

Annual Report 2020

Children of Prisoners Europe



CHILDREN OF PRISONERS EUROPE

Founded in 2000, Children of Prisoners Europe (COPE) is a pan-European network working with and on behalf of children with imprisoned parents. The network encourages innovative perspectives and practice to ensure that the rights of children with imprisoned parents are fully respected and that action is taken to secure their well-being and healthy development. COPE is a membership-based organisation made up of non-governmental organisations, individuals and other stakeholders across Europe and beyond, linked by a staff team based at its Paris headquarters. With our network of European partners active within prison-related, child rights and child-welfare fields, we seek to boost awareness and achieve new ways of thinking, acting and interacting on issues concerning children affected by parental imprisonment.

COPE'S VISION is that every child will be guaranteed fair, unbiased treatment, protection of their rights, and equal opportunities regardless of social, economic or cultural heritage or their parent's status.

COPE'S MISSION is to safeguard the social, political and judicial inclusion of children with an imprisoned parent, while fostering the pursuit and exchange of knowledge which enhances good practices, and contributes to a better understanding of the psychological, emotional and social development of these children.



Foreword

The year 2020 was certainly an extraordinary one. COPE celebrated its twentieth anniversary! And with the addition to the COPE network of Cyprus and Slovenia, COPE is now active in 28 countries in Europe, providing indirect support to three times the number of children it did ten years ago. We thank the European Union and its constant support over the past ten years, from the FP7 Framework Coping Study to the current Operating Grant. Yet 2020 was also the year of the Covid-19 pandemic, which put a spotlight on prisons and caused great uncertainty among many children with a parent in prison given the suspension of in-person visits, raising a host of issues for children as virtual connections were instated to keep children connected to their parents.

Broadly speaking, COPE's work followed a double track – trying to keep pace with developments on Covid's impact on children with an imprisoned parent while advancing strategic goals to promote multidisciplinary and multi-sectorial integrated support for them across the law enforcement and criminal justice spectrum. We organised a webinar and network forum on keeping children connected, exploring Covid's impact on children and pinpointing their needs with respect to visits, and tailored COPE's annual European Journal of Parental Imprisonment to focus on visits and issues emerging from Covid-19: Should prison visit protocols be codified to ensure that in-person visits are not being replaced by virtual ones? What type of ethical issues arise with video calls? How can screened visits be made more child-friendly (and what is 'child-friendly' within the pandemic context, or any context?) Who decides what is 'child-friendly'? How can we ensure digital equality and guarantee children's right to maintain contact with their parent? What protections are there for guarding children's right to privacy when all video calls are recorded, often by private companies? To this end, COPE raised awareness on children's right to privacy by way of a Consultation Response submission to the UN Special Rapporteur on Privacy in September, joining Families Outside of Scotland and the Children's Ombudsman's Office Croatia.

At the same time, COPE continued to make progress in mainstreaming Council of Europe Recommendation CM/Rec(2018)5 on children with imprisoned parents through advocacy to ensure that the rights and issues of children with imprisoned parents were represented at the EU Child Rights Forum and in

the impending EU Strategy on the Rights of the Child. In July, the Council of Europe's Committee of Ministers took a step towards integrating the rights of children with imprisoned parents into the framework of the European Prison Rules, adopting some of the provisions of Recommendation CM(2018)5, COPE being instrumental in bringing the latter to fruition. Our members around the network stepped up implementation of the Recommendation in their own national contexts; as the thematic focus of the EuroPris Expert Group on Children of Prisoners, in which COPE participates, implementation of the Recommendation was promoted by prison services across EU member States. COPE made good progress on cross-cutting issues, with a focus on children in alternative care who have a link to parental imprisonment, helping to lay the groundwork for the UN Day of General Discussion on children in alternative care to be held in September 2021. COPE broke new ground with research on issues of literacy and linguistic discrimination when Roma & Travellers are imprisoned, which can be a barrier to accessing information and services and which has been a limiting factor in keeping Roma & Traveller children connected to parents in prison. Czech-based organisation Romodrom ('Roma's Way') joined COPE, bringing in new expertise and initiatives with the Roma community as well.

COPE made strides in 2020 towards further data collection, and we were pleased to see the Council of Europe 2020 Report on Penal Statistics (SPACE) include for the first time data on the number of infants co-residing with imprisoned mothers in Council of Europe member States, most likely drawing on a chapter co-drafted by COPE and the Quaker UN Office for the UN Global Study on Children Deprived of Liberty. COPE is continuing to work individually with prison services to promote data with a purpose, engaging parents upon entry so they see data collection as ultimately providing children with support if needed. This can foster a sense of trust and is a big step towards implementing 'child checks' – interventions by stakeholders at key points during the law enforcement and criminal justice system.

Significantly, COPE's first external evaluation of the network began, steered by a small committee working with an independent evaluator Alain Thomas. Other significant developments include the establishment of a Wise Persons Group, which serves as an advisory body to the COPE Board and staff and works to ensure that ethical reflection remain at the heart of the network at all times.

Building on awareness campaigns in 2018 and 2019, COPE continued working more closely with children, consulting with them, helping them engage with the Recommendation, making certain that the language COPE uses is protective and promotes their agency.

The year 2020 saw a greater number of intra-network initiatives by members and expanded member involvement in the form of landmark safeguarding workshops to enhance policies and procedures across the membership, as well as thematic groups on visits and judicial sentencing. COPE strengthened its presence in Germany, Romania, Portugal, Cyprus and Slovenia, with a greater number of representatives from prison services joining the network. As the network expands with each new year, COPE places an even greater priority on maintaining quality individualised work relationships with all of its members. COPE's success lies not only in its diversity, adaptability, flexibility and resilience, but also and above all in its members across the network, steered so ably by COPE president Rachel Brett with the support of our highly engaged Board and dedicated Wise Persons Group. We all advance together, step by step, in helping to build more human, resilient justice systems that better protect, support and bolster children across Europe and beyond.

Liz Ayre
Executive Director

The Board

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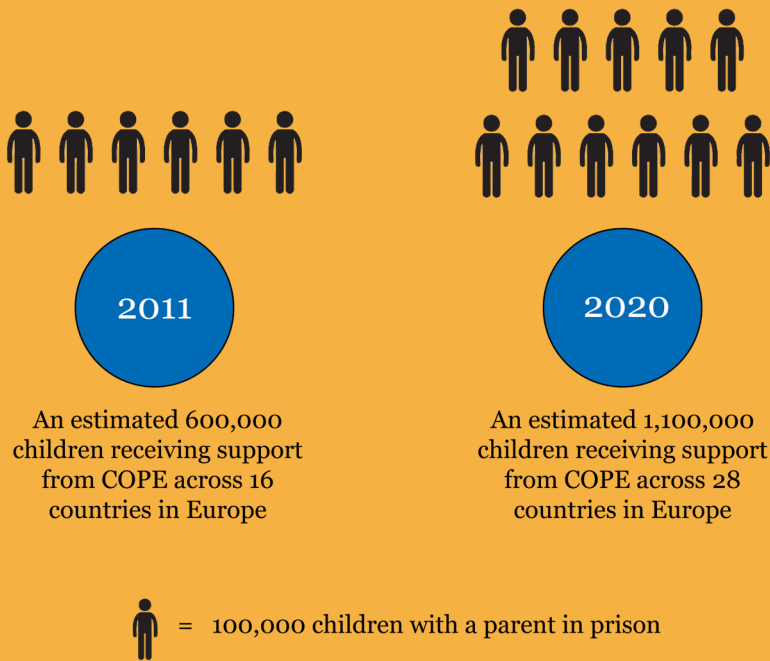
Ewelina Startek, Board Member

