

Children of Prisoners Europe

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Children of Prisoners Europe

Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working with and 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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Heli, aged 12, Finland

Foreword

The year 2021 marked the transition from the full rigours of Covid restrictions in both prisons and the community towards greater normality. For COPE in particular this was notable in being able to hold our postponed Annual Conference in Leiden, Netherlands, which was the first inperson meeting for many COPE members. The benefits of being able to meet in-person for both formal and informal exchanges was notable, but also a sobering reminder of what it has been like for many of the children (and families) who have a parent in prison and been prevented from in-person contact with them during this time.

Indeed, the Covid restrictions highlighted the negative impacts on children of having a parent in prison more generally. In particular, these included not only the lack of contact but also the uncertainty of when visiting would become possible and uncertainty about the prisoner's well-being – exacerbating the more general negative effects of Covid and disruption to normal life.

During 2021, COPE gave more attention to the uncertainty for children during a parent's pretrial detention and which is often associated with greater restrictions on the child's contact with the parent.

More generally, COPE has continued to expand its membership both individually and organisationally, and its geographical scope. It has maintained and, indeed, strengthened its engagement with other organisations and networks, including EuroPris, the World Congress on Justice with Children, the UN Crime Congress, the UN Committee on the Rights of the Child and other UN human rights bodies. Of course, a major interlocutor continues to be the European Union and 2021 marked a significant development with the inclusion in the EU Strategy on the Rights of the Child not only of references to children with imprisoned parents but also a commitment to the implementation of the Council of Europe Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents.

COPE has continued to share across its membership information about the good work being done by members in different countries and has worked to enhance child safeguarding policies and practices as well as messaging about children with imprisoned parents to reduce stigma and negativity.

- Rachel Brett, President

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Impact summary

COPE's membership at the end of 2021 includes 101 members and affiliates in 28 European countries, with 118 members and affiliates in 35 countries globally. Two new individual members and four new applicant organisations joined the network. Five new affiliates signed up. Outside of Europe, COPE has affiliates in Australia, Brazil, Canada, New Zealand, South Korea, the United States and Zimbabwe.

2021 Membership totals

Member organisations: 23

Individual members: 26

Applicants: 11
Affiliates: 58



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Key Achievements



COPE webinar: Mitigating uncertainties for children: From pretrial procedures to the Covid-19 pandemic

COPE's June 2021 webinar revolved around the feelings of uncertainty prompted by having a parent in detention, both in the context of the Covid-19 pandemic and during pre-trial procedures. It featured an expert panel composed of Professor Ann Adalist-Estrin, Director of the National Resource Center on Children and Families of the Incarcerated (U.S.), Dr Shona Minson, a British Academy Post-Doctoral Fellow at the Centre for Criminology at the University of Oxford (U.K.) and Peter Scharff-Smith, Professor of Sociology of Law at the University of Oslo (Norway). Addressing the issue of uncertainty is particularly important as it acts as a trigger for trauma. The uncertainty that revolves around pre-trial procedures and Covid-19, notably, can aggravate the trauma and stress that children with a parent in conflict with the law already experience. When we consider both pre-trial procedures and the pandemic, children don't know how long either will last or whether their parent is healthy and safe. The former is particularly acute in Scandinavian countries, where some two-thirds of pre-trial detainees are under contact restrictions, Scharff-Smith highlighted. The webinar explored how children can be better supported to cope with uncertainty and to experience greater resilience and stability, as well as how their rights to family contact can be respected. The conversation included details as to how pre-trial detention procedures can be made more child-friendly and how children can be better protected through child safeguarding measures and greater reliance on alternatives to custody.



Slide from Dr Shona Minson's presentation (Centre for Criminology at the University of Oxford (U.K.)).

2021 "Not my crime, still my sentence campaign": A kaleidoscope for change



COPE's 2021 "Not my crime, still my sentence" was designed with the perspective of reviewing the impact of Covid-19 on children with imprisoned parents. Measures and restrictions to limit the spread of the virus had a significant impact on children with a parent in prison. With the suspension of in-person visits in prisons and despite measures to facilitate the continuity of the child-parent relationship (notably video-calls), some children did not have face-to-face contact or were unable to hug their parent for more than a year. As prisons transition to re-opening and increasing in-person visits, there must be a guarantee that the rights and needs of children with imprisoned parents will be met and adequately considered in the process. The 2021 "Not my crime, still my sentence" campaign provided a platform and opportunity for these children to voice their interests, needs and feelings. The outcome of the campaign is a document consisting of a compilation of inputs from children and young people. The intention is that this advocacy tool will raise awareness of the challenges created or compounded by the Covid-19 pandemic for children who have a parent in prison, and contribute to a consideration of the pandemic as an opportunity to transition to more child-friendly prisons, as a catalyst for change



The full document 'Not my crime, still my sentence' *A kaleidoscope for change in the pandemic world*, can be accessed here.



