



Children with imprisoned parents: Collecting data with a purpose

I. 2019 developments in data collection

Data collection by COPE advanced in 2019 from both a quantitative and qualitative perspective. Going hand in hand with continual efforts to secure more robust data on children with a parent in prison—determining who they are, where they are and what kind of supports they need—are COPE efforts to abide by a deontological code of ethics for data collection, working closely with noted expert Ann Adalist-Estrin to **constantly question its purpose** and ensure that data collection itself **protects children and does not further stigmatise them**.

Two key initiatives provided an impetus for work surrounding data collection in 2019, and served to raise awareness of the situation of children with imprisoned parents on a European and global scale. Council of Europe Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents was adopted in April 2018. The Recommendation calls for regular research, revision and evaluation of child-friendly practices and policies within state prison services. This Recommendation was preceded by a questionnaire sent by the Council for Penological Co-operation (PC-CP) to prison services in all 47 Council of Europe member States. The information gathered by this questionnaire provided an essential baseline of information about the practices and policies in place in prison services that considered the rights, needs and wellbeing of children with imprisoned parents. The responses to this questionnaire are organised and detailed in COPE's 2018 data collection report.

Throughout 2019, COPE strengthened partnerships with EuroPris and the Council of Europe to facilitate securing further meaningful data on a European scale, building on findings from the Council of Europe questionnaire on children with imprisoned parents surveying the 47 member States in 2018. Discussions with Ilina Taneva (Nov. 2019) of the Council of Europe PC-CP (Council for Penological Cooperation) led to the development of a two-pronged data collection strategy to gain better statistics on the actual number of children impacted by parental incarceration in a given year.

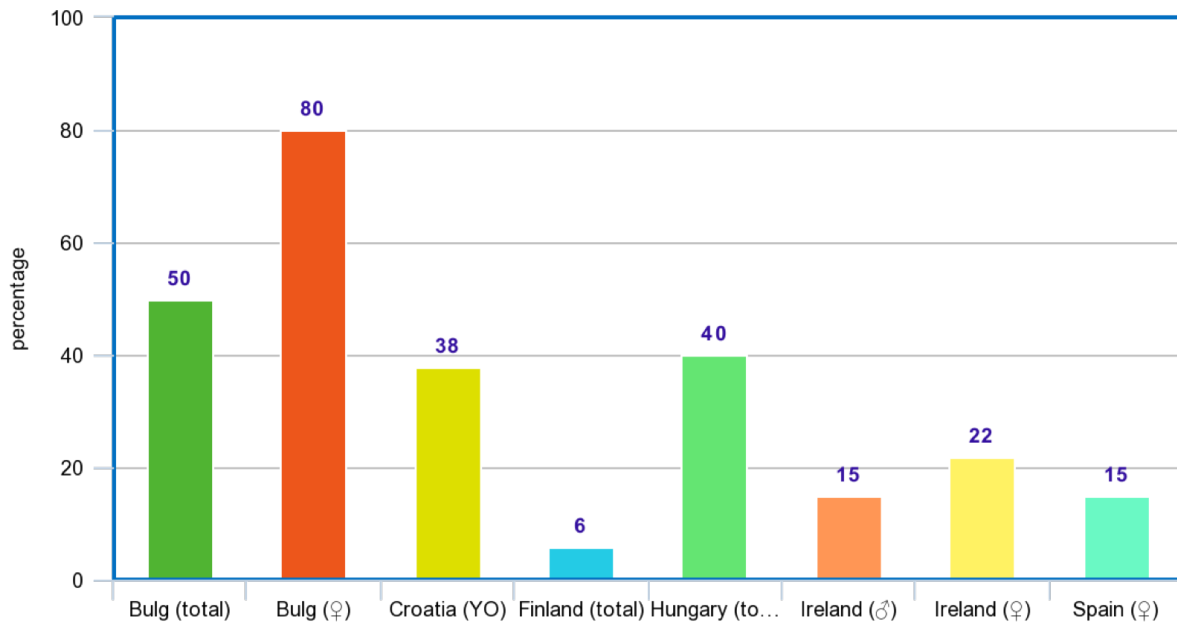
The first aspect of this strategy revolves around COPE's advocacy for anonymised data: Given the stated 'purpose' of data collection—to obtain accurate global figures of children impacted in Europe that legitimize the development of child-friendly initiatives—data collection centred on the gathering of general statistics is what is important, rather than the details of individual cases. In addition, this information gives a 'way in' for prisons to be involved with prisoners as parents from the point of entry and onset of their sentence. It allows for systems to be set up for anonymised data collection to take place upon entry, and helps allay prisoners' eventual fears of children being taken into care by the state or other concerns. This type of data collection can foster mutual trust, with the understanding that data has a purpose, involves the prisoner-parent, and is in the best interests of the child. It also contributes to "dynamic security", and is thus a 'win-win' strategy. The second aspect of the strategy will draw on this 'point of entry' data collection methodology to be implemented at the national level across member States, with a view to developing thorough and accurate data that is comparable throughout the region.