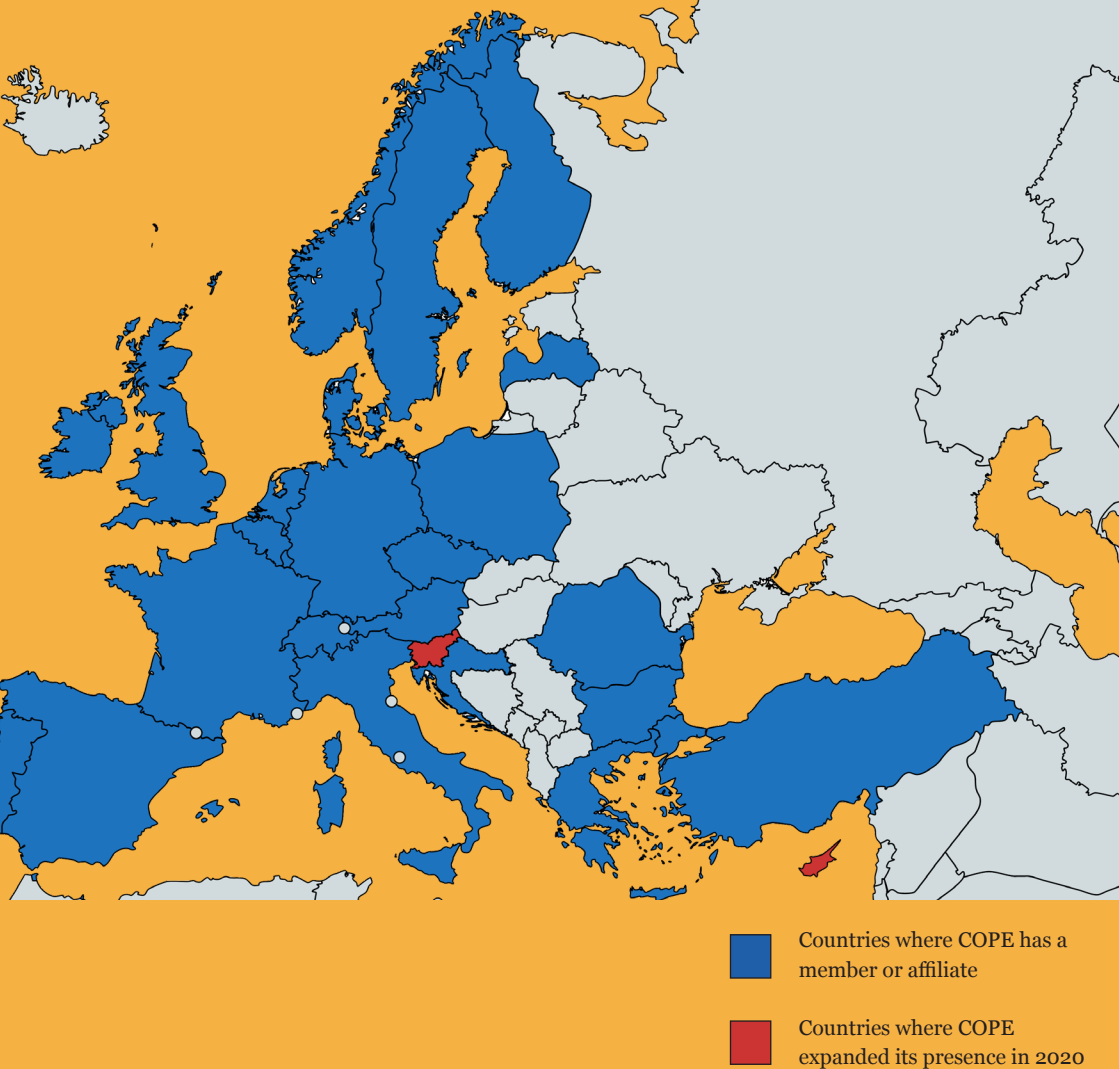
Impact summary

COPE’s membership at the end of 2020 includes 92 members and affiliates in 28 European countries, with 109 partners and affiliates in 34 countries. COPE added two new full member organisations, three new individual members and four new applicant organisations. Six new affiliates also signed up. Outside of Europe, COPE has affiliates in Australia, Brazil, Canada, New Zealand, South Korea, the United States and Zimbabwe.

2020 Membership totals

- Full organisations: 23
- Individuals: 24
- Applicants: 7
- Affiliates: 55





Support for children with imprisoned parents

Since 2011, members and affiliates of the COPE network have worked to support an increasing number of children separated from a parent in prison in a growing number of European countries. The infographic at left, based on data from the World Prison Brief, shows COPE's progress towards extending this support to the estimated 2.1 million children separated from a parent in prison across the entirety of Europe:

Direct support through centring young people's voices

COPE provides direct support for children with imprisoned parents through its network of members and affiliates working closely with children and parents impacted by imprisonment, as well as through collaboration with young people. The annual *Not my crime, still my sentence* campaign this year centred young people's voices in calls to elected European officials and Members of EU Parliament and encouraged young people to foster ownership of their rights as set out in Council of Europe Recommendation (2018)5 on children with imprisoned parents, which was adapted into child-friendly language with input from children during the 2019 campaign. Additionally, for the first time since COPE's foundation, a Young Adviser who grew up with an imprisoned parent joined the COPE Board, acting in a support capacity to contribute invaluable insights into the nuanced experiences of children with an imprisoned parent. His presence on the Board not only represents COPE's intention to collaborate in this way with young people, but also has shown how crucial youth perspectives are – and will be – to COPE's development in the near and distant future.

Advocacy during a pandemic

The Covid-19 pandemic and its attendant prison lockdowns caused COPE to take a two-pronged approach to advocacy in 2020, towards fulfilling its advocacy goals surrounding the issue of children with imprisoned parents generally and to share knowledge from throughout the network on keeping children connected to imprisoned parents during the pandemic. COPE organised a webinar on this subject during the early months of 2020, which was key to capacity building and knowledge sharing in this difficult context and which emphasised the importance of facilitating video calls to maintain family ties while reiterating that video calls should not in the future take the place of in-person visits, which are singularly crucial for children to form and maintain bonds with their parents.

In and amongst Covid-related advocacy, COPE focused on implementation of the 2018 Council of Europe Recommendation, working on efforts to enhance child safeguarding strategies throughout the network; to contribute to the establishment of EU minimum standards for pre-trial detention procedures; and to inform the upcoming EU Strategy on the Rights of the Child 2021-2024. Significant strides were made to improve child-friendly visiting conditions in European prisons, as well as to sensitise judges and prosecutors on the importance of keeping children in mind when a parent is in conflict with the law. And, as in years past, COPE successfully organised its annual *Not my crime, still my sentence* campaign to spread awareness of the issue of parental imprisonment throughout Europe and beyond.



Co-production of knowledge across an ever-developing network

In a year of prison lockdowns and closed borders, the COPE network continued to expand capacity, adding members and affiliates; joining forces with an advocacy network working in Latin America and the Caribbean; performing online 'missions' to the Czech Republic, Estonia, Portugal and Serbia; organising thematic working groups with members throughout Europe on judicial training and prison visits; producing research on Roma & Traveller children with a parent in prison; and collecting data with a purpose, emphasising the provision of support to children and families. COPE developed and strengthened ties through collaboration with EU Directorate-General for Justice and Consumers, EU Members of Parliament, UN Human Rights Council Special Rapporteur UNICEF and judges throughout Europe.

Coping with Covid-19

Covid-19 has thrown a spotlight on prisons, on the inherent challenges in ensuring social distancing in overcrowded facilities, the inability to adequately protect health and welfare, the suspension of physical visits and the consequent loss of contact between prisoners and their children and families. Coronavirus-related restrictions impact children of all ages, especially younger children, and aggravates an already difficult life situation for the estimated 2.1 million children who have a parent in prison in Europe on any given day.

Since the onset of the global pandemic in Europe, administrative responses have varied continuously as a function of the public health situation in each country, and at times based on decisions made by local jurisdictions and/or individual prison administrations. As they concern in-person prison visits, responses to date have ranged from a complete moratorium on prison visits in Hungary since 27 March 2020 to in-person visits being intermittently permitted depending on public health conditions, as has been the case in a majority of countries.