'Time to Act, How to ACT': 2021 COPE Conference

COPE's 2021 conference, entitled 'Time to Act, How to Act', originally intended to be held in Spring 2020, was hosted by COPE member organisation Exodus (Netherlands) in Leiden, on 12 November. Held in-person and with online participants, it focused on cross-sectoral work involving key stakeholders to ensure that children who have a parent in conflict with the law receive quality support at all stages of the criminal justice system. As with past COPE conferences, this year's provided fertile ground for the exchange of learning and good practice across European contexts. Presenters discussed the restoration of bonds between imprisoned fathers and their children as a key protective factor for enhancing child resiliency; camp initiatives that encourage peer support for children and enable children to spend longer periods of time with their parent; and key insights for stakeholders across the criminal justice spectrum to bolster a holistic support system for children dealing with the stress and stigma of having a parent in prison. The wide range of children's experiences was illustrated in a moving video produced by COPE member Probacja (Poland), followed by roundtables with the participation of young persons impacted by parental imprisonment.





EuroPris workshop on parental imprisonment

In tandem with the COPE-Exodus conference organised in Leiden, EuroPris' expert group on children with imprisoned parents, which includes two COPE representatives, hosted a workshop for penitentiary service representatives and prison directors, with participants from Italy, Hungary, Ireland, Cyprus, Germany, Belgium, the Netherlands, Czech Republic, Catalonia, Scotland, Slovakia and Sweden, along with COPE members and staff. The expert group showcased recent tools and reports they've developed towards implementation of Council of Europe Recommendation CM/Rec(2018)5 on children with imprisoned parents. In addition to a data collection matrix and a table of recommendations and practices with respect to how member states across Europe have been implementing CM/Rec(2018)5, a national Protocol on Children with Imprisoned Parents launched in Germany was highlighted, developed in cross-sectoral collaborations between justice ministers from each Länd and their peers in social affairs and youth ministries. The Leiden workshop highlighted how prison services across Europe are now placing children's best interests when a parent goes to prison higher up their agenda.





Girl, aged 8, Italy

World Congress on Justice with Children workshop

As part of the Justice with Children's 2021 World Congress in November, COPE hosted a workshop focusing on the intersecting issues of children impacted by parental imprisonment and teenage parents in conflict with the law. The workshop placed particular emphasis on the provision of care and support both for teenage parents in conflict with the law and their young children. Justice-involved youth can face a litany of difficulties, stemming from a lack of support for themselves and for their young children. Youth may not have access to stable homes or may not have supportive families, finding themselves without support upon their release from detention. Some receive few visits while in detention because of the distance of detention centres from their hometowns; others lose contact with their children for this reason, or a lack of resources forces their child into alternative care. Reintegration for these young people after their sentence is pivotal and there is a need for long-term support post-detention. There was a consensus from the panel on the need to find better ways to obtain data on children impacted by imprisonment and to create verification methods for that data.



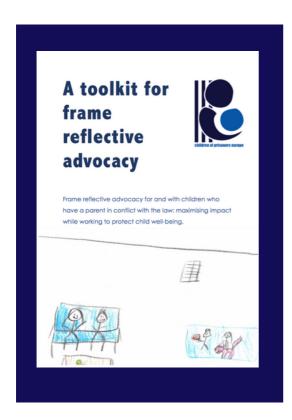


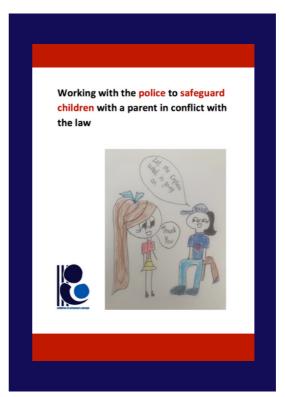


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The publication of two new COPE toolkits

