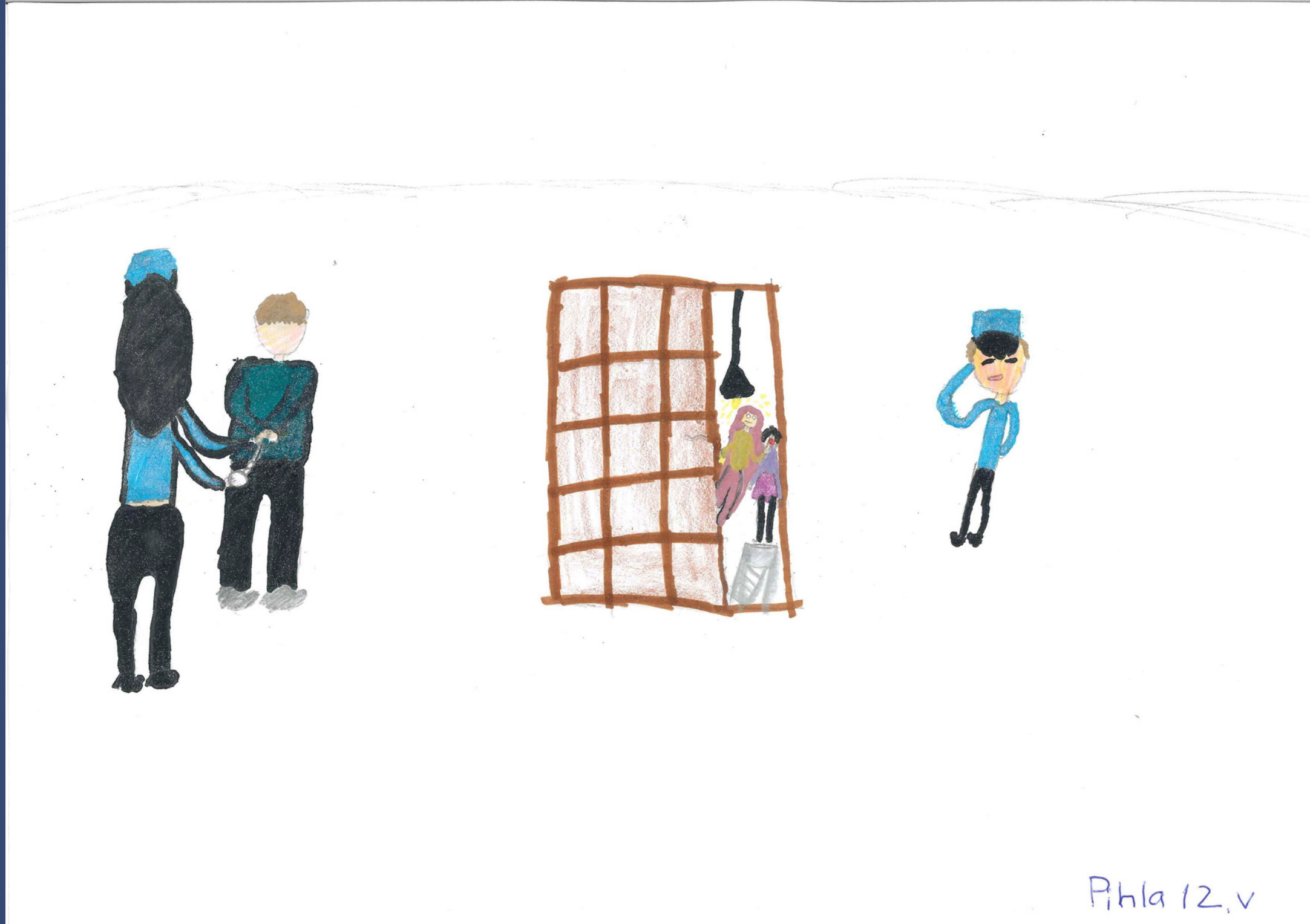


# Considerations for Police

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



PILHA, aged 8, Finland

# Introduction

Whilst children may be bystanders to a parent's arrest, they are nonetheless often directly impacted by this initial introduction to the law enforcement process. Experiencing this potentially traumatic event can have long term adverse consequences on children's emotional and mental well-being. Additionally, many children report, even years later, that their mistrust and fear of the police stemmed from the arrest of a parent.

This document offers an overview of the critical role the police can play in protecting the rights and needs of children with a parent in conflict with the law. It contains a brief summary of key considerations; salient guidelines outlined in the Council of Europe's landmark Recommendation CM/Rec(2018)5; and links to further tools and materials COPE has created to support the police.