The uncertainties linked to Covid-19 in prisons have compounded the sense of uncertainty – and the potential for trauma and toxic stress for children – inherent to having a parent in conflict with the law. A survey conducted by the International Coalition for Children with Incarcerated Parents (INCCIP) in April 2020 showed that 87 per cent of children and families reported increased worry about the person in prison; 84 per cent reported that the situation in prisons increased stress on the family. Perhaps most importantly, as regards prison visits and the prison lockdowns prompted by Covid-19, 79 per cent of children and families surveyed reported increased difficulty in staying in touch with their loved one in prison.

Child-parent contact during a pandemic

Restrictions to normal in-person visits where prisoners and their children have physical contact have resulted, in general, in three kinds of responses, depending

“ A child should be able to talk to their loved ones anywhere and any time. Through these hard times where we can't easily speak to others face-to-face... technology can provide an easy-to-understand, cheap alternative that children can use to speak to incarcerated family members.

—Jasmine, 14 years old, Scotland



on the country context: enhanced telephone privileges; virtual contact or video contact between parent in prison and child at home; and in-person, non-contact visits across a plexiglass divider.

Telephone access was expanded early on in the pandemic, with efforts to allot more time per call, to cover the cost of telephone services and to distribute cell phones in some cases. Keeping connected over the telephone has significant challenges, including excessive demand for use of a limited number of phones, poor sound quality, the prohibitive expense of phone calls and timing the call for when children are prepared to talk. Phone conversation is not a viable option

for connecting with non-verbal or pre-verbal children, including infants, toddlers and children with disabilities.



Video calling infrastructure was introduced in many cases as well, which brought certain unique benefits like allowing children to show parents in prison their rooms or their toys and allowing prisoners to join the family at the dinner table, see the family dog and witness key moments in their child(ren)'s lives. While novel, the introduction of video calls has brought with it significant problems as well. The issue of access to video-capable technology has in some cases been prohibitive to families without computers or smartphones. And for those with internet access, video technology is not always reliable, with lags, connection issues and abrupt cut-offs that can be particularly frustrating when parents in prison have a time limit per call.

As with phone calls, connecting with infants and young children over a screen is a challenge at best; infants and toddlers especially rely upon touch and scent to attach to a parent. This fact alone makes clear the primacy of in-person visits and physical contact for infants and toddlers most importantly. For this reason and many others, it is imperative that video visits not take the place of in-person visits, which are crucial for child-parent bonding and in upholding article 9, paragraph 3 of the UNCRC enshrining the child's right to maintain 'personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.'

Key achievements

Child Safeguarding Enhancement Europe project

COPE took its first strides toward establishing a network-wide child safeguarding strategy through its Child Safeguarding Enhancement Europe Project. Child safeguarding is based on the ethical principle of ‘do no harm,’ which aims to protect children from all forms of harm and abuse when they encounter any organisation whose work could affect their development and compromise their safety. As a network working with and on behalf of children with an imprisoned

parent – and which keeps the safety and well-being of children impacted by parental imprisonment at the centre of its work – COPE is committed to guaranteeing that children can receive the best support possible, in total safety.



The project has been organised into two phases: the first phase consisting of a review of COPE’s child safeguarding policy as well as the policies of member organisations, where in existence. This review process has allowed COPE to assess where its members stand in terms of child safeguarding, while ensuring that members who wish to can receive appropriate support in their efforts to develop or implement child safeguarding policies, consistent with the updated COPE standards. The second phase of the project focuses on enhancing child safeguarding across the network and is organised around four online learning sessions during which support is provided to members depending on their needs, whether that be policy revision or development of a new policy. The workshops are open to all COPE members and aim to encourage a discussion around safeguarding as well as to explore paths to further developing child safeguarding across the COPE network.



Report on pre-trial detention to EU Commission DG Justice

As part of an effort to establish EU minimum standards for pre-trial detention procedures that consider the best interests of children with parents in conflict with the law, the EU Directorate-General for Justice and Consumers commissioned COPE to produce a memo entitled *Impacts of pre-trial detention procedures on children with parents in conflict with the law*, which examines the effects of pre-trial detention from the parent's arrest to remand imprisonment prior to sentencing. This is a mutable and unsettling period for children, during which children's rights frequently go unconsidered; pre-trial detention procedures may result in defendants being moved around without family members knowing, and communication with children and families over the phone may be inconsistent, if not entirely prohibited. Children can experience uncertainty and a loss of stability in their lives. The lack of information coupled with the suspension of in-person visits currently as a result of the Covid-19 pandemic make stress, worry, anxiety and depression of children and young people exponential.

The memo has three key asks, which are as follows:

1. Any decision to exclude family visits must require consideration of the possibility of children being able to visit, and the right of the child to have direct contact with their parent, taking their age into account, even if this necessitates someone other than family members accompanying them.
2. EU minimum standards on pre-trial processes must promote not only the use of alternatives to remand detention but access to these alternatives free of charge (e.g., electronic tagging), to avoid any potential discriminatory aspects and effects on defendants and their children.
3. Children's best interests and rights need to be considered throughout all pre-trial detention procedures (e.g., child-parent contact, proximity of parent to home, active communication and information channels concerning the parent's situation).

“ Mum explained that I had to prepare myself that my father would probably be imprisoned. It was sort of like waiting for something that you know will be unpleasant, but you don't know how bad it will be.... And it was also as if every time we thought that now we were sure we would be told something, we would have to wait even longer.

– 12-year-old boy from Denmark recounting his experience at age 7. His dad was in remand custody for 10 months, then sentenced to 14 years.

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COPE Webinar: *Keeping children connected to a parent in prison in the Covid-19 crisis and beyond*

COPE held its first ever webinar featuring a series of insightful presentations, questions and discussions about the challenges that the Covid-19 pandemic has presented for prisons in Europe and elsewhere, and in particular for prisoners and their families. A key takeaway from the webinar was the need to ensure that actions taken in the short term lead to positive changes for prisoners and their families in the long term. The introduction of video visits as a response to the suspension of in-person visits – by all accounts the most effective response to keeping children and parents connected during the Covid-19 crisis – must not become instituted in place of in-person visits in the long run. The webinar strongly reaffirmed the importance of children's right to direct contact with a parent as enshrined in the UNCRC and that video visits set up as emergency measures should augment child-parent contact and add to the options for contact that children have to keep in touch with parents in prison.



WEBINAR

**KEEPING CHILDREN CONNECTED
TO A PARENT IN PRISON**
in the COVID-19 crisis and beyond

Featured speakers

Richard Garside, Director, Centre for Crime and Justice Studies (UK)

Mirna Cacic, Coordinator, Parents in Action - Roda (Croatia)

Edoardo Fleischner, Co-founder, Bambinisenzasbarre (Italy)

Chaired by **Nancy Loucks**, Chief Executive, Families Outside (Scotland)

**26 May 2020
4pm-5:30pm CET**

COPE contribution to the EU Strategy on the Rights of the Child

COPE worked to ensure that children with imprisoned parents are included in the EU Strategy on the Rights of the Child 2021–2024, which consolidates the EU's actions for children into a cohesive strategy set up to inform other relevant policy developments in EU member States and within EU institutions. The Strategy addresses the rights of the most vulnerable children, children's rights in the digital age, the prevention of and fight against violence and the promotion of child-friendly justice – and will include recommendations for member States and EU bodies. COPE joined forces with partners in the Child Rights Action Group (CRAG) together with UNICEF to develop a Joint Position Paper on a Comprehensive Child Rights Strategy, endorsed by 29 organisations, which emphasised that the Strategy on the Rights of the Child should honour the EU Child Guarantee and should not forget those groups of vulnerable children not covered by the Guarantee (such as children impacted by a parent's imprisonment), and effectively promote child-friendly justice.

