



## **Briefing on the impact of coronavirus-related prison restrictions on children with imprisoned parents**

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 in function of the public health situation in each country, and at times been 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<sup>1</sup> to in-person visits being intermittently authorised depending on public health conditions, as has been the case in a majority of countries.

In the early months of the pandemic, a number of European countries made concerted efforts to decrease prison populations, releasing prisoners sentenced for non-violent crimes, those serving short sentences or nearing the end of a sentence, older prisoners and juvenile detainees. As of May, according to a Council of Europe Annual Penal Statistics (SPACE) evaluation with researchers from the University of Lausanne, Turkey had released 35 per cent of its prison population; Cyprus, Portugal, Slovenia and Iceland had released 14–16 per cent of theirs; Belgium released an

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<sup>1</sup> European Prison Observatory, COVID-19: What is happening in European prisons? (Update #14: Hungary, October 12<sup>th</sup>, 2020).

estimated 13 per cent of its prison population,<sup>2</sup> along with Norway (13 per cent), Ireland (12 per cent), Italy (9.4 per cent) and Spain (7.4 per cent).<sup>3</sup> France released approximately 17 per cent of its prison population, but this number represents all prison releases, not only those released because of COVID-19 prevention measures.<sup>4</sup> The SPACE-University of Lausanne report noted that as the first lockdowns were lifted during summer, this downward trend was reversed in many countries, although by mid-September prison rates on the whole were lower than at the beginning of the year.<sup>5</sup>

## **COVID-19 and the experience of children with a parent in prison**

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.<sup>6</sup>

Partners around the COPE network have reported on the difficulties that have arisen with the replacement of in-person visits with video and phone calls. While indirect contact in the form of telephone and video calls has been instrumental as a stopgap measure to keep children connected to parents during prison lockdowns, the issues that have arisen with these forms of contact have in some cases compounded feelings of stress. The issue of access to video-capable technology has in some cases been prohibitive to families without computers or smartphones. Additionally, video technology is not always reliable, which can be particularly frustrating when a parent

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<sup>2</sup> O. Nderlandt and D. Paci (2020), in Gorgitano, E. and Martufi, A. (2020), 'Belgium: So far, so good? Health and prisons in Belgium during Covid-19 pandemic,' *Antigone XV(1)* ['Have prisons learnt from Covid-19? How the world has reacted to the pandemic behind bars'].

<sup>3</sup> Aebi, M. and Tiago, M. (2020), 'Prisons and Prisoners in Europe in Pandemic Times: An evaluation of the short-term impact of the COVID-19 on prison populations,' Council of Europe Annual Penal Statistics (SPACE), in partnership with the University of Lausanne, 18 June 2020.

<sup>4</sup> Council of Europe, 'Sanctions and measures without deprivation of liberty increasingly used in Europe: new survey,' 18 June 2020, accessed online at: <https://www.coe.int/en/web/portal/-/sanctions-and-measures-without-deprivation-of-liberty-increasingly-used-in-europe-new-survey>.

<sup>5</sup> Aebi, M. and Tiago, M., 'Prisons and Prisoners in Europe in Pandemic Times: An evaluation of the medium-term impact of the COVID-19 on prison populations,' Council of Europe Annual Penal Statistics (SPACE), in partnership with the University of Lausanne, 10 November 2020.

<sup>6</sup> Jennings, Denise (2020), 'The impact of COVID-19 worldwide on children with an incarcerated parent,' INCCIP, accessible online at <http://inccip.org/wp-content/uploads/2020/06/INCCIP-Network-Experiences-of-COVID-copy.pdf>.

in prison has a time limit per call. As with phone calls, connecting with infants and young children over a screen is difficult. Infants and toddlers in particular tend to rely on physical touch to maintain and establish bonds. For this reason and others discussed below, video visits should be viewed as a supplement to in-person visits, not as a replacement.

## **Responses to the COVID-19 pandemic vis-à-vis child-parent contact**

Restrictions to normal in-person visits where prisoners and their children have physical contact have resulted, in general, in three kinds of responses, depending on the country context. These responses have been:

- Onsite non-contact visits (so called 'protected visits') behind plexiglass divider
- Enhanced telephone privileges
- Virtual contact or video contact between parent in prison and child at home

### ***Onsite non-contact visits***

As of October 2020, the European Prison Observatory reported non-contact visits were taking place in a good number of prisons across Europe, albeit with restrictions to the number of people able to visit at a time:<sup>7</sup>

- Visits in Austrian prisons were held across plexiglass dividers, with a two-person limit and tests of temperature before entrance.
- In England & Wales, visiting regulations were decided on a prison-by-prison basis, and included limits to two people or one adult and two children.
- Greece had reinstated full lockdown measures as of mid-August 2020, meaning the 'decrease of closed social visits to the minimum'.
- Prisons in North Rhine-Westphalia, Germany, had limited visits to 1.5 hours once per month, with one person and a child. Visitors were obliged to attest to a clean bill of health and were not permitted to have physical contact with prisoners.
- As mentioned above, Hungarian prisons barred visits from the onset of the pandemic in March 2020, including visits associated with the functioning of educational and recreational activities and reintegration programmes.

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<sup>7</sup> 'COVID-19: What is happening in European prisons?', accessible online at: [http://www.prisonobservatory.org/index.php?option=com\\_content&view=article&id=32:covid-19-what-is-happening-in-european-prisons&catid=7&Itemid=101](http://www.prisonobservatory.org/index.php?option=com_content&view=article&id=32:covid-19-what-is-happening-in-european-prisons&catid=7&Itemid=101).