COPE produced two new toolkits in 2021. The first, focusing on police and policing practices, collects research, good practice and testimony relevant to safeguarding children at the difficult moment of a parent's arrest. The goal of **Working with the police to safeguard children with a parent in conflict with the law** is to assist practitioners across sectors who may engage with the police to safeguard children of parents in conflict with the law, with examples of context-specific considerations and guidance for keeping the best interests of children central when planning and performing an arrest. The second toolkit, **Frame-reflective advocacy for and with children with a parent in conflict with the law**, is focused on advocacy and framing of messaging regarding children with imprisoned parents, to better secure their place on policy agendas. Based in part on pan-network workshops on framing organised by COPE, as well as on recent research by COPE Executive Director Liz Ayre (Maastricht University), it is destined for civil society organisations and individuals working to enhance the support for and respect of the rights and best interests of children with imprisoned parents. The toolkit includes a compilation of rights-based guidelines and good practices for reaching out to and engaging policy-makers.





COPE's child safeguarding enhancement project

COPE organised three online learning and exchange sessions throughout 2021 for network members across Europe as part of a child safeguarding enhancement project, with the aim of developing a stronger, integrated child safeguarding culture network-wide as COPE continues to promote more participation from children and young people in network activities. Sessions included exchanges between members where they shared their experiences of the implementation and development of child safeguarding policies and procedures within their organisations, and members emphasised the importance of involving children and young people in these processes. A fourth meeting in 2021 focused on defining COPE's safeguarding priorities, ahead of producing a Child Safeguarding Policy for COPE members. Conversations around child safeguarding through resource-sharing and opportunities for peer-to-peer support continued throughout 2021 and will continue into the future.



Source: Paul Nolan, GCPS Consulting

Milestones



EU Strategy on the Rights of the Child

The European Union's 2021 Strategy on the Rights of the Child, developed with the participation of over 10,000 children, marks the first time an EU policy has been published accompanied by a child-friendly version. The Strategy calls on member States to implement Council of Europe Recommendation CM/Rec(2018)5 concerning children with imprisoned parents. This adoption of the EU Strategy adds significant leverage to current and future Council of Europe Recommendations and represents a decisive move towards enhancing child participation, inclusion, child protection and child-friendly justice systems throughout EU member states, as well as greater child awareness in prison services, legal systems and law enforcement.

Children impacted by parental incarceration receive several explicit mentions in the document, as part of "children in precarious family situations and exposed to various risk factors leading to social exclusion"; in reference to Covid-19's impact on the rights of families to prison visits; and to the UN Global Study on Children Deprived of Liberty: "when parents are imprisoned, policies and practices respecting the right of their children should also be fostered." The entire package of the EU Strategy, including text, annexes, child-friendly versions, factsheet and data, is available here.



Source: <u>EU Strategy on the Rights of the Child</u>, Childfriendly justice: An EU where the justice system upholds the rights and needs of children



UN Report A_HRC_46_37 published on children's privacy

COPE joined a cohort of international and national agencies, ombudspersons, non-governmental organisations and other stakeholders in drafting submissions to inform the UN Special Rapporteur on the Right to Privacy on a series of child privacy issues. COPE's report focused on safeguarding children with a parent in prison while honouring the child's right to privacy and promoting the child's autonomy to share when collecting data. Entitled Artificial intelligence and privacy, and children's privacy (A_HRC_46_37_E), the UN Report includes specific references to children with imprisoned parents in paragraph 95, as well as in the following Recommendations:

- (n) Establish practices and laws to ensure that information provided to the media does not violate children's right to privacy and that reporting by media and other bodies protects the privacy of children whose parents are in conflict with the law;
- (o) Ensure that children's privacy is upheld in all contacts with incarcerated parents, including written, electronic and telephone communications, and prison visits.



UN Crime Congress / Kyoto Pledge

The Kyoto Pledge on Child Rights and Criminal Justice, released in conjunction with the 14th UN Crime Congress in Kyoto, Japan in March 2021, is a collaboration between UN civil service and non-governmental organisations advocating for "criminal justice systems in which children are seen, children are heard and children's rights are upheld" – including children with parents in conflict with the law. The Pledge was released in conjunction with the 14th UN Crime Congress in Kyoto in March 2021 and focusing on the 2030 UN Sustainable Development Agenda, and responds specifically to Sustainable Development Goal 16, which urges the promotion of "peaceful and inclusive societies for sustainable development" and provision of "access to justice for all and build effective, accountable and inclusive institutions at all levels."