Efforts to bring support to hard-to-reach groups of children

In addition to furthering the agenda for data collection through collaboration with the Council of Europe, and developing data related to the needs of CIPs, in 2019 COPE research added to our existing understanding of the incarceration of Roma and Travellers and over-representation of their communities in European prisons, including calculation of the national percentages of Roma and Traveller prisoners, and identifying and mapping national percentages of Roma and Traveller prisoners. COPE research was also incorporated into the data used in the UN Global Study, which in turn provides new robust data on infants co-residing with their imprisoned caregivers around the world.

Roma and Traveller populations are over-represented in prisons across Europe, with few if no references to the numbers of Roma and Traveller children impacted by parental incarceration. COPE carried out extensive desk research to identify and map national percentages of Roma prisoners, as well as other relevant data. Given the paucity of data on Roma prisoners and their children and the challenges to providing comprehensive data, this is an important first step in collecting data on Roma and Traveller children who have a parent in prison, and working to raise awareness on their specific challenges and needs in maintaining child-parent contact.

Figure 1. Estimated percentage of Roma & Travellers in prison populations



Sources: COPE data, based on Bulgarian Helsinki Committee and COPE member Child & Space (Bulgaria); Republic of Croatia Ombudsperson for Children (Croatia); KRIT Foundation (Finland); Institute for Criminal Policy Research (Hungary); Irish Penal Reform Trust, Lator, T., *Ethnic Identifiers in Irish Prisons* and Pavee Point Traveller & Roma Centre and National Traveller Women's Forum (Ireland); Barañi Project (Spain)

II. The needs of children with imprisoned parents: youth focus group data

In 2019, COPE broke new ground in gathering qualitative and quantitative data with respect to the experiences of children and young people who have a parent in prison. Qualitative data was obtained by organising youth focus groups as part of COPE's annual network meeting and identifying mechanisms that empower children and young people and provide them with coping devices, solace and support. During the focus groups, children were asked what they would say if speaking with a judge, prison officer or other stakeholder. Using qualitative content analysis as a methodology, their responses were examined to provide the following quantitative findings with respect to their needs.

Figure 2 explores the needs of children as expressed to various stakeholders during the focus groups. It is notable that one third of the respondents expressed a need for 'advice and support' of some kind, which suggests the need for comprehensive support for children from social workers, support professionals and NGOs like COPE, and key players in the community, notably teachers. The EU-funded COPING Project showed that the impact of parental imprisonment on a child can be mitigated when children have the support of a trusted adult¹. Twenty-five percent of

¹ Jones, A. D., & Wainaina-Woźna, A. E. (Eds.) (2013). *Children of Prisoners: Interventions and mitigations to strengthen mental health* [COPING Project], University of Huddersfield, UK.

respondents expressed a need to better understand the feelings, behaviours and choices of their parent in prison, which reveals the necessity of having sustained, regular contact with a parent in prison.

