-sectoral benefits of the working group, and present them to the relevant stakeholders;
- Set up a clear plan detailing the frequency and duration of meetings, ensuring that each group member's role is defined and agreed upon;
- Foster ownership: once the group is established, suggest that each stakeholder take the lead on monitoring the implementation of one particular area of improvement to current policies and practices;

Examples of good practice in Europe

- The **Scottish** Prison Services (SPS) works closely and collaboratively with a wide range of statutory public services and voluntary ('third sector') organisations

such as COPE member Families Outside to support the families of those in prison. The SPS recognises that the third sector has a particular contribution to make in certain public policy spheres and that organisations in this sector can often make inroads where the state and market cannot¹²¹.

- COPE's member in **Norway** For Fangers Pårørende, the Organisation for Families and Friends of Prisoners (FFP), has an inter-disciplinary staff team. FFP is in close dialogue with the prison service and other authorities, and carries out awareness-raising, lobbying and educational work on the consequences of imprisonment on families¹²².

Article 52 (addressing departments of interior, justice and children's ombudspersons and child welfare as well as prison services and police)

Statistical data from prison and child welfare sources should be systematically collected and published together with information on children with imprisoned parents and inventories of good practice.

The development of extensive data resources stands not only to facilitate the design of new policy but has immediate impacts on the approaches and practices of children's engagement with the prison system at all levels. As data and research becomes broader in scope, the network through which to share best practices should become deeper as well; children and families stand to benefit through the implementation of better training and more sensitive programming when information is shared and change is adopted organically.

Good practice: Standardise data collection

- Encourage local and national governments to require systematised data collection on the topic;
- Meet with prison management to explain how data collection can positively impact the services available to children;
- Explain what kind of data should be systematically recorded, updated and made available to the public (e.g., the number of children affected, their age, their primary caregiver);

¹²¹ Children of Prisoners Europe (2017) *Implementation guide: Italian memorandum of understanding on children with imprisoned parents*, 36.

¹²² EuroPris Family Relations Expert Group (2017), 13.

- Design surveys which would collect data in a way that is effective and sensitive for both prisoners and their children;
- Advise that statistics should be made public and presented to national and international data collection bodies (e.g. Eurostat);
- Data about children with imprisoned parents should not be collected in a way that would create or allow for further stigmatisation or discrimination.

Examples of good practice in Europe

- On 6 December 2017, the **German** Institute for Human Rights (Deutsches Institut für Menschenrechte) published its second annual report on the human rights situation in Germany. The report is based on various sources of information and data, including a questionnaire on children separated from a parent in prison sent to all Justice Ministries in the 16 German federal states in April 2017. The answers to the questionnaire provided information on the relevant regulations and practices on a regional level¹²³;
- Children of Prisoners Europe released a 2018 Data Report, the first of its kind, which collected data from prison administrations and social services across Europe to provide an understanding of the current European climate. It provides crucial baseline data on how European prisons moderate the relationship between prisoners and their children, work that is important to improving the rights of both children and parents¹²⁴;

Article 53 (addressing the departments of education, interior, justice and children's ombudspersons as well as prison services and police)

Funding shall be made available to support research on children with imprisoned parents in order to contribute to policy development and to promote best practice in this area.

The reciprocal relationship between prison services, social services and government should be considered fundamental to the well-being of children with imprisoned parents. Funding programmes that safeguard children and provide for an environment that allows children to thrive as individuals in their own right, as opposed to being treated as wards of prisoners, should be a priority for modern states concerned with human rights and the advancement of society.

¹²³ Children of Prisoners Europe (2017), *Implementation guide: Italian memorandum of understanding on children with imprisoned parents*, 31.

¹²⁴ Children of Prisoners Europe (2018), *Establishing Baselines*.

Good practice: Fund data collection efforts

- Policymakers, legislators and ministries should work together to develop policies and measures to provide financial support for research on children with imprisoned parents;
- Research should be encouraged in all disciplines (including psychology, law, sociology, early childhood studies, etc.) that are identified as important. These should receive adequate state funding¹²⁵.

