

# Child Participation when a parent is in conflict with the law



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.

Children of Prisoners Europe is a non-profit organisation registered in France under French Association law 1901.

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## Preamble: The purpose of this document

The purpose of this document is to provide guidance and disseminate information to child rights defenders and institutions about the specific challenges to fostering child participation for children who have a parent in prison. It aims to promote a better understanding of these challenges for anyone seeking to engage in child participation, while exploring ways in which these challenges can be surmounted. Relevant issues include:

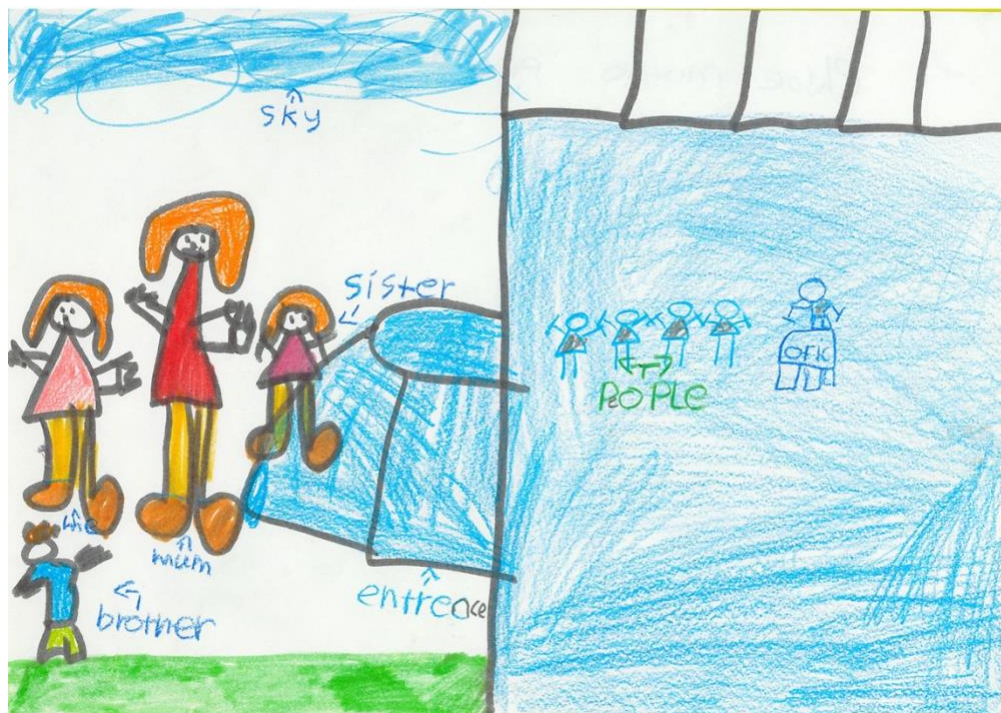
- ensuring that child participation does not further stigmatise children in light of the difficulties they already can be vulnerable to as a result of the parent's incarceration;
- understanding that young people often do not want to have the parent's imprisonment be the defining factor in their lives, by teachers and peers, for example;
- grasping the importance of a deeper understanding of the cross-sectoral factors impacting children and the importance of bringing these various sectors together 'under one roof' in order to provide quality support;
- and significantly, understanding that some children's being discouraged from speaking about their home situation or their feelings can stifle expression and hinder child participation.

Examples of good practice for surmounting some of these challenges will be included in this framework report.

**Key targets for dissemination** of this document include the members of the European Network of Ombudspersons for Children (ENOC), who are well positioned to defend the rights of children with imprisoned parents and to bring together under one roof the cross-sectoral stakeholders necessary for wrap-around support for children. As part of its commitment to help forge child-rights-based, gender-sensitive societies and justice systems, COPE is promoting respect for children's dignity, resilience and active participation in society across their life course. Child rights defenders play a key role in ensuring that child participation is integrated into all processes involving direct or indirect contact with children and carried out in a safe, protected and inclusive environment. It is key that all child rights defenders who are working to safeguard the rights of children who have a parent in conflict with the law have a solid understanding of the specific issues, needs and vulnerabilities of children and of the cross-sectoral agencies and institutions which can impact their lives, from the arrest of the

parent to his or her return to the family home, across child rights, child welfare, justice sectors and intersecting education, health and economy sectors.

**Key words:** participation, agency, framing, stigma, vulnerable, resilience, safeguarding, child rights defender



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# I. Introduction

The COPE network is committed to helping forge child-rights-based, gender-sensitive societies and justice systems. It is doing so by promoting respect for children's dignity, resilience and active participation in society across their life course.