Figure 2. Needs expressed by children with a parent in prison

Source: COPE, Krakow Focus Groups 2019

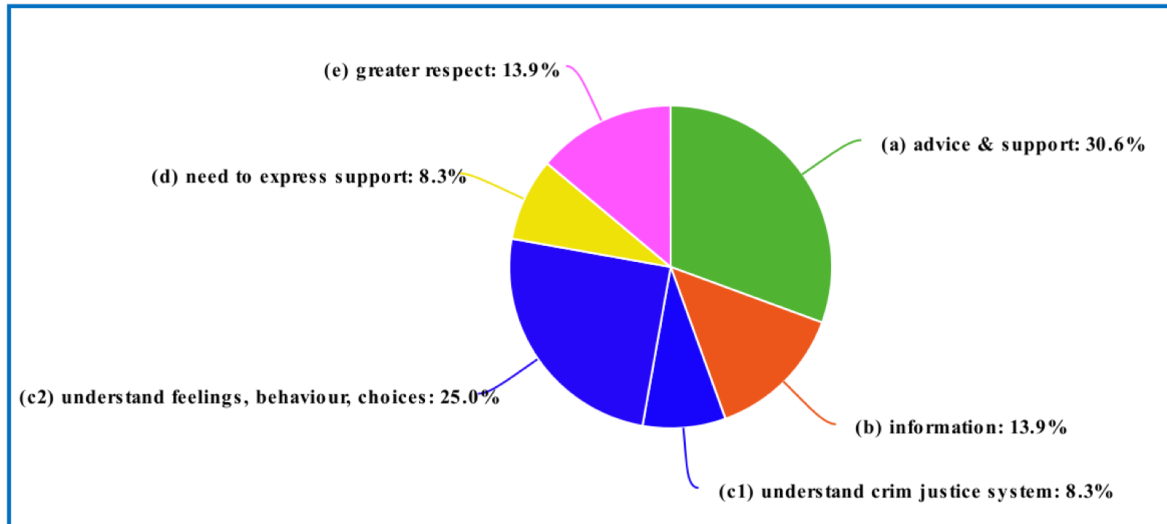


Figure 3. Needs of children with a parent in prison, as expressed to their parent

Source: COPE, Krakow Focus Groups, 2019

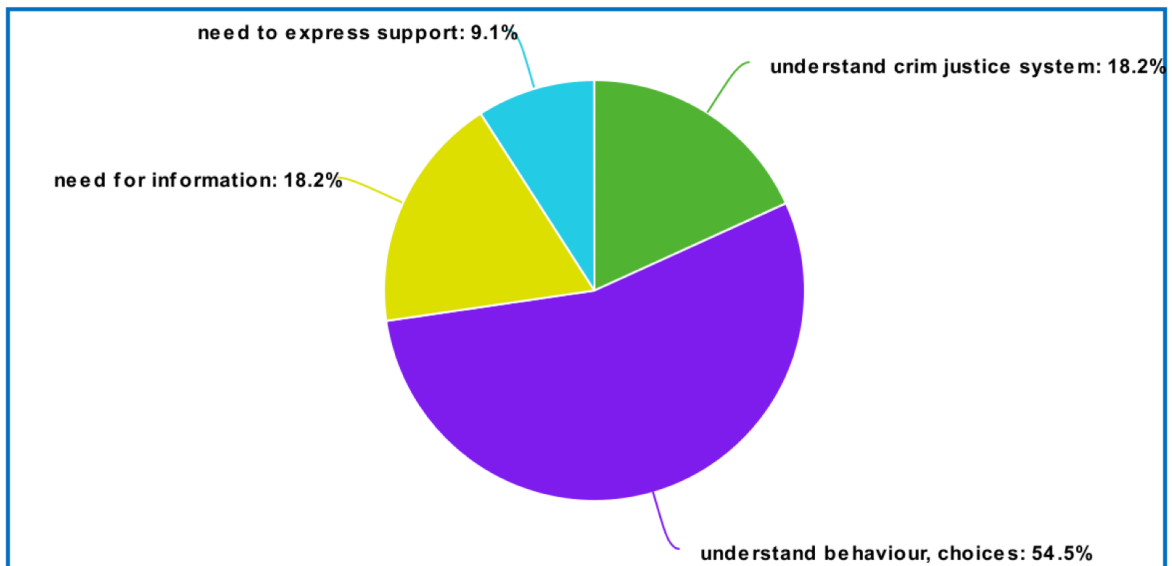


Figure 3 shows that when children hypothetically discuss their needs with their parent in prison, a strong majority express a desire to understand that parent's behaviour and choices.