Article 54 (addressing the departments of justice and children's ombudspersons as well as prison services, police, NGOs and social services)

The implementation of child-friendly practices and policies, including international standards relating to children with imprisoned parents, shall be regularly reviewed and evaluated. This review may involve the relevant ministries, the prison administration, social services, children's ombudspersons and other human rights bodies with responsibility for protecting children's rights, as well as other relevant agencies, including civil society organisations.

Regular evaluation ensures that existing methods of protecting the rights and needs of children with parents in prison are adapted as methods of best practice improve, and as legislation and modes of societal practice change.

Good practice: Review and evaluate child-friendly policies and practices

- Child-friendly practices and policies, including international standards relating to children with imprisoned parents, must be regularly reviewed and evaluated;
- Opportunities to evaluate child friendly policies can be offered to children and families visiting a parent in prison by making consultations with prison staff or suggestion boxes in waiting rooms available.

Examples of good practice in Europe

- Suggestion boxes and consultations with staff are available through most European prison services¹²⁶.

¹²⁵ Council of Europe (2018), *Explanatory Memorandum*, 11.

¹²⁶ EuroPris Family Relations Expert Group (2017), 21.



VII. Work with Media and Public Opinion (Articles 55-56)

Article 55 (addressing children's ombudspersons, prison services, police, NGOs and social services)

Information provided to, and by, the media should not violate the right to privacy and protection of children and their families, including data protection rules, and any media reporting should be carried out in a child-friendly manner.

There are instances where children have had to move homes because of the abuse and harassment they receive when their parents' home address and offence are revealed in the mass media. For example, in one country, even without the exact address, identifiable features in a house resulted in the children involved being identified and subsequently stigmatised¹²⁷.

Good practice: Protect the privacy of children who may be affected by media coverage

- Carefully filter information provided to the media on prisoners and individuals charged with crimes in order to protect the child's rights to privacy in line with the UNCRC and the European Convention on Human Rights¹²⁸;
- Interactions with the media should be carried out in such a way that they respect the best interests of the child and prevent any possible stigmatisation.

Article 56 (addressing children's ombudspersons, prison services, police, NGOs and social services)

The media, professionals and the general public should be provided with reliable and up-to-date data and good practice examples to increase their awareness regarding the numbers of children affected and the impact of parental imprisonment, and to avoid negative stereotyping and stigmatisation of children with imprisoned parents.

The imprisonment of a parent is one of ten Adverse Childhood Experiences (ACEs) that have been seen to significantly effect the well-being of children, along with physical and sexual abuse; physical and emotional neglect; mental illness; violent treatment of a

¹²⁷ Raikes, B. (2014), 'The Role of Schools in Assisting Children and Young People with a Parent in Prison: Findings from the COPING Project', *Social Education* 38(2), 116-126.

¹²⁸ Council of Europe (2018), *Explanatory Memorandum*, 11.

mother; divorce; and substance abuse¹²⁹. As such, it is important that people are aware of the effects of having a parent in prison and that children with an imprisoned parent be treated with sensitivity to their context.

Good practice: Educate media about the effects of parental imprisonment on children

- Involve children in the research and recommendation process;
- Provide children who have lived experience with parental imprisonment with the same platform as professionals;
- Provide media and policy makers with information framed and contextualised to avoid negative stereotyping and stigmatisation of children with imprisoned parents.

Examples of good practice in Europe

- A recent **Scottish** project called KIN (a partnership between Vox Luminis and Families Outside) working with older children who have experienced the imprisonment of a parent or sibling found that negative stereotyping of prisoners in the press and in the community rebounds on their children: by association, children feel stigmatised and excluded. The perception of an imprisoned parent by society, the neighbourhood or the mass media can be devastating for a child, even if the child is well treated in his/her immediate environment¹³⁰.



¹²⁹ Vincent J. Felitti et al. (1998).

¹³⁰ Council of Europe (2018), *Explanatory Memorandum*, 12.



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