Through intra-network sharing of best practice/knowledge, COPE promotes cutting-edge expertise – ‘what works’– to enhance service provision, policy and legislation, and human rights instruments to enshrine measures on children's behalf. COPE supports members in respecting children's participation and child safeguarding rights. In particular, COPE promotes child participation as it works to foster policy formulation & implementation and inter-agency cooperation between/across child rights, child welfare, justice sectors and intersecting education, health and economy sectors.

Listening to and involving children is essential and central to the mission and vision of the COPE network. Child participation is the first thematic area of the EU Strategy on the Rights of the Child, in which it is stated that EU action should ‘empower children to be active citizens and members of democratic societies’.<sup>1</sup> Allowing meaningful participation of children fosters effective and sustainable protection of children. Child participation can be regarded as a ‘barometer’ of child rights more broadly (Lundy, 2023). When conditions are created for child participation, generally other rights are respected: e.g., children's right not be discriminated against, to have their best interests considered in decisions concerning them, amongst others.

Participation promotes the agency of the child: children who are invited to participate meaningfully in work that is carried out on their behalf become subjects of change as opposed to objects of change. COPE adheres to the Council of Europe's nine basic requirements for effective and ethical participation of children<sup>2</sup>: that participation is **transparent and informative; voluntary; respectful; relevant; child-friendly; inclusive; supported by training for adults; safe and sensitive to risk; and accountable.**

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<sup>1</sup> EU Strategy on the Rights of the Child and the European Child Guarantee. (2021) Available online at: [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/rights-child/eu-strategy-rights-child-and-european-child-guarantee_en)

<sup>2</sup> Council of Europe Children's Rights Division and Youth Department (2016). Child participation assessment tool: Indicators for measuring progress in promoting the right of children and young people under the age of 18 to participate in matters of concern to them. Available online: <https://rm.coe.int/16806482d9>

COPE's commitment to child participation is underpinned by **Article 12 of the United Nations Convention on the Rights of the Child (UNCRC):**

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.<sup>3</sup>



As outlined in the General Comment to Article 12, child participation should be understood as a **process** which includes **'information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes.'**<sup>4</sup>

COPE's commitment to child participation is further rooted in Article 24 of the Charter of Fundamental Rights of the European Union:

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.<sup>5</sup>

As both the UNCRC and EU Charter of Fundamental Rights state, meaningful child participation goes beyond just giving children a voice; their voices must be listened to, taken

<sup>3</sup> UN Committee on the Rights of the Child (2009). 'General Comment No. 12: The right of the child to be heard'

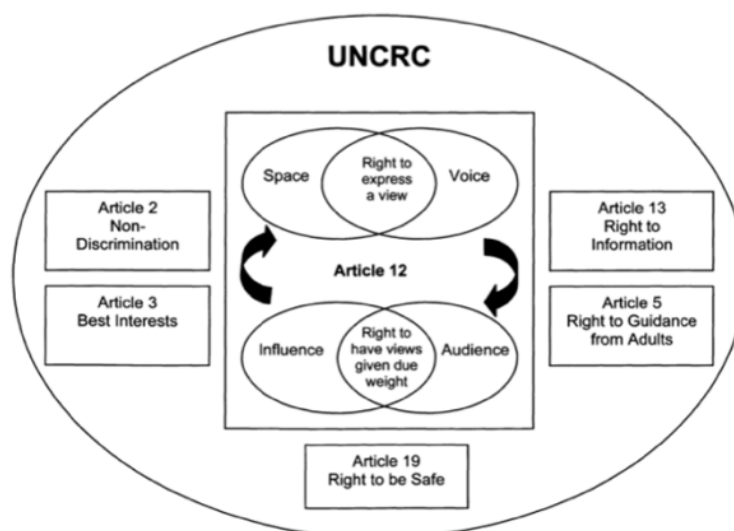
<sup>4</sup> UN Committee on the Rights of the Child (2009). 'General Comment No. 12: The right of the child to be heard'

<sup>5</sup> European Union, *Charter of Fundamental Rights of the European Union*, 18 December, 2000/C 364/01. Available at: [https://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](https://www.europarl.europa.eu/charter/pdf/text_en.pdf)

into consideration, acted upon. COPE's vision of child participation is in line with the Lundy method, a means of conceptualising this right without simplifying or tokenising it.<sup>6</sup> The model that Professor Laura Lundy proposes consists of four distinct, but related, elements necessary for the provision of child participation.