Figure 4. Needs of children with a parent in prison, as expressed to police

Source: COPE, Krakow Focus Groups, 2019

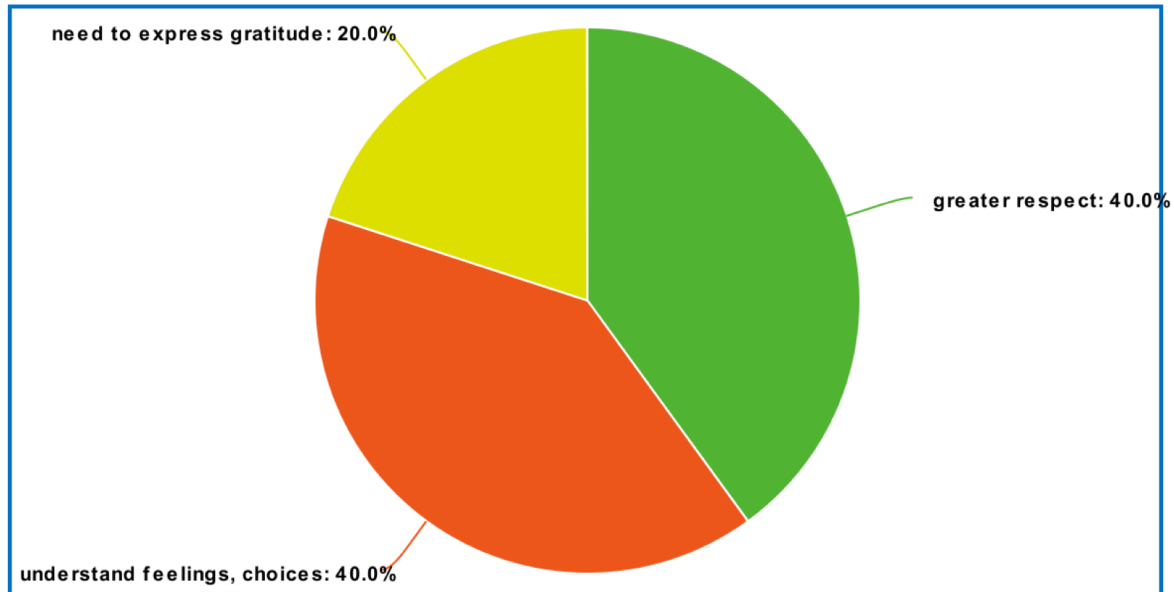
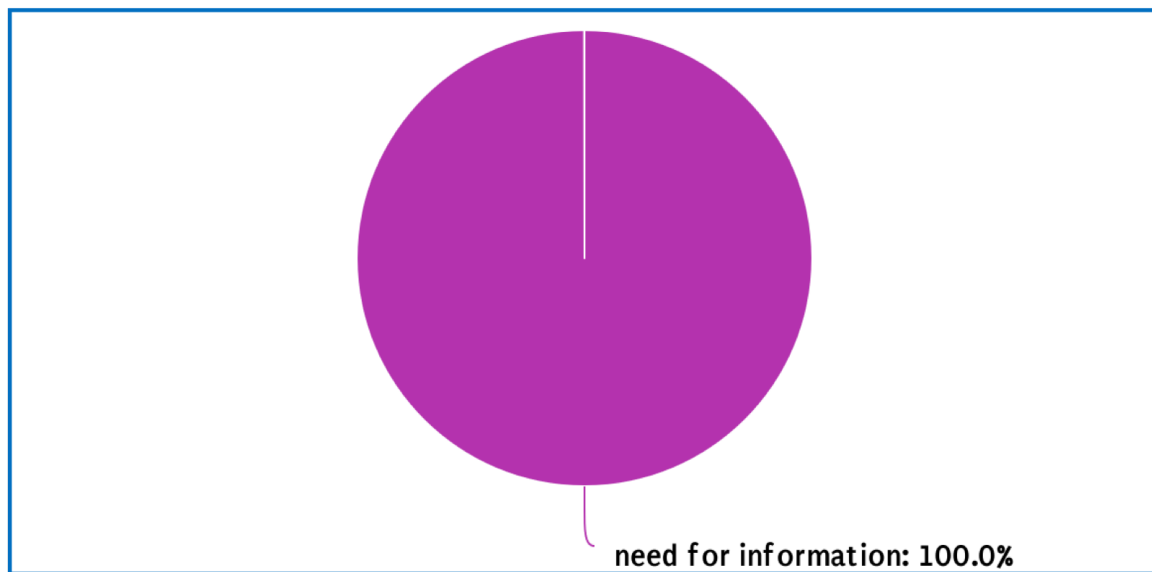


Figure 5. Needs of children with a parent in prison, as expressed to judges

Source: COPE, Krakow Focus Groups, 2019



Young people participating in the focus groups by and large expressed a need for information from judges. Queries included When is my dad going to come out? How often can I see him? Can you tell me some details?