Child Check project: Thematic working groups on prison visits and judicial training

COPE organised two thematic groups as part of its Child Check project, which relies on intra-network collaboration to gather experiences from around the network and in different country contexts with the goal of advocating, training and disseminating good practice around the issues of child-friendly prison visits and judicial training. The purpose of the thematic work sessions is to highlight ways in which the best interests of children with imprisoned parents can remain paramount within prison systems, through greater awareness of their needs and the establishment of positive solution-based support models for children, imprisoned parents, prison staff and professionals. The outcomes of the thematic working group sessions feed into current efforts to establish EU minimum standards on pre-trial detention procedures and COPE's work in ensuring that children's perspectives and concerns are high on policy agendas as these standards are being developed.

“ Children need to be given options when it comes to determining conditions, mode and frequency of prison visits to parents who are incarcerated. ”

(Consensus forged during COPE Forum on children visiting prisons, June 2020)

The thematic working group on prison visits emerged out of COPE's annual Forum for Reflection and Exchange, which focused on urgent questions surrounding how best to manage visits for children as prisons emerged from the first Covid-19 lockdown of 2020, issues first raised at COPE's May webinar. The working group has focused topics such as strengthening the child-parent bond and providing parents in prison with the means to support their child's development; equipping prison

“ Every child, and every child's rights and opportunities, should be kept in mind during the sentencing of any parent in conflict with the law. ”

(Guiding principle of the judicial training working group, set out October 2020)

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staff with greater awareness and tools for helping parents and preparing prisoners for reintegration into the home and society; and ensuring that digital visits do not supplant in-person visits during the Covid-19 pandemic and in

the future. The group includes members and affiliates from Belgium, Catalonia, Cyprus and Norway, with representatives from COPE.

The judicial training working group was developed on the heels of the 2019 publication of COPE's toolkit for sentencers, *Keeping children in mind*:

Moving from 'child-blind' to child-friendly justice during a parent's criminal sentencing, which was translated into three languages and widely disseminated to judges and prosecutors in 2020. The group aims to raise the profile of children's best interests during adult sentencing processes and to raise awareness amongst prosecutors and judges of the repercussions on dependent children when a primary caregiver is incarcerated. Beginning by mapping judicial training and child-specific awareness during adult criminal sentencing processes in EU countries (currently Cyprus, Poland, Catalonia, Portugal), to identify whether sentencing guidelines are available and what they entail, the group also aims to point to valuable ways forward, showcasing child-friendly sentencing protocols as well as efforts by civil society organisations to promote the implementation of 'child checks' during sentencing processes. Further advocacy and research will focus on the need for judicial training, building on exchanges begun in 2020, for example, between COPE and the EU European Judicial Training Network, to inform the European Judicial Training Strategy 2021-2027 on child-friendly criminal justice processes.



Formation of COPE Wise Person's Group

A Wise Persons Group (WPG) created in 2020 serves as an advisory body to COPE's President, Board and staff. This small group of experts on children with imprisoned parents works to ensure ethical reflection and considerations including gender equality and parity, and non-discriminatory and stigma-free approaches. The WPG also explores broader issues such as how COPE defines Europe for the scope of its advocacy work; what theoretical and linguistic framing to use; child protection and child autonomy within COPE's advocacy work. An extension of COPE's previous workshops on framing, the WPG reflects on and observes COPE network action from a macro-perspective, producing recommendations and providing feedback to help the Board and staff stay on track in delivering action for children and working in tandem with children and young people, while factoring in the continuous evolution and growth of the network.

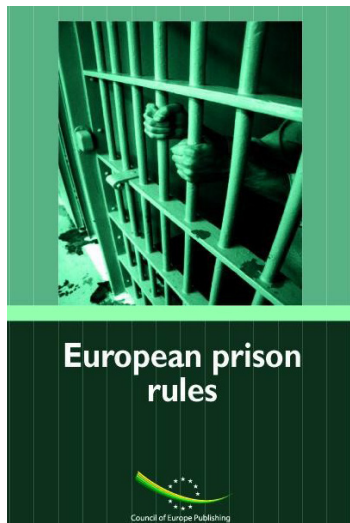
Milestones

13th European Forum on the Rights of the Child: *Delivering for Children: Towards the EU strategy on the rights of the child*

Designed with contributions from sixty young people from eighteen countries, the 2020 EU Forum was a key step towards defining recommendations for what should be included in the 2021 EU child rights strategy. There was a focus on vulnerable and disadvantaged children, and the Secretary General of the Council of Europe, Marija Pejčinović Burić, emphasised the need for special attention for children who are in particularly difficult situations, including children with imprisoned parents. She highlighted Council of Europe Recommendation CM/Rec(2018)5 for children with imprisoned parents as ‘a major achievement’ in the realm of child rights. During a workshop entitled *European judicial training as a tool to build child friendly justice*, Wojciech Postulski of DG Justice at the European Commission highlighted the importance of what he calls ‘judgecraft’ – those skills and attitudes required to be a judge, including not only legal knowledge but also judges’ behaviour, language, unconscious bias, values, attitudes and overall approach. Judges need training on all of these factors to make justice systems more amenable to all children, regardless of whether they are in conflict with the law or have a parent in prison.

Updates to the European Prison Rules

On 1 July 2020, the Council of Europe’s Committee of Ministers took a step towards integrating the rights of children with imprisoned parents into the framework of the European Prison Rules, adopting some of the provisions of Recommendation CM(2018)5 concerning children with imprisoned parents into its Recommendation Rec(2006)2 on the European Prison Rules. As regards children coping with parental imprisonment specifically, the revision that is perhaps paramount encourages prison administrations to collect data on incoming prisoner’s children, which is an important first step towards integrating support for children in prison protocols. Among other revisions to the 2006 Recommendation are stipulations to facilitate family contact for foreign nationals and to protect the health and rights of pregnant women and mothers in prison. The relevant additions to the Recommendation are as follows:



1. **Addition of Clause h. to Article 15.1:** At admission, the following details shall be recorded immediately concerning each prisoner: **h:** the number of children, their ages and their current primary caregiver.
2. **Article 37.2:** Special attention shall be paid to the maintenance and development of the relationships of prisoners who are foreign nationals with the outside world, including regular contacts with family and friends, probation and community agencies and volunteers, and, subject to the prisoners' consent, diplomatic or consular representatives.
3. **Article 34.4:** Arrangements shall always be made for prisoners to give birth outside prison. Where, nevertheless, a child is born in prison, the authorities shall provide all necessary support and facilities, including special accommodation.
4. **Article 60.6.a:** Solitary confinement, that is the confinement of a prisoner for more than 22 hours a day without meaningful human contact, shall never be imposed on children, pregnant women, breastfeeding mothers or parents with infants in prison.
5. **Article 68.7:** Instruments of restraint shall never be used on women during labour, during childbirth or immediately after childbirth.

Call to action to protect children during and after Covid-19

The Covid-19 pandemic and the accompanying measures put in place to control it have had a dramatic impact on some of Europe's most vulnerable children, families and communities, compounding structural weaknesses in child protection and welfare systems. In the long-term, the socio-economic impact of the crisis, coupled with strained government services, will test the capacity of vulnerable families to care for their children. In this context, COPE and 14 other child rights organisations published a call to European governments and European Union institutions to reinforce actions to respond to the needs of the most vulnerable children and families. It is essential to pre-emptively scale up

COVID-19: Call to action to protect vulnerable families and children in alternative care across Europe



the capacity of quality family-based care and social protection systems, to enhance family resilience, prevent unnecessary family separation and ensure no child is institutionalised as a result of the pandemic.

Inclusion of children born in prisons in 2020 SPACE report

One of the main modifications to the survey for the Council of Europe Annual Penal Statistics (SPACE) was the incorporation of a question to prison administrations on infants and young children living in detention facilities with their mother. The survey asked whether this is possible within respondents' country contexts, and if so, until what age children can stay in prison facilities, as well as the number of children living with mothers in detention. A total of 1,702 children were reported to be living in prison in those 38 Council of Europe countries where prison administrations both responded to the question and provided the number of children living in prison with a mother. This inclusion marks a milestone towards developing research and ultimately policies that consider the best rights of children when sentencing mothers with infants or young child(ren), and comes on the heels of the 2019 *UN Global Study on children deprived of liberty*, for which COPE contributed a chapter on children living in prisons with their primary caregivers, which recommended that courts give preference to non-custodial solutions over imprisonment when imposing sentences on primary caregivers of infants and young children and which encouraged governments to recognise and remedy the detrimental impact of depriving a child of liberty along with their parent.



