**

*[Insert your address]*

*[Insert date]*

***‘Not my crime, still my sentence’***

Dear Ms. / Mr. [Insert name of your contact],

We are writing to bring to your attention the impact that having a parent in conflict with the law can have on children and the pivotal role that the judiciary of [insert your country] can play in protecting the needs and rights of these children.

An estimated 2.1 million children have a parent in prison in Council of Europe countries. Now recognised as one of ten Adverse Childhood Experiences, parental incarceration can have long-lasting impacts on children’s mental, physical and emotional wellbeing. When not provided with adequate support, children may be vulnerable to discrimination, stigmatisation, social isolation and increased poverty. One study revealed that children with imprisoned parents have a 25 to 50 per cent greater risk of mental health problems than children in the general population.[[1]](#footnote-1) The preservation of family relations during the parent's incarceration was shown to be essential in mitigating risks and fostering resilience in children.

Children are directly impacted by the encounters, decisions and proceedings of every stage of the criminal justice process from arrest to release. The sentencing of a parent is a critical moment of this process in determining futures of children with a parent in conflict with the law. We are seeking systemic change in the sentencing of parents and advocate for the changes outlined in the Council of Europe’s landmark piece of legislation on this subject: CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents.[[2]](#footnote-2) An example of one such guideline is the following:

***02.***

***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.***

Further good practice that we encourage the judiciary to enact includes:

* Due respect and consideration of the defendant’s role as a primary caregiver throughout judicial processes
* The utilisation of ‘Best interests of the Child Assessments’ in sentencing processes
* The consideration of the impact of pre-trial detention on children and of the need to limit its overuse
* Granting reintegration needs to prisoners and their families in advance of release, including additional visits.

No child should be treated differently because of the actions of a parent. Yet many rights enshrined in the United Nations Convention of the Rights of the Child and the Charter of Fundamental Rights of the European Union are not fully enjoyed by children with a parent in conflict with the law. [Insert name of your organisation] is a member of COPE, the European network which works to ensure that the rights of children with parents in conflict with the law are fully respected and that meaningful action is taken to protect their well-being and healthy development.

The following material contains many more examples of good practice, recommendations, practical tools and guidelines to assist in creating meaningful action to meet the needs and rights of children with parents in conflict with the law:

* [Keeping children in mind: Moving from 'child-blind' to child- friendly justice during a parent's criminal sentencing](https://childrenofprisoners.eu/keeping-children-in-mind-moving-from-child-blind-to-child-friendly-justice-during-a-parents-criminal-sentencing/)
* [It's Time to Act: CoE Recommendation CM/Rec(2018)5](https://childrenofprisoners.eu/its-time-to-act-cm-rec20185/)
* [Implementation Guidance Document: Council of Europe Recommendation CM/Rec(2018)5](https://childrenofprisoners.eu/implementation-guidance-document-council-of-europe-recommendation-cm-rec20185/)
* [Police, Judges & Sentencing, Arrests, Trials & Children's Rights](https://childrenofprisoners.eu/special-edition-justice-for-children-of-prisoners-newsletters/)
* [European Journal of Parental Imprisonment: Child impact assessments and sentencing](https://childrenofprisoners.eu/european-journal-of-parental-imprisonment/)
* [European Journal of Parental Imprisonment: Community sanctions and restorative justice](https://childrenofprisoners.eu/european-journal-of-parental-imprisonment/)
* [European Journal of Parental Imprisonment: The child's best interests - From theory to practice when a parent is in conflict with the law](https://childrenofprisoners.eu/european-journal-of-parental-imprisonment/%22%20%5Cl%20%22%3A~%3Atext%3DThe%20child%E2%80%99s%20best%20interests%3A%20From%20theory%20to%20practice%20when%20a%20parent%20is%20in%20conflict%20with%20the%20law)

Does this issue speak to you? Is this relevant to your work? We are open to exchange and further discussion; please feel free to get in touch with us for more information and an idea of what steps to take next.

If you can, please consider donating to COPE [here](https://childrenofprisoners.eu/make-a-donation/). A donation to COPE would allow for, amongst other things, the translation and therefore wider dissemination of our materials and resources that encourage the protection of children’s rights and needs. This would significantly increase the scope of their impact.

[Insert fundraising information for your organisation as you wish]

We look forward to hearing from you,

Yours sincerely,

[Insert your signature]

[Insert your name]

[Insert your function]

[Insert the name and website of your organisation]

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.  [↑](#footnote-ref-1)
2. Council of Europe Committee of Ministers, Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents (Adopted by the Committee of Ministers on 4 April 2018 the 1312th meeting of the Ministers’ Deputies). Accessed at: [https://childrenofprisoners.eu/council-of-europe-recommendation-cm-rec20185](https://childrenofprisoners.eu/council-of-europe-recommendation-cm-rec20185/)/   [↑](#footnote-ref-2)