The document calls on states to take the following Key Actions:

- Ensuring a child rights-based approach to criminal justice policy and practice, including by undertaking systematic and continuous training on this approach to all relevant professionals.
- Ensuring that the best interests of the child are a primary consideration in decisions that impact upon them, including at all stages of a parent or carer's contact with criminal justice systems.
- Upholding the child's right to effective participation in all aspects of the development and implementation of criminal justice.
- Reviewing and reforming criminal justice legislation, policy and practice to bring them in line with the Committee on the Rights of the Child General Comment 24 on children's rights and the child justice system.
- Implementing the recommendations of the Global Study on Children Deprived of their Liberty.
- Endorsing the Call to Action from the Pathfinders' Task Force on Justice: the 'Justice for Children, Justice for All' initiative.
- Reconvene and assess progress made against the aforementioned commitments during the 2021 World Congress on Justice with Children, scheduled for November 2021.



Gabriel, aged 15, Norway

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Capacity-building / advocacy missions

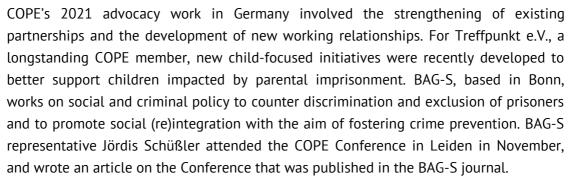
COPE conducted its 2021 capacity-building/advocacy missions in Albania, Germany, Lithuania and Serbia.

01 Albania



COPE's work in Albania in 2021 took the form of conversations with representatives from two civil society organisations, namely the Directing Manager of SHKBSH (Prison Reform Albania) and the Executive Director of Nisma per Ndryshim Shoqeror (Initiative for Social Change [ARSIS]). SHKBSH advocates for the maintenance of relationships between children and parents in prison, facilitating travel to prison visits, and heads multiple programmes, including one for imprisoned men preparing for their release to foster reintegration into the family and society and two mentoring programmes focused on supporting children and adolescents coping with parental imprisonment. ARSIS, which is located in Tirana, provides services for children and families in vulnerable situations, including Roma and Egyptian communities and other marginalised groups in Albania. They operate a centre for homeless children and their families, providing food, clothing, school materials and medical aid, and do additional work that includes providing counselling training, career counselling and employment services, and operating a residential centre. ARSIS implemented a programme in the women's prison in Tirana, working directly with women in prison nearing the end of their sentence to facilitate their reintegration back into the family and community post-release.

02 Germany



Discussions were held with the German Institute for Human Rights, which shared highlights of their work, including that in 2019 they published a study on children's possibilities for contact with their imprisoned parents, based on an online survey of all German prisons. There are plans to repeat the survey to all Länder on the opportunities for contact between children and their parents as per the 2019 report. Following discussions between COPE Executive Director Liz Ayre and Hoppenbank e.V. Director Svenja Böning, COPE applicant member Hoppenbank e.V. requested full membership. The organisation supports people who have been released from prison, who are currently imprisoned or who are due to go to prison, in all areas of their social and professional (re)integration. After her involvement in the EuroPris Expert Group on children with imprisoned parents, Justina Dzienko (former psychologist at the Ministry of Justice in Mecklenburg-Vorpommern) has been influential in raising awareness on the issue at the German national level, leading an Expert Group made up of representatives of the Länder. Given the interesting evolutions on the issue of children with imprisoned parents in recent years in Germany, there is an opportunity for COPE to develop a joint project which brings together the various COPE partners and which would simultaneously strengthen COPE's ties in the country. The focus could be on capacitybuilding and network development.

03 Lithuania



In December 2021, the London-based AIRE Centre invited COPE to co-draft an amicus brief on behalf of a child whose rights to family contact were being infringed as their father was in the Lithuanian prison system. The purpose of the amicus brief was to strengthen the child's rights based on Article 8 of the European Convention of Human Rights (ECHR, the right to respect for family life) and on Council of Europe Recommendation CM/Rec(2018)5 concerning children with imprisoned parents. COPE and the AIRE Centre drove home "the importance of childhood attachments and on the fact that disruptions in children's relationships can affect them emotionally and psychologically into adulthood. The quality of early attachments is a key predictor of an individual's social and emotional functioning later in life, with insecure or disorganised attachments placing children at much greater risk of negative life outcomes" (R.A. Thompson, 2008).