Launch of national support networks for children with imprisoned parents: Ireland, the Netherlands and beyond

2020 was marked by the establishment of support networks for children with imprisoned parents in numerous country contexts, including networks formed as a response to the Covid-19 crisis. In Ireland, the Irish Penal Reform Trust and the Centre for Criminal Justice and Human Rights at University College Cork's School of Law joined together to form Action for Children and Families of Prisoners, with the goal of '[reducing] harm for children and families affected by imprisonment, with a particular focus on reducing female imprisonment'. In the Netherlands, COPE member Exodus leads a national network including performing projects like 'Family Approach,' 'My Child and I,' 'Empowered Families' and Expertisecentrum KIND, another COPE partner, all of which provide support programmes for imprisoned parents, caregivers at home, ex-detainees transitioning back to home and family life, as well as training professionals and volunteers working with families and children. And in Italy,

COPE member Bambinisenzasbarre launched seminars and training sessions across a network of sensitive actors towards implementing, promoting and monitoring the 2014 Memorandum of Understanding (Charter of the Rights of the Children of Imprisoned Parents) throughout all Italian prisons.

Since the onset of the Covid-19 crisis in Croatia, COPE member Parents in Action RODA has centred its work on a network-based programme called Unbroken Ties, started in 2019 and adapted in the context of the pandemic, based on a mutual agreement between the UNICEF Office for Croatia and the Ministry of Justice of the Republic of Croatia. The core activity of the project was an introduction of video visits in 13 Croatian correctional facilities, a coalition that has turned out to be indispensable for prisoners to be able to communicate with their families in this pandemic situation, after the prison system temporarily suspended all visits.



First-ever COPE network evaluation

In 2020, COPE piloted its first formal network evaluation to take stock of significant changes effected by COPE, key policy changes at the EU and national levels, changes to the network's priorities and COPE's priorities for the future, with particular emphasis on co-production of knowledge and resources with children and young people. Based on a Most Significant Change monitoring and evaluation model, with internal and external panels choosing their own criteria and performing independent content analyses, the evaluation showed significant changes in practice and development in countries where previously no formal attention was paid to children with a parent in prison, and highlighted the COPE network's integral role in supporting member organisations to create material and policy changes throughout Europe, not least through its work facilitating Council of Europe Recommendation CM/Rec(2018)5 on children with imprisoned parents.

The 2020 COPE campaign: ***Not my crime, still my sentence***

Every year, COPE organises an international campaign with its members entitled *Not my crime, still my sentence*. With a strong focus on child participation, this campaign aims to raise awareness about the rights and needs of children affected by the imprisonment of a parent, and effect policy change for these children on local, national and European levels. COPE began this annual campaign in 2010, without a budget, and now it takes place every year, carried out by COPE's members across Europe and as far away as the US and New Zealand. Using online interactive tools, videos, artwork, emails and social media, the campaign targets key policymakers as well as the media and general public.

COPE's 2020 *Not my crime, still my sentence* campaign engaged young people impacted by parental imprisonment, centring their voices in calls to elected officials throughout Europe and at key EU institutions – and encouraging young people to foster ownership of their rights. Picking up where the 2019 campaign left off, the 2020 campaign encouraged participating young people to reflect on the child-friendly articles of Council of Europe Recommendation CM/Rec(2018)5 concerning children with imprisoned parents as interpreted by their peers the previous year and as published in *It's Time to Act*. Children were then asked to draw pictures based on those reflections, bringing their experiences into conversation with the Council of Europe Recommendation.

As a result, COPE received brilliant, insightful pieces of artwork from 31 children in England & Wales, Finland, Italy, the Netherlands, Northern Ireland, Norway, Poland, Scotland and Sweden. The moving, sometimes joyous and innocent, often painful, images follow on the next page.



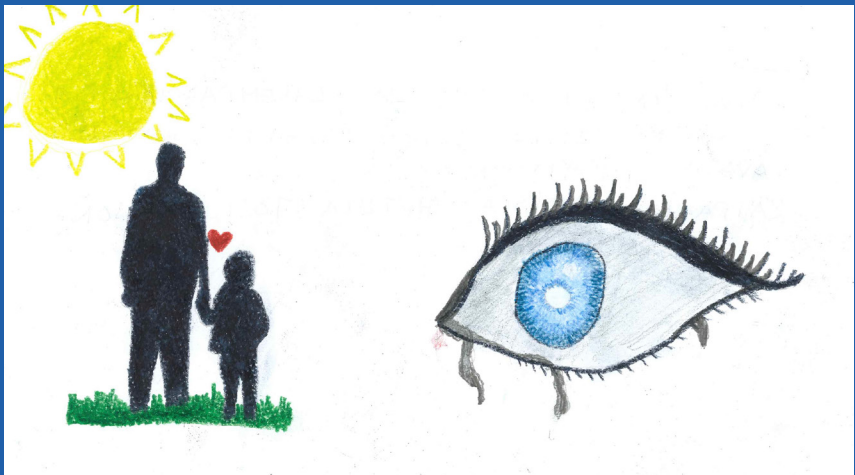
RECOMMENDATION 3: When a parent goes to prison, they should be put in a prison close to their children.



Ula, from Poland: 'On one hand the journey is nice because at last I am going to meet my mum, but on the other hand is very tiring because there are a lot of changes of buses and trams. Sometimes it is cold and we have to wait for a long time at the bus stops. It takes us three hours one way to get there. I feel like I travel through half of Poland to be able to meet my mum.'

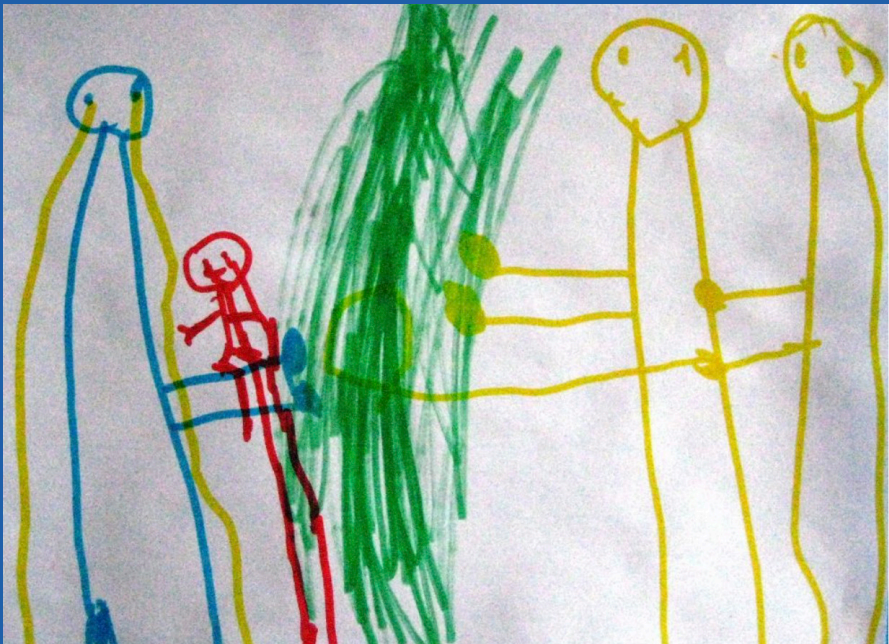


Two boys, ages 9 and 12 and their sister age 6, from Italy: 'The bridge takes us directly from home to dad in prison, fortunately we are close!'