Figure 6. Children's comments to teachers

Source: COPE, Krakow Focus Groups, 2019

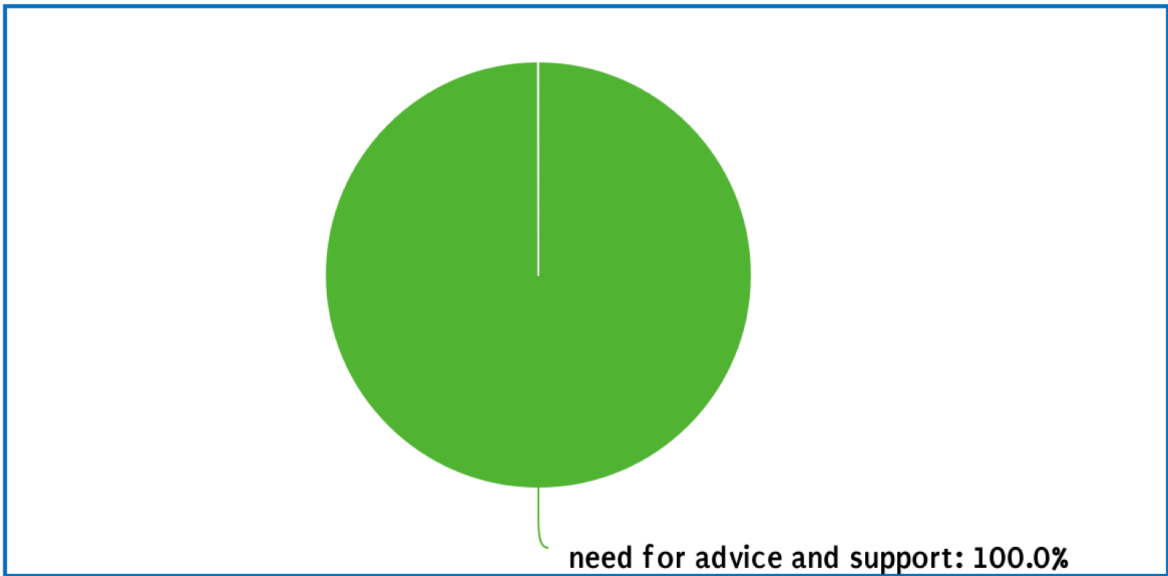
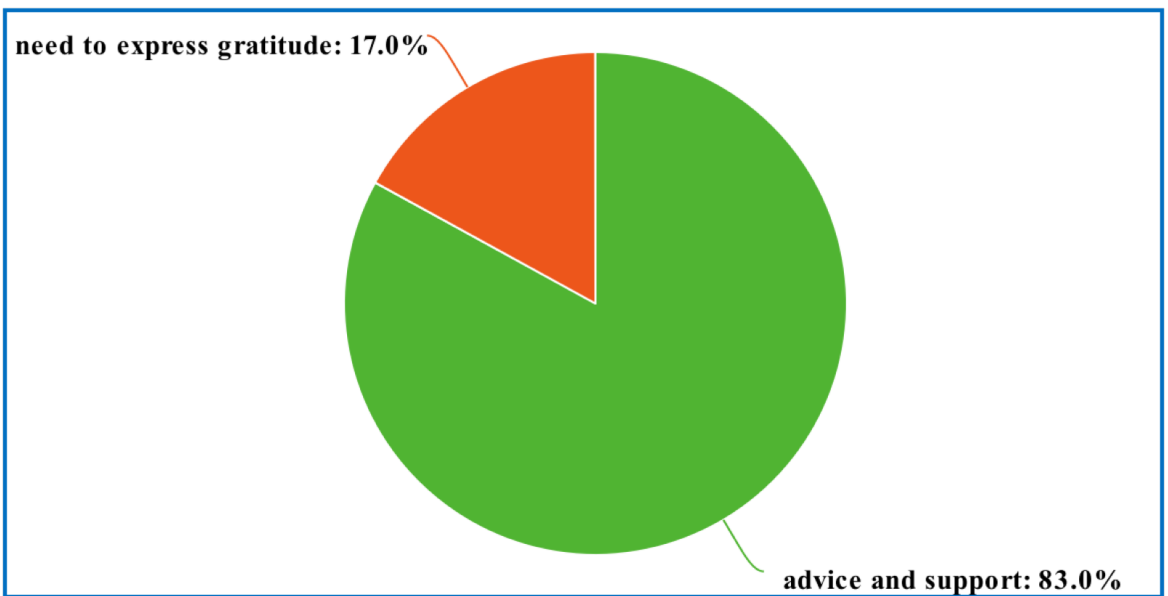


Figure 7. Needs of children with a parent in prison, as expressed to an NGO

Source: COPE, Krakow Focus Groups, 2019



III. The UN Global Study on Children Deprived of Liberty

The United Nations Global Study on Children Deprived of Liberty, published in October 2019, has made significant inroads into the collection of information concerning children deprived of liberty on a global scale. The study relied on a campaign for data collection beginning with a questionnaire, sent in February 2018 to all UN member States and other key stakeholders (UN agencies, NHRIs, NGOs, Ombudspersons), with the aim to collect and provide quantitative and qualitative data on the number of children deprived of liberty in the key focus areas of the study:

- Children deprived of liberty within the administration of justice
- Children living in places of detention with their parents
- Children deprived of liberty for migration-related reasons
- Children deprived of liberty in institutions
- Children deprived of liberty in the context of armed conflict
- Children deprived of liberty on national security grounds

The questionnaire also invited member States to identify examples of promising practices and approaches, with the aim of reducing the number of children deprived of liberty according to the guiding principles of the UNCRC.