COPE first contacted the Lithuanian Prison Service in March 2021, with the aim of gaining further knowledge on existing methods of data collection for prisoners upon entry and to explore ways of enhancing this data collection to better provide support for children when a parent is sent to prison. In response to this initial contact, the head of International cooperation at the Prison Department referred COPE to Virginija Klimukienè, Chief Specialist of Resocialisation within the prison service. Ms Klimukienè launched a pioneering initiative in response, commissioning a study entitled A Survey of Prisoners on their Relationship with (Minor) Children.

The survey was based on a questionnaire developed by COPE, which was translated into Lithuanian and supplemented with questions about sociodemographic characteristics of people in prison participating in the survey and the individual conditions and issues relevant to their serving the sentence. The aim of the study was to identify the extent and specificities of the impact of parental imprisonment on their minor children. Five hundred and sixty-six prisoners (100 women and 466 men) participated in the survey. The survey sample therefore consisted of nearly a quarter of prisoners serving their sentence at the time of the survey. One task during the research was to analyse the means, intensity and quality of communication between prisoners and children. The survey data revealed a high rate of children affected by the imprisonment of their parent: more than 40 per cent of prisoners have at least one minor child.

One-third of prisoners indicated that their children were unaware of their parent's imprisonment; this may be related to the child's young age, to family conflict or to the deliberate choice of parents not to disclose the imprisonment to their children. A follow-up meeting is being planned for Autumn 2022 with participants including the Children's Ombudsperson, UNICEF, Dainius Puras – UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Vilnius University and the Justice Ministry. A relevant NGO is lacking, but the will, determination and vision of Ms Klimukienè is making up for the lack of a third sector representative.

04 Serbia



Building on relationships developed during 2020, COPE's 2021 advocacy in Serbia took on several forms. COPE worked with the Head of Department for Treatment and Alternative Sanctions and Measures at the Serb Prison Service to improve purposeful data collection through a survey of children with a parent in prison. COPE continued to exchange with UNICEF Serbia, which has been an active and critical partner towards raising awareness and implementing Council of Europe Recommendation CM/Rec(2018)5 concerning children with imprisoned parents. UNICEF Serbia facilitated contact between COPE and the Council of Europe's Senior Project Officer, charged with leading the EU/CoE Horizontal Facility for the Western Balkans and Turkey II Project, and with the European Union's Policy and Programme Manager for War Crimes and Transitional Justice, Penal Reform, Victims' rights and support to the Ministry of Justice, who is working on supporting reform in Serbia. These exchanges brought COPE's presence and working relationships to the EU and CoE levels, broadening perspectives within both European institutions, and helping to strengthen the human rights context for COPE's 2021 Serbian mission.

Also in Serbia, COPE convened with members of Mreža Organizacija za Postpenalnu Podršku Srbije (Network of Organisations for Post-Penal Support of Serbia [MOPPS]), a network of organisations working to improve cooperation between the Serbian prison system, community stakeholders and NGOs to facilitate post-penal support for sentenced individuals.

MOPPS also advocates for the creation of standards for the provision of post-penal assistance and support services by member organisations. COPE established a strong working partnership with MOPPS member organisation Centre for Reintegration and Activism (Belgrade), with valuable exchange of data and strategic perspectives. Significantly, the exchanges revealed that a major study on children with imprisoned parents in Serbia was carried out by the Centre for Reintegration and Activism (CRA, member of MOPPS) in 2018 in response to their participation in the 2016 COPE conference organised by the Children's Ombudsman's Office in Zagreb. Participants were asked, amongst other questions, about the relationship with their children prior to the onset of the parents' imprisonment and what would improve this relationship: 52% cited more frequent contact.

From across the network

Dr Rodrigo J. Carcedo González, University of Salamanca (Spain)

In 2019, data extrapolations in Spain highlighted that between 60,000 and 100,000 children had one or both of their parents in prison, in that country, yet little scientific knowledge about their situation exists. New research is looking to identify these children's needs and the impact of parental imprisonment on them from social and legal perspectives; learning more from children about how prison affects their lives, relationships and well-being, and exploring contextual and individual factors that influence child well-being.

Solrosen (Sweden)

Solrosen published a report entitled "Man måste få veta" (One must know). The report is based on interviews with over 50 children about their views on right to information, right to contact with parents, right to support and how the pandemic had affected them overall.