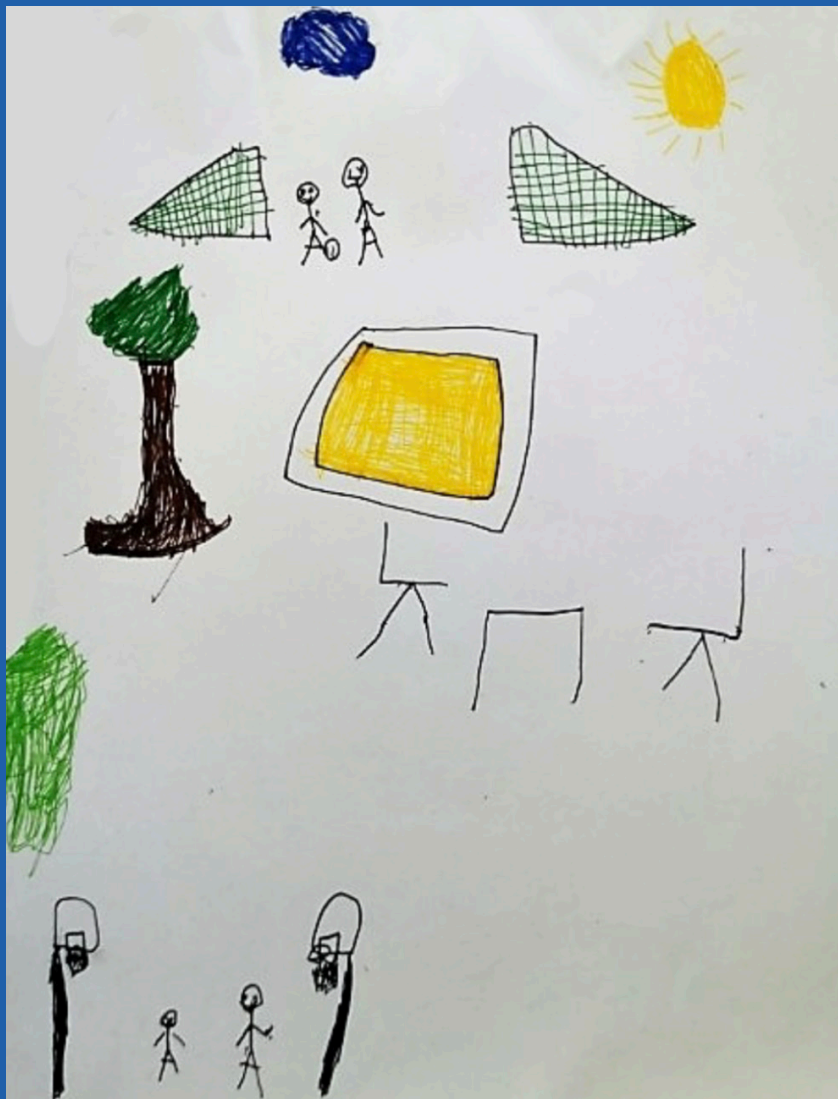
*Heli, age 12, Finland: 'I wish my dad were closer to home.
Then I could see him more often.'*

RECOMMENDATION 8: When arresting a parent, the police should, if possible, make sure children are not there. If a child is present during an arrest, police should be sensitive and try to make sure not to upset them.



3-year-old boy from Italy describing his dad's arrest (mom crying in blue, policemen in yellow taking dad in green; the artist is drawn in red).

RECOMMENDATION 20: *Every prison should have child-friendly waiting and visiting rooms; where children feel safe, welcome and respected [...] The visits space should be good for play and quality time including physical contact with the parent.*



James, age 7, Sweden: 'It is more fun to be outdoors instead of sitting indoors in a small room for a really long time. And it's good for your health to be outdoors.'



A 10-year-old from Norway reflects on the importance of having child-friendly outdoor spaces in prison.



Carl, age 9, Finland: 'I would like the visiting room to be nicer for children to visit.'

Capacity-building missions

Covid-19 prohibited the organisation of on-site missions as in years past, so COPE was obligated to conduct its capacity-building ‘missions’ through conference calls and emails. Over the course of 2020, these missions took place in four new countries:



A ground-breaking three-year study with the aim of mapping the impacts of parental imprisonment on children is being conducted in the **Czech Republic**. The research is led by Dr Petra Horova from Masaryk University, and will be conducted with the collaboration of 70 incarcerated parents, 70 carers and 520 children. Dr Horova initially came into contact with COPE through a conference organised in the United States in early 2020. Recently approved applicant member Czech Prison Fellowship will be a key actor in the study, as it works in direct contact with children and their parents. COPE has also been in touch with Romodrom, a national-scale organisation working with and on behalf of Roma people. Romodrom has recently become an affiliate of the COPE network and will be applying for applicant membership in 2021, the first step to becoming a full member of COPE.

As a result of the Covid-19 pandemic and its related restrictive measures, prison-related issues seem to be moving higher up the political agenda in **Estonia**. The Chancellor of Justice, which performs the role of the Ombudsman for Children, expressed interest in



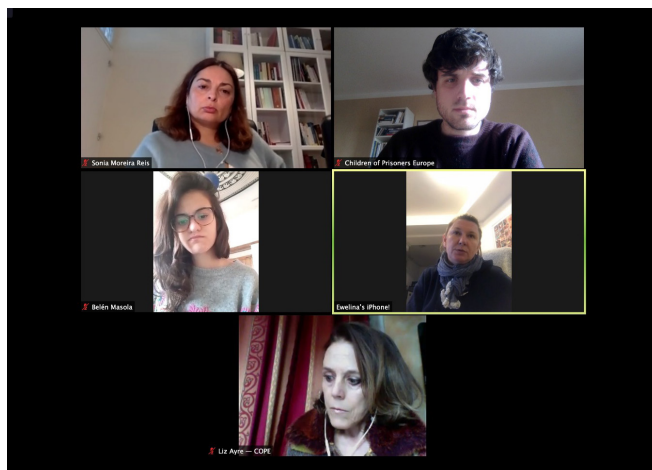
sensitising prison staff on the issue of children with a parent in prison. The possibility of exploring good practices around a rights-based approach to imprisonment was discussed in a meeting with COPE staff and the National Preventive Mechanism in October 2020. Translating *It's Time to Act* into Estonian was suggested as a step towards a broader awareness-raising initiative concerning children with imprisoned parents.



COPE strengthened its presence in **Portugal**, where the network's advocacy efforts culminated in two meetings with Confiar Prison Fellowship Portugal. The discussions consolidated Confiar's position in the network. COPE and Confiar discussed the possibility of partnering at the national and European levels to institute a more child-

specific approach to the justice system, particularly in relation to sentencing. Interest was expressed in introducing children with imprisoned parents into training programmes for stakeholders who might be directly or indirectly in contact with children during the judicial process. As a result of these meetings, Confiar has requested applicant membership, the first step to becoming a full member of COPE.

In **Serbia**, COPE sought to identify partners for future collaboration to strengthen initiatives for children with imprisoned parents within that context, and with an eye to network expansion. The network took advantage of the 2020 EU Forum on the Rights of the Child to liaise with stakeholders in the field, including the director of the Network of Organisations for Children of Serbia (MODS); UNICEF Serbia; Children's Rights Specialist and Independent Consultant currently engaged as Children's Rights Regional Officer for Southeast Europe at Global Campus of Human Rights. A cornerstone of COPE's advocacy work in Serbia is the promotion of 'child checks' to the Head of the Department for Treatment and Alternative Sanctions and Measures at the Serbian Justice Ministry. The issue of data collection concerning children with an imprisoned parent is a challenge, and COPE is working on an initiative which would involve introducing a questionnaire relative to family life that every prisoner would be invited to take upon admission. The initiative was welcomed by the Serbian Justice Ministry.



In a year of prison lockdowns and closed borders, the COPE network managed to build capacity through conference calls, thematic working groups and webinars.

Roma & Travellers: research and support

Over-representation of Roma and Travellers in European prisons

Compared to the proportion of Roma in Europe's general population, Roma represent a drastically elevated proportion of the prison population. In Bulgaria, where estimates of the national Roma population range from 4.9 per cent to 10 per cent, evaluations of prison populations suggest that Roma represent approximately 50 per cent of inmates. Likewise, despite accounting for approximately seven per cent of the Hungarian national population, Roma are estimated to make up around 40 per cent of the total prison population.