- Family visits through glass partitions were permitted in Italian prisons, though with restrictions to the number of visitors and the number of visits per month. In a majority of prisons, video calls came to replace in-person visits entirely, although in most cases prisoners and their families were able to opt for in-person encounters.
- Portuguese prisons accepted visitors primarily on weekdays, and for just 30 minutes with two people maximum. The national prison administration invested in 675 COVID-safe visitation booths.

### ***Enhanced telephone privileges***

Efforts to expand access to telephones for prisoners to contact family took place early on in the pandemic, aiming to allot more time per call, to cover the cost of telephone services and in some cases to distribute cell phones. The primary challenge to phone calls has been excessive demand for use of a limited number of phones, with scheduling conflicts and limits to call time. Other challenges to phone communication include, in some cases, poor sound quality, the prohibitive expense of phone calls and timing the call for when children are prepared to talk. Phone conversation is also not a viable option for connecting with non-verbal or pre-verbal children, including infants, toddlers and some children with disabilities.

### ***Virtual contact or video contact***

Many administrations were quick to install video booths or other such measures in prisons to enable virtual contact with families. Video calls offer 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 challenges as well. The issue of access to video-capable technology has in some cases been prohibitive to families without computers or smartphones. 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. 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."

### **Concerns vis-à-vis video calls**

Virtual contact mechanisms raise a variety of issues in relation to privacy, data collection, child protection, the child's right to family contact, child participation and overall access. Among these concerns are the following considerations:

1. Who is present onsite during prison video visits? How are video visits monitored?
2. Are prison staff visible to the child during the video visit?
3. Who is present with the child, e.g., at home?<sup>8</sup>
4. Are video calls recorded, and if so, by whom?
5. What happens to the recordings? Who 'owns' the data? Is collected data turned over to prisoners when they are released?
6. Using the COVID-19 pandemic as an 'excuse' to keep in place restrictions such as non-contact visits

### **Learning points that have surfaced as a result of trans-European thematic seminars on visits, research, etc.:**

1. Children need options and to have a say in terms of what is best for them. Older children tend to enjoy virtual contact. At the same time, children need preparation in advance of visits, given that their moods are changing and fluctuating all the time.
2. Children need opportunities to unpack their responses to prison visits, virtual visits and phone calls, as reactions to the experience can be associated with

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<sup>8</sup> Canada for example stipulates that both parents must be present. What about divorced parents? Parents who have remarried? Parents who are in conflict with one another?

factors other than the visit itself. It is key to keep in mind that children's reactions can change from day to day.<sup>9</sup>

3. There is a need for empirical research on the different impacts of non-contact ('protected') visits, virtual (video) visits and regular in-person physical visits with respect to stress for children.
4. There is a need for greater support for parents – both the parent in prison and the caregiver providing day-to-day support for the child – to help to communicate truthfully with children about the parent's imprisonment. COPE members have reported a notable uptick in the incidence of concealing the truth about the parent's imprisonment, which is easier done over a video call than an in-person visit to a prison. In one case in Norway, a young girl was waiting to visit a parent in prison and had not been told that the parent was in prison. She saw a book on the waiting room table – *Lisa Visits Her Daddy in Prison* – and asked someone from an NGO accompanying her if her father was in prison. Parents need to be supported to communicate with children about the imprisonment, why the parent is now absent, so children do not interpret the separation as abandonment. Telling a child the truth about a parent's imprisonment allows children can participate in the grieving process with the family unit, reducing the incidence of ambiguous loss.
5. There is a need to ensure that video visits do not replace in-person visits when they once again become feasible, just because video visits are 'easier' or more practical for prison staff.
6. There is a need to democratise access to virtual means of communication. Some families cannot afford ample bandwidth for communication or lack necessary equipment.
7. If alternatives to custody are put into place for some, e.g., electronic tagging, prison administrations should ensure equal access to all. Some countries charge hefty fees for electronic tagging, which can fall on families to cover.
8. NGOs are struggling to provide the additional care and to cope with funding cuts at the same time.

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<sup>9</sup> Thanks to Ann Adalist-Estrin, Director of the National Resource Center on Children and Families of the Incarcerated, Rutgers University, Camden (USA) for contributing this recommendation.

## **Recommendations for positive steps forward**

1. Rather than completely stopping physical visits for children, work to devise ways to continue safe in-person visits, for instance by introducing the use of easily cleaned toys in child-friendly visiting areas.
2. Need to support families so that they better grasp the potential impact of not communicating to children the reason for the parent's absence (e.g., adverse impact on the development of reasoning abilities, depending on developmental stage).
3. Develop deontological, ethical guidelines with respect to who should be present during virtual and video visits.
4. Need to refine measures and procedures: e.g., limits to the number of children authorised to participate either in barrier visits or video visits makes families have to 'choose' amongst children.<sup>10</sup>
5. Take into consideration the impact of COVID restrictions on other individuals involved in the operation of prisons. For example, restrictions can put prison staff in a tricky position — they have to be barriers to love, to physical contact, to hugs, which adds stress to their jobs.

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<sup>10</sup> Moore, B. (Producer). (2020). *Coronavirus: Children denied contact with parents in prison*. [Online]. Available from: <https://www.bbc.com/news/av/uk-england-oxfordshire-53498170>



**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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