Along with other members of the Child Rights Connect Working Group on Children with Incarcerated Parents, COPE participated in the consultation and drafting process for Chapter 10 of the Study, which concerns children living in places of detention with their parents. The questionnaire sent out by the PC-CP in 2017 had already addressed this question, providing an important baseline for information such as the age limit for children to stay in prison with their parent and the numbers of children living in prison with their parent, with a European scope.

In connection with the UN Global Study focus on data collection, a side event of the 41st session of the Human Rights Council, entitled 'Count Children to Make Them Count: Filling the Data Gap', explored how to better develop data collection on children deprived of liberty, with a consideration of how to establish more permanent data collection methodology in the area. The goal of data collection should always go beyond counting the number of children deprived of liberty, to also examine children's experiences.

Results of the UN Global Study data collection initiative

Overall, 170 NGOs contributed to the UN Global Study, with 112 replies to the questionnaire from 82 countries: half from Europe, 27 from Africa, 20 from Asia, 19 from North, South and Latin America and 5 from Oceania. NGOs also contributed to the study, totalling 170 participating organisations. The most complete were the

sections on the administration of justice, as that is where the states have the best data; these questions received a 72 per cent response rate. Questions about children/babies in places of detention with their parents received a 59 per cent response rate, institutions 47 per cent.

Data collected via the questionnaire and consultations with government agencies was additionally supplemented by government and NGO data, as well as statistical extrapolations. While this data can be considered reliable, it is on the conservative side. Indeed, about one third of UN member States noted that challenges are abundant. Some responses were incomplete. There were challenges for administrations in knowing what to report: All decisions that place a child in institutions? Or children deprived of liberty? And where does one draw the line between children living in places of detention and those formally deprived of liberty? This is difficult even in countries that have a good database. Much remains to be done, but it was a promising first start to a global collection of this data.

The recent development of specific child justice systems in so many countries has had a positive effect, and the number of children deprived of liberty was reduced because many of these children have been diverted into the child welfare system. Girls are more diverted into this system and away from the criminal justice system than boys. There are also trends in the de-institutionalisation process, thanks in part to the UN guiding principles on alternative care of children. Many states, former communist states with a very high number of institutionalised children have reported that these numbers have reduced by 50 per cent. This also means there are fewer children deprived of liberty.

Children living with in detention with a parent in Council of Europe countries

Among COPE's contributions to the UN Global Study's efforts to compile data on infants co-residing with primary caregivers in prison were the results of the 2017 COPE questionnaire that the Council of Europe sent to its 47 member States. This resulted in preliminary data on the number of infants across Europe co-residing with their parent in prison, as well as inventorying of age limits in various countries. The publication of data on age limits in European Union member State countries by the EU Fundamental Rights Agency (FRA) as part of a report on migrant detention² enabled COPE to triangulate these results with those obtained from the Council of Europe questionnaire and member State responses in terms of age limits.

The data resulting from the 2017 COPE questionnaire and that published by the FRA can be found in the table that follows.

Figure 8. Children living with a parent in prison in Council of Europe countries

² European legal and policy framework on immigration detention of children, European Union Agency for Fundamental Rights, Luxembourg, 2017.

Source: COPE; PC-CP/COPE questionnaires sent out February 2017, responses received April 2017; Fundamental Rights Agency data from June 2017; (note: M = mothers/F = fathers)