LOIS, aged 12, England

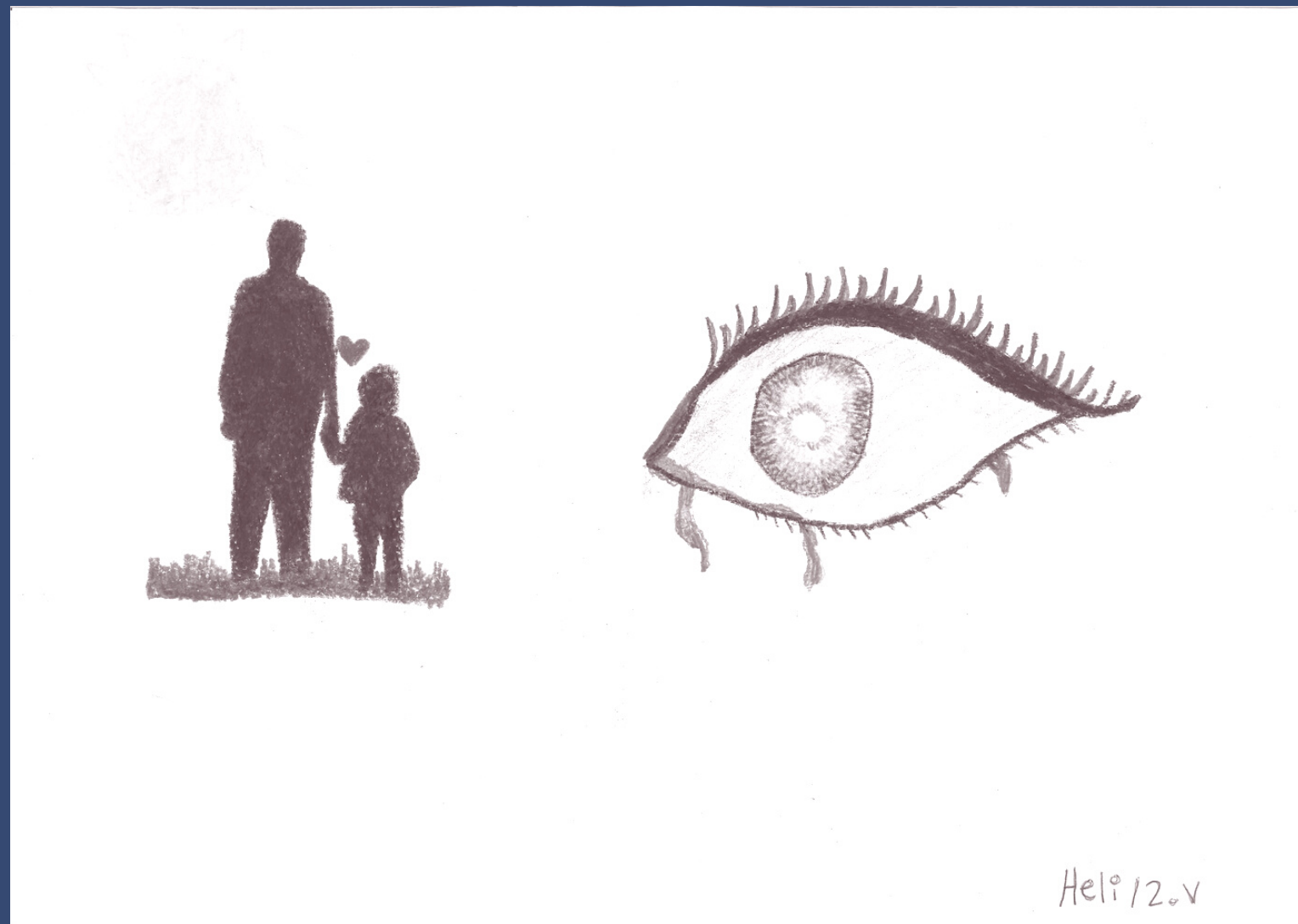
# Examples of good practice

- Police should receive appropriate training to provide support and protection to children with a parent in conflict with the law.
- Determine whether the person being arrested has childcare responsibilities. If yes, provide the opportunity to make caregiving arrangements for children, whether or not the child is present at the arrest.
- Arrests should be conducted when children are not present, for example during school hours or outside of the home.
- When children are present during arrests, measures should be taken to mitigate the impact on children. For example, removing children from the room, explaining the arrest to them, and communicating that their parent will be safe. This should be done in developmentally appropriate language etc.
- Following the arrest, provide information and support to children on the whereabouts of their caregiver. Direct them to community-based support services.



**Boy, aged 3, Italy**

# Key Links and Resources



HELI, aged 12 Finland

- Briefing paper: [The impact of parental arrest: ensuring the safety and well-being of children of parents in conflict with the law](#)
- Toolkit: [Working with the police to safeguard children with a parent in conflict with the law](#)
- [It's Time to Act: CoE Recommendation CM/Rec\(2018\)5](#)
- [Implementation Guidance Document: Council of Europe Recommendation CM/Rec\(2018\)5](#)
- [Police, Judges & Sentencing, Arrests, Trials & Children's Rights](#)
- [European Journal of Parental Imprisonment: Child impact assessments and sentencing](#)

# Relevant Articles from Recommendation CM/Rec(2018)5

The Council of Europe's Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents is landmark legislation which both recognises parental imprisonment as having long-lasting effects on the well-being of millions of children, and addresses the needs of those children with a parent in prison through 56 guidelines for good practice.

Below you will find a selection of these guidelines geared to police practice.

## 07.

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

## 08.

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



# Relevant Articles, cont.

**09.**

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

**12.**

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

**17.**

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

**52.**

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

Find the complete recommendation at

[HTTPS://CHILDRENOFPRISONERS.EU/COUNCIL-OF-EUROPE-RECOMMENDATION-CM-REC20185/](https://childrenofprisoners.eu/council-of-europe-recommendation-cm-rec20185/)





Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working on behalf of children separated from an imprisoned parent. The network encourages innovative perspectives and practices to ensure that children with an imprisoned parent fully enjoy their rights under the United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, and that action is taken to enable their well-being and development.

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