These four elements, in chronological order, are:

1. **Space** – Children must be given safe, inclusive opportunities to form and express their view
2. **Voice** – Children must be facilitated to express their view
3. **Audience** – The view must be listened to
4. **Influence** – The view must be acted upon, as appropriate<sup>7</sup>



Source: Lundy, L. 2013. *Voice is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child*. *British Educational Research Journal*, 33 (6), 927-942.

<sup>6</sup> Lundy, L. 2013. *Voice is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the Child*. *British Educational Research Journal*, 33 (6), 927-942.

<sup>7</sup> Lundy, L. 2013, p. 933.

## A few definitions

### Child

A “child” refers to anyone under the age of 18, in line with the UN Convention on the Rights of the Child (1989).

### Types of contact

#### i. direct

Direct contact with children means any physical and or virtual contact between adults and children, such as workshops, conferences, meetings in person and/or online (e.g., via Skype or other telecommunication means).

#### ii. indirect

Indirect contact with children includes:

via communications and campaigns carried out by COPE: e.g., promotion of child-friendly and appropriate material (online or offline) that is aimed at the wider public;

via working with intra- and extra-network organisations that involve children in COPE-led projects or whose work impacts children in any way. “Working with” may mean partnering with, promoting or funding an intra- or extra-network organisation.

the use of personal information related to children involved in the network (e.g., full names, age, contact details and photographs or videos).

Source: 'Setting the standard' A common approach to Child Protection for international NGOs. Standard 1 (Policy). Available online: [https://childhub.org/sites/default/files/library/attachments/562\\_591\\_EN\\_original.pdf](https://childhub.org/sites/default/files/library/attachments/562_591_EN_original.pdf)



## A few principles

### Accountability

COPE and its members hold themselves accountable to children affected by parental imprisonment, to each other, and to funders. Every decision is made with the best interests of the child at its core.

### Child justice focus

COPE is committed to serving children's best interests and promoting their rights. Our mission is to safeguard the social, political and judicial inclusion of children with an imprisoned parent, so that their rights, needs and best interests are taken into account in every decision that affects them.

### Cooperation

COPE works with intra- and extra-network partners to enhance our impact on the lives of children with imprisoned parents through dialogue, participation and consensus-building. The holistic protection of children is only achievable when interdisciplinary organisations and bodies work together to effect change via cross-sectoral collaboration.

COPE is committed to granting children who have a parent in conflict with the law their right to participate when creating change across the systems that directly or indirectly impact them to better safeguard their needs. Guidelines to ensure that COPE practices child participation in a safe, respectful and responsible manner are outlined in its [Child Protection Policy](#).

## II. Specific challenges for children with a parent in conflict with the law: some barriers to child participation

- **Resistance to rights**

The discourse surrounding children's rights is often weakened, even by some child rights advocates, resulting in what child participation expert Laura Lundy has described as 'child rights "lite" '. When the vocabulary of child rights is reduced or altered to 'land better' with audiences, e.g., decision makers, this can lead to an incomplete understanding and implementation of children's right to participate. In the context of children impacted by parental imprisonment, a child's right to participate in decisions that affect them – judicial processes concerning their parent's sentence, for example – may be incorrectly regarded as an 'extra' that adults afford to children when resources and time allow it rather than as an obligation that duty bearers must uphold and an entitlement that rights bearers, children, have regardless of their circumstances and their parent's crime or alleged crime.

- **Systemic limited acknowledgement of children and childhood**

When asked about the rights of children, many professionals in criminal justice sectors will verbally express support and acknowledge the importance of listening to children's views when a parent is in conflict with the law or involved in criminal justice proceedings. However, practice on the ground often does not reflect this. Aside from some emerging and promising examples (explored in this report), children are rarely consulted during key decision-making processes (what COPE refers to as 'child checks'), i.e., when prison visiting facilities are designed, visiting times are decided upon or a parent's short-term release for significant events in a child's life are determined, for example. This gap between what criminal justice professionals think with regards to child participation – 'it is a worthy and good thing' – and how systems actually operate may be explained by lack of resources or time, but more often there is an underlying disregard for children's voices, and childhood at large. When asked about a prison family visit room where the environment was intimidating and dark and a ceiling was particularly dilapidated – not a child-friendly space – one prison officer responded: 'kids don't look at the ceiling'. This kind of response is commonplace; prison directors, judges, law enforcement officials and others often consider it beyond their professional remit to actively seek out and act upon the perspectives of children. If children's voices and views are considered, this underlying dismissal of children and

childhood can lead to tokenistic examples of their participation where their views are undermined.