Linguistic discrimination and literacy issues in European prisons

COPE produced a briefing in 2020 examining inaccess to information and services among Roma and Travellers as a function of discrimination and literacy issues. Linguistic discrimination can occur at multiple stages of the criminal justice system when Romani speakers do not speak the national language, resulting in unfair treatment in courts and prisons and in some cases violating rights. One report from the Czech Republic found that prison authorities had barred Roma prisoners from speaking Romani with their children on the phone, some of them pre-school aged, which violates numerous human and child's rights standards. Article 2.1 of the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities enshrines the right for individuals from minority groups 'to use their own language, in private and in public, freely and without interference or any form of discrimination.' A 2020 EU Agency for Fundamental Rights study of Roma and Travellers in Belgium, France, Ireland, Netherlands, Sweden and the United Kingdom reported that 36 per cent of interviewees assessed their reading abilities as 'not good' (51 per cent of French interviewees responded as such), and 43 per cent assessed their writing abilities similarly (61 per cent in France). Low literacy rates among Roma and Travellers in European prisons are problematic, as they hinder prisoners' access to information, services, education and employment and can make communication with children and family on the outside more difficult.

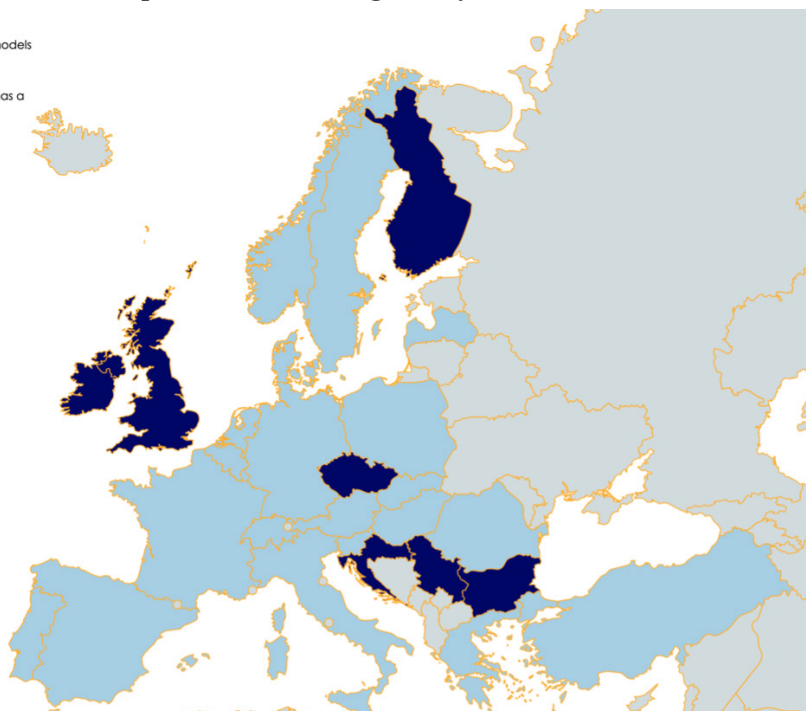
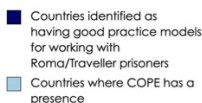


Support from around the COPE network

COPE carried out an initial mapping of good practice as of 2020 for supporting Roma and Travellers in prison and their families, with an eye to expanding efforts

for data collection, increasing knowledge and compiling support tools, and ultimately increasing support throughout the COPE network. A large emphasis has been on the provision of services by Roma- and Traveller-identified people, which has been shown to be critical to providing support.

- **England:** Representatives from HMP Oakwood reported the success of having a Traveller-identified member of the prison staff.
- **Finland:** Romano Missio has had two Roma-specific projects that were staffed by Roma: Naisten vuoro ('Women's Turn'), a culturally sensitive counseling service with practices that have now been incorporated into mainstream prison services and a follow-up project called Muutoksen vuoro ('Time for Change'), which offered female Roma prisoners support during their post-release resettlement process.
- **Bulgaria:** Child & Space works with Roma mothers in Sliven Women's Prison, providing parenthood workshops, reading and writing classes, and letter-writing workshops to keep in touch with children. Additional training is focused on sensitising prison staff to limit prejudicial treatment of Roma prisoners.
- **Latvia:** Ilūciems prison for women, which has roughly a 25 per cent Roma population, offers classes in Russian and Latvian and offers sewing courses and work experience in a sewing facility.



On the Horizon

Covid-19: Moving forward

As the Covid-19 pandemic continues to plague prisons in Europe and around the world, COPE's efforts to safeguard children's right to contact with imprisoned parents and to ensure that video calls – effective as they are as a stopgap measure during prison lockdowns – do not replace in-person visits in the long run, will continue into 2021 and beyond. COPE will continue to assert the importance

“ The Covid crisis presents us with a window of opportunity to push for EU legislation, as Covid has drawn the public's attention on prisons and the issue of family visits and access. NGOs need to work together and start lobbying for EU minimum standards.

— MEP Saskia Bricmont (Belgium)

”

of keeping children with imprisoned parents on policy agendas like the forthcoming EU Child Rights Strategy, with an eye to mitigating the damage that Covid-related restrictions have incurred and preventing similar damage from occurring in the future.

Data with a purpose

Collecting data on children with a parent in prison will remain among COPE's priorities in 2021 and beyond, with new emphasis – integrated into the surveys themselves – on supporting children's well-being. Finding ways to stress that data collected from prisoners, carers and children will contribute to support efforts and research (as shown in the image at right enumerating the needs of children with a parent in prison based on findings of the 2013 COPING Project) is a crucial new approach to COPE's data collection efforts, whether collecting information from parents upon initial entry into prison or checking in with carers and children on the impact and benefits of prison visits.

In 2021, COPE aims to refocus its efforts on working with Council of Europe member state prison services, asking participants to highlight to prisoners during entry procedures the importance of knowing whether or not dependent children are impacted by their imprisonment and the importance of gathering information on the number of children impacted, as numbers provide justification and legitimacy for developing child-friendly support initiatives in prisons and establishing appropriate resources to support their needs. COPE will also continue to work in tandem with EuroPris to strengthen The Matrix on Data Collection, a positive development in furthering robust data collection on children with a parent in prison in the EU.

8.) Does your child(ren) need support to ensure their well-being?

If so, please specify which type of support.



Needs of children who have a parent in prison (Source: COPING Project 2013)

- ☐ Visiting you in prison
- ☐ Being with family after school
- ☐ Help with homework
- ☐ Eating well enough
- ☐ Playing sports
- ☐ Information about parent/carer in prison
- ☐ Psychological difficulties
- ☐ Physical difficulties
- ☐ Visiting family doctor
- ☐ Information about the general healthcare system
- ☐ Exposure to bullying
- ☐ Contact with social welfare authorities
- ☐ Reducing self-harm
- ☐ Other _____

UN Human Rights Council Special Rapporteur on the right to privacy

In advance of a report of the Special Rapporteur for the UN Human Rights Council on children's right to privacy in March 2021, COPE and a cohort of international and national agencies, ombudspersons, non-governmental organisations and other stakeholders drafted submissions to inform the Special Rapporteur on a series of child privacy issues. COPE joined other network members in highlighting the intersection of children's right to privacy with criminal justice institutions and other actors as the child develops the capacity for autonomy. Finding a balance between children's rights to privacy and their need for support and protection raises complex questions: Do issues of child protection and child support outweigh the right to privacy in such cases? If so, what are the repercussions? General Data Protection Regulations (GDPR) protect parents when imprisoned in an EU country, and thus require consent to use any data obtained. What impact do mandatory reporting laws have on this? How can support be made available for a child impacted by a parent's imprisonment if information about that child is not made available to public or private child-protection institutions? How can we make sure such information is not abused and doesn't lead to profiling? Especially during the Covid-19 pandemic, when family visits occur primarily via video calls, companies providing telecommunications and videoconferencing technology to keep children and their parents connected during prison lockdowns should protect children's privacy as well.