Mid-Dlam Ghad-Dawl (Malta)

Mid-Dlam Ghad-Dawl has launched two programmes that focus on providing support to both prisoners and their families. The first is a residential programme for imprisoned parents, where they will be provided with the opportunity to discuss parenting in small groups. There will be a focus on therapy for both the imprisoned parent and their child(ren). The second is a family visiting programme that will take place in partnership with the prison, allowing for family visits to take place in a visiting centre outside of the prison.

Bambinisenzasbarre (Italy)

Italy's landmark "Charter of the rights of children of imprisoned parents" has been renewed for an additional four years, following the signature on 16 December by Italian Justice Minister Marta Cartabia, Child Guarantor Authority Carla Garlatti and Bambinisenzasbarre president Lia Sacerdote. This Charter was launched Bambinisenzasbarre in 2014 and recognises the right of minors to maintain their relationship with imprisoned parents while supporting the latter's right to parenthood. It works to sensitise judicial authorities and serves as an impetus for them to implement actions to protect the rights of these children.

Dr Fiona Donson, Dr Aisling Parkes (Ireland)

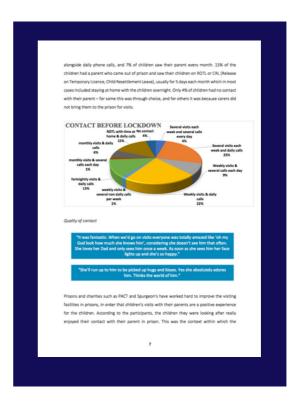
Child rights experts Fiona Donson and Aisling Parkes assembled scholarship from internationally renowned academics and professionals across multiple disciplines who offer keen analysis and insight into the legal, conceptual and practical consequences of parental imprisonment through a children's rights lens. Parental Imprisonment and Children's Rights (Donson & Parkes, 2021, Routledge) is divided into three parts, "dedicated to 1) hearing the voices of children with parents in prison, understanding to what extent children's rights inform prison policy, demonstrating how law in the form of children's rights can help frame both court sentencing and prison practice in a way that minimises the harm that contact with the prison system can cause." The book includes a chapter on framing and child rights by COPE Executive Director Liz Ayre.

Dr Rona Epstein, Coventry University (England and Wales)

Research published in November 2021 explores why courts in England and Wales sentence pregnant women to prison, the highlighting circumstances and vulnerabilities of 22 case studies; touching upon practices in other jurisdictions; and emphasising the need for a sea change in attitudes in society and among decisionmakers to prevent the lives of unborn babies being placed at risk due to imprisonment. Pregnant women in prison have a greater risk of stillbirth or having a premature baby than women who are not in prison.

Dr Shona Minson, University of Oxford (England and Wales)

A report published in 2021 outlines the experiences of children and their families trying to cope with parental imprisonment during the first Covid-19 lockdown in the UK. The report is based on interviews with parents and caregivers of children with imprisoned parents and indicates the significant harm that can be done to childparent relationships, with negative effects on child health and well-being as a result of separation from their parents. The report also offers recommendations from families to help children deal with parental imprisonment, among which are recommendations for prisons to improve communications with family members; limiting restricted prison regimes for those serving short sentences and those nearing release; and increasing video call capacity, functionality and call time.





COPE's 2022 Annual International Conference

COPE's 2022 Annual International conference, entitled "My parents have been arrested, what now? Public Policies for the future", is scheduled to be held in Cascais, Portugal in June. Participants will hear from a panel of experts, including representatives of the Ministry of Justice and the Attorney General of the Republic. Academic and legal professionals will speak to the provision of strong cross-sectoral support to children impacted by parental imprisonment, at every stage of the parent's involvement in the criminal justice system, from arrest to release. As in previous years, the 2022 conference will focus on public policy development through sharing good practices from COPE partners throughout the European context. The 2022 conference will also include an additional workshop focused on devising 'child checks' and violence reduction at all stages of the criminal justice process.

2022 'Not my crime, still my sentence' campaign

Next year's COPE advocacy campaign will focus on engaging police and the judiciary to safeguard the well-being of children at these key moments during a parent's involvement with the law. The goal will be to disseminate two advocacy packs to offer police officers and judges perspective into the impact their work may have on children with a parent in conflict with the law, as well as to provide considerations for practicing more child-friendly techniques. Both advocacy packs will provide guidance to COPE partners and child rights advocates on engaging police and judges.

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