	COUNCIL OF EUROPE Member State <small>(respondents to COE/COPE questionnaire)</small>	No. children residing with parent in prison <small>COE/COPE (all responses March/April 2017)</small>	Maximum age (in years) <small>COE/COPE (all responses March/April 2017)</small>	Maximum age (in years) <small>FUNDAMENTAL RIGHTS AGENCY (EU: June 2017)</small>	COE comments <small>(respondents to COE/COPE questionnaire)</small>	Applies to <small>(FRA data)</small>
1	Bulgaria	3	3	1 <i>(Execution of Penalties and Detention in Custody Act 3 April 2009, Art. 85 (2))</i>	3 children born in January 2017 / May 2016 / June 2016	M
2	Croatia	0	3	3 <i>Execution of Prison Sentence Act (Zakon o izvršavanju kazne zatvora) (1999), Official Gazette (Narodne novine), Art 111</i>	Imposed by law (for mothers only) that children born during mother's sentence could stay with her up to age 3. At the moment, no such cases, but one female inmate is expecting birth in May. Usually up to 6 children with mothers in special maternity department (maximum of 8 during last 10 yrs).	M
3	Czech Republic	9	3	3 <i>Law on Serving of Imprisonment (Zákon o výkonu trestu odnětí svobody), No 196/1999, 30 June 1999 § 67</i>		M
4	Cyprus	0	no response	1(2) <i>Prison General Regulations (Οι περί φυλακίων Γενικοί Κανονισμοί) N. 121/97, Regulation 46 (1)</i>		M
5	Denmark	5	3	1(3) <i>Act on Enforcement of Sentences (Bekendtgørelse af lov om fuldbyrdelse af straf m.v.), Section 54</i>	Danish law also permits the cohabitation of imprisoned parents when a child is present. Different age limits apply in the case of halfway houses (such as Engelsberg in Copenhagen). (RT)	M+F
6	Estonia	4	4	3 <i>Imprisonment Act (Vangistusseadus), 1 July 2015, Article 54 (1)</i>		M
7	Finland	20	3	2(3) <i>Child Welfare Act (Lastensuojelulaki / Barnskyddslag) (417/2007), Section 37, Chapter 7</i>	In 2016, there were approximately 20 children, up to age 3	M+F
8	France	21	1.5 (2)	1.5 <i>Code de procedure pénale, Article D401</i>	22 nov 2016: 21 enfants (de 18 mois, exceptionnellement 24 mois, maximum). Nous ne disposons pas d'information en temps réel sur l'âge des enfants.	M
9	Georgia	4	3	non-EU	Article 72 of the Imprisonment Code of Georgia: on mother's request and with approval of child care and custody authorities, possible to arrange appropriate conditions for mothers and children under age 3. Currently 4 children under age 3 living with parents at No. 5 Penitentiary establishment for women.	non-EU
10	Germany (Baden Württemberg)	6	3	school age (NB: German data not split by Lander) <i>Act concerning the execution of prison sentences and measures of rehabilitation and prevention involving deprivation of liberty (Strafvollzugsgesetz), Section 80</i>		M
11	Germany (Bavaria)	20	3	/		/
12	Germany (Brandenburg)	0	No data collected	/	No child-parent living areas	/
13	Germany	2	3	/	In open prisons mother-child cells located in	/

	(Hamburg)				female unit	
14	Germany (Hesse)	13 (age 0 to 4)	3 (6)	/	Children can be accommodated in closed mother-child institutions up to age 3, and in open mother-child institutions to age 6	/
15	Germany (Lower Saxony)	12	5	/		/
16	Germany (Mecklenburg-Vorpommern)	1	3	/	Currently one young mother (22) with son (7 mos) in Neustrelitz juvenile prison. Mother-child unit accommodates two mothers, each with two children aged 3 or younger. Only prison to have separate facilities	/
17	Germany (North Rhine-Westphalia)	19	6	/		/
18	Germany (Rhineland-Palatinate)	0	no response	/		/
19	Germany (Saxony)	2	3	/	Possible in open prisons	/
20	Germany (Saxony-Anhalt)	0	no response	/		/
21	Germany (Schleswig-Holstein)	Not possible	Not possible	/		/
22	Germany (Thuringia)	2	no response	/		/
23	Greece	15	3	3 <i>Law 2776/1999, Correctional Code (Σοφρονιστικός κωδικός), (O.G. A' 291/24-12-1999), Article 13 (3)</i>		M
24	Hungary (prison administration)	4	no response	1		M
25	Hungary (police administration)	no response	no response	/		
26	Ireland	4	no response	1 <i>Prison Rules, S.I. No. 252/2007, Article 17(1)</i>		M
27	Italy	1 (19 April 2017)	3	6 <i>Law No. 354 of 26 July 1975, Norms governing the prison system and the enforcement of measures involving deprivation of, and limitation to liberty (Legge 26 luglio 1975, n. 354, Norme sull'ordinamento penitenziario e sulla esecuzione delle misure privative e limitative della libertà), as reformed by Law No. 62 of 21 April 2011, Modifications to the Criminal Procedure Code and to Law No. 354 of 26 July 1975 (Legge 21 aprile 2011, n. 62, Modifiche al codice di procedura penale e alla legge 26 luglio 1975, n. 354 e altre disposizioni a tutela del rapporto tra detenute madri e figli minori, Articles 1(1) and Article 3</i>	Italian legislation provides that children can live with parents in prison up to age 3. [Art. 4 of Legge Simeone-Saraceni suggests home detention as a measure for pregnant women or those with children under age 10 (depending on conditions relating to health, sentence parameters); has capacity to apply to fathers in certain circumstances. (Source: COPE/Bambinenzasbarre) Legge 62 (2011) provides for alternative measures (except in some cases) for mothers of children six and younger, where they can stay up until age 6 (and can be extended to 10). (Source: Bambinenzasbarre)]	M(F)
28	Latvia	22	Child can live with imprisoned mother up to age 1; after that, mother returns to cell and child stays in mother-child unit	4 <i>The Sentence Execution Code of Latvia (Latvijas Soduzpildes kodekss), 23 December 1970 (With amendments until 12 September 2013), Section 77, para. 5</i>	Maximum age of 4 applies on the basis of mother's request with approval of Orphans' Court. (Art. 77 pt. 5 of Sentence Execution Code of Latvia, according to COPE Special Newsletter 2013)	M
29	Lithuania	5	3	3(4) <i>Penal Code (Bausmių vykdymo kodeksas), 27 June 2002, No. IX-</i>		M