Judicial training

COPE's Child Check project will continue to develop into 2021 and beyond, with the goal of raising the profile of children's best interests during adult sentencing

processes so that every child, and every child's rights and opportunities, are kept in mind during the sentencing of any parent in conflict with the law. Advocacy and research will focus on the need for judicial training, building on current exchanges, for example, between COPE and the EU European Judicial Training Network, to inform the upcoming European Judicial Training Strategy 2021-2024 on child-friendly criminal justice processes. Further research will build on COPE efforts to map judicial training and child-specific awareness

during adult criminal sentencing processes in EU countries (currently Cyprus, Poland,

“

Children should be involved in sentence planning.

— A., age 12

”

Catalonia, Portugal), and to identify whether sentencing guidelines are available and what they entail. A key challenge lies in the heterogeneous nature of various legal jurisdictions, and the varying degrees of receptiveness to child-sensitive approaches amongst individual judges and across different country contexts. Working to introduce a child-specific focus into existing national judicial training syllabuses for magistrates, judges and prosecutors is one way forward, yet current mapping efforts reveal a wide disparity in availability of judicial training in countries surveyed, and the underplayed role of children's rights and best interests when training is carried out.

Ultimately, the Child Check project aims to gain greater knowledge about existing levels of judicial training and awareness for children's rights and specific issues during adult criminal sentencing processes; foster greater levels of 'judgcraft', targeting attitude and biases and increasing awareness of children in criminal cases, including the use of 'child check' protocols that inquire into children's whereabouts, well-being, designated caregivers and so on; work with legal and judicial training bodies to introduce child rights and recognition of their specific needs during adult sentencing processes into training modules; and produce strategic tools for targeted advocacy and overall awareness among stakeholders. These paths forward will hinge significantly on peer-to-peer training sessions with judges, magistrates and prosecutors, to be carried out in collaboration with COPE's members throughout Europe.



Working with police to protect children during a parent's arrest

The arrest of a parent is often the first time a child comes into contact with the criminal justice system and witnessing that arrest can have lasting impacts on children's well-being in the short- and long-term, especially in instances of forced entry arrests and when children see a parent being restrained and handcuffed. COPE aims to mitigate this violence by promoting police training materials and workshops and by urging police administrations to adopt child check mechanisms to assess whether a suspect has children and, if so, how to protect them while proceeding with criminal justice procedures. Overall awareness-raising will be COPE's immediate goal vis-à-vis police training, focusing in 2021 on intra-network co-production of knowledge such as systems-based mapping and inventorying existing protocols and procedures, including child support hotlines for law enforcement, and good practice underpinning child checks (scoping out children prior to arrest; ensuring children are cared for; designating an officer for children during arrest).

As stated in *It's Time to Act*, the child-friendly adaptation of Council of Europe Recommendation(2018)5 on children with imprisoned parents, Article 8 holds that, 'When arresting a parent, the police should, if possible, make sure children are not there. If a child is present during the arrest, police should be sensitive and not upset them.' The following is a quote from a young person reflecting on this article, drawn as part of the 2020 *Not my crime, not my sentence* campaign:

“...When the police come, they should talk to the child to explain what is going on – be friendly and kind at all times because this will mean children like the police and be less afraid of them.

— Lois, 12 years old, England ”



Child Check pilot project in Bulgaria

Informed in large part by the thematic working group on judicial training mentioned earlier in this report, the Child Check pilot project aims to sensitise judges and magistrates in Bulgaria to the impacts of parental imprisonment on children and to encourage the formation of child protection mechanisms – ‘child checks’ – at multiple stages, including checks on a child’s immediate well-being and child impact statements taken into consideration during the sentencing of a parent in conflict with the law. Other goals include creating a new type of culture for working with children at risk in the court and promoting strong ‘judgecraft,’ increasing public interest in the topic and overcoming parental alienation. These risk factors have been recognised in international practice even before the coronavirus crisis, which in Bulgaria as elsewhere has impacted vulnerable social groups particularly, including the end users of the project. The activities of the Child Check project in Bulgaria will contribute to overcoming the negative consequences of isolation in a pandemic, which puts at risk both the child and the parent deprived of liberty.

Bi-regional exchange on children with imprisoned parents

COPE will join forces on a project in 2021 with Plataforma NNAPES, COPE’s counterpart network in advocating for children with imprisoned parents in Latin America and the Caribbean, which sits alongside COPE on the boards of the International Coalition for Children with Incarcerated Parents (INCCIP) and of the Child Rights Connect Working Group on Children with Incarcerated Parents. Originally created as an advocacy platform, Plataforma NNAPES and its members have worked continuously to produce documentation and information about the issue in Spanish; to raise awareness and train civil society and government officials; to articulate actions and present the issue within the

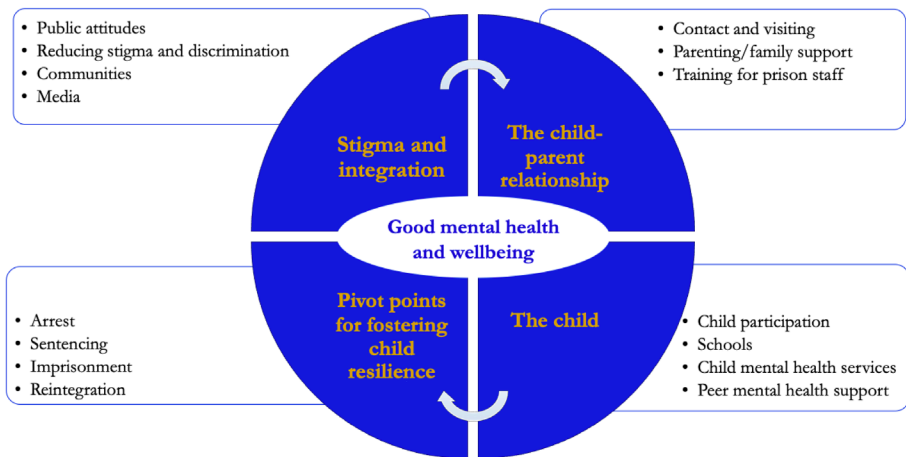


different spheres of the Inter-American Human Rights Systems; and to create spaces at local, national and regional levels, in which the voices of these children and their caretakers can be heard. COPE and NNAPES together will rally support for children with imprisoned parents and boost advocacy toward the development of policies, programs and protocols to protect the rights of the approximately 4.5 million children who are in this situation in the two regions (approximately 2.5 M in Latin America and the Caribbean and 2M in Europe).

As of 2020, NNAPES is comprised of 10 organisations from 9 countries across the LAC region.

A cross-sectoral model

COPE will continue to implement and embed cross-sectoral, multidisciplinary measures empowering and supporting children with imprisoned parents, giving them a voice, raising their visibility and getting them onto policy agendas to ensure their rights and dignity are protected and their needs are met, as per Council of Europe Recommendation (2018)⁵ on children with imprisoned parents. This cross-sectoral model sits in line with a key strategic priority of the upcoming EU Strategy on the Rights of the Child to reduce violence for children, as well as EU efforts to establish Minimum Standards on pre-trial detention procedures with acknowledgement of the impact of procedures on children. In 2021, particular attention will be paid to multisectoral support and rights-based responses during pivotal transition points when a parent is in conflict with the law: establishing cross-sectoral child checks during arrest procedures, pre-trial detention until a final sentence is passed; and sentenced imprisonment and community re-entry. COPE will also focus on cross-sectoral outreach to particular groups that face increased risk due to multiple disadvantages such as Roma, children in alternative care and children of imprisoned foreign nationals.



- ✦ Emphasis on specific needs of particularly high risk/marginalised groups
- ✦ Emphasis on multi-sectoral cooperation and support networks inside/ outside prison
 - ✦ Development of common progress indicators
 - ✦ Foster the sharing of good practice



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