				994 (with amendments), Article 151-153		
30	Luxembourg	1	No age limit	Those too young to be separated from mother <i>Grand-Ducal Regulation of March 2', 1989, Regarding the Administration and the Internal Regulations of Penitentiary Establishments (Règlement grand-ducal du 24 mars 1989 concernant l'administration et le régime interne des établissements pénitentiaires) Article 142</i>		M
31	Macedonia	0	1	non-EU		non-EU
32	Malta	0	no response	1 <i>Prisons Regulations, S.L. 260.03 of the Laws of Malta, Regulation 38(2)</i>		M
33	Montenegro	0	no response	non-EU		non-EU
34	Poland	43	3	3 <i>Executive criminal code (Ustawa z dnia 6 czerwca 1997 r; Kodeks karny wykonawczy) 6 June 1997, Article 87</i>	Mother-child homes organized within selected prisons, in which child may stay, upon mother's request, until age 3, unless educ/ health circumstances, confirmed by doctor or psychologist, make it recommendable to separate child from mother or to lengthen/ shorten this period. Decisions require consent of the welfare court.	M
35	Romania	2	1	x		– not relevant
36	Slovakia	– Not relevant for COE	Not possible for children to live with parents in prison. Prison administration considering establishing facility for imprisoned mothers with children.	3(5) <i>Act No. 475/2005, Act on Prison Sentence as amended (Zákon č 475/2005 Z. z. Zákon o výkone trestu odňatia slobody a o zmene a doplnení niektorých zákonov), 26 October 2005, Articles 74 (4) and 62 (2)</i>		M+F
37	Slovenia	0	no response	1(2) <i>Enforcement of Criminal Sanctions Act (Zakon o izvrševanju kazenskih sankcij, ZIKS-1), adopted on 23 February 2000, with subsequent amendments, Article 62</i>		M
38	Sweden	20	1	infant <i>Act on Imprisonment (Fängelselag 2010:610), 10 June 2010, Chapter 2, Section 3</i>	Approx. 20 children/ year, up until child turns 1 (some exceptions)	M+F
39	Switzerland	3	3 (Hindelbank prison)	non-EU	No data	non-EU
40	Turkey	593 ¹	6+	non-EU		non-EU

Conclusions from the UN Global Study

Manfred Nowak, the lead author of the UN Global Study, suggests that the publication of the Study represents the end of the first phase – assessment of the global situation – and that the second phase, implementation, will necessitate further, improved data collection, as well as the effective sharing of data among states and state ministries. Such an effort should be seen as a long-term process and include longitudinal studies; Mr Nowak recommended that states and UN agencies

should present data annually to compare information, to consider differences across countries. In order to ensure the implementation of the Global Study, civil society as a whole has an important role to play in utilising what is, for the first time, scientifically sound data on children deprived of liberty.

Mr Nowak also offered recommendations specific to the functioning of the UN system, urging the creation of an official database on children deprived of liberty and a concomitant monitoring mechanism to ensure forward progress. He called on the UN to establish a new indicator for SDG 16 (violence against children), comparing children deprived of liberty to the total number of children, and that this indicator would be an important contribution to implement the recommendations of the Global Study and the obligations of the SDGs.

IV. Enriching data collection on cross-cutting issues

For COPE, when considering the question of children with imprisoned parents, there are cross-cutting issues that need to be taken into account, such as children living in institutions with an incarcerated parent, juvenile detainees who also have children, and children with parents in prison from minority groups such as Roma, indigenous peoples or foreign nationals. In the Czech Republic, for example, it was found that 6.7 per cent (n=963) of children in institutions were reported to have a parent in prison³. A greater focus on these cross-cutting issues is necessary with respect to future data collection, given the dearth of data in these areas and the need to provide support for children and young people impacted by parental incarceration who are in institutions, separated from their child due to lack of facilities (e.g., juvenile detainees with infant children) or facing other challenges to maintaining contact.

³ Lumos, November 2017 survey.



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.

Children of Prisoners Europe is a non-profit organisation registered in France under French Association law 1901.

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