- **Budget cuts**

In light of the above, and in other cases, policies that integrate child participation in their development and implementation are not always sustainable, and can fall victim to economic crises and budget cuts.

- **'Courtesy stigma'**

The rights of children of the incarcerated can fall victim to what Goffman called a 'courtesy stigma' or stigma by association, whereby the child shares the 'spoiled identity' of the parent in prison.<sup>8</sup> As a result, young people can take on the connotations that the parent in prison often experiences, in the case of parental imprisonment being considered 'deviant', and less deserving of benefits from society. This is illustrated below:

Types of target populations		SOCIAL CONSTRUCTION OF POPULATION (US)	
		Deserving	Undeserving
POWER	Strong	<b>ADVANTAGED</b> Business Veterans Scientists	<b>CONTENDERS</b> The rich Big unions Cultural elites Moral majority
	Weak	<b>DEPENDENTS</b> Children Mothers Disabled	<b>DEVIANTS</b> Criminals Drug addicts Gangs

Source: Schneider and Ingram, 1993:336

For children, the most pervasive stigma and discrimination that can adversely impact their life course is that prison is seen as 'bad' and that if a parent is in prison this may be what their future holds as well. One particular 'no go zone' for children who have a parent in prison is any reference to so-called trans-generational crime — 'the apple doesn't fall too far from the tree'— whereby children are seen as being at high risk of

<sup>8</sup> Goffman, E. (2009). *Stigma: Notes on the management of spoiled identity*. Simon & Schuster.

becoming criminals themselves. This type of frame or message has been demonstrated to have adverse effects on children’s well-being, encouraging them to further conceal the parent’s imprisonment, mask their emotions, hide the truth from their peers, bottle up emotional stress. As a result, this is a challenge to fostering the free expression of children when the surrounding context and stigma often pressure them to move away from expressing themselves verbally. There is also the impact of distress and depression as children internalise the separation from the parent in prison, which at times can be violent. As one boy said:

*“It was very tough for me. I slept a lot at that time, even 24 hours. I took sleeping pills.*

*I slept to stop thinking. I just didn’t want to function. I heard a lot of upsetting things about my mum and dad.”*

*— Andrzej, age 16, Poland*

The courtesy stigma interlinks with Article 2 of the UNCRC [the right to non-discrimination], Article 19 [the right to be safe] and Article 3 [the right to have their best interests taken into consideration] and precludes the right to guidance from adults [Article 5]. This courtesy stigma can vary from one cultural context to another, with some cultures more accepting and open and others less so. Another concern with respect to stigma is the risk of further stigmatising children by grouping them together and identifying them as ‘children of prisoners’, reinforcing the feeling that they are different from other children, apart from other children. A balance needs to be struck between avoiding pigeon-holing children who have a parent in contact with the law, while providing opportunities for them to come together with other children undergoing similar experiences to engage and discuss. These and other ways to surmount certain challenges are addressed in the following section.

- **Children experiencing additional vulnerabilities**

The children of people of colour and ethnic minorities including Roma and Travellers, all of whom are over-represented in prison populations, may need additional support to enable child participation in decisions affecting them and to ensure inclusion.

Cultural mediators can play a role in ensuring quality child participation for children from different national, cultural or minority backgrounds.<sup>9</sup> Additionally, children may require gender-specific support when engaging in child participation, related to gender differentials present in how girls and boys are impacted by parental imprisonment. This is a relatively under-researched area but studies have shown that boys are exposed to greater pressure when fathers are in prison, to be the ‘man of the house’. Research suggests that boys are most vulnerable to separation from their parents in early childhood, while girls are most vulnerable in their teenage years. Boys, particularly affected by the separation from their fathers, tend to externalise their difficulties whereas girls tend to internalise, hence boys are frequently given more support than girls – who only receive help once their difficulties are more serious.<sup>10</sup> As recognised in the EU Strategy on the Rights of the Child, gender stereotypes can ‘limit boys and girls’ aspirations and create barriers to their participation and life choices’.<sup>11</sup> Gender socialisation<sup>12</sup> – the process through which children learn about the social expectations, attitudes and behaviours associated with one’s gender – should be considered and accounted for when working towards child participation: girls may require extra support in instances where they have greater difficulty externalising this experience, for example.

- **Lack of recognition of issues associated with parental imprisonment**

A particular challenge in work to promote child participation for children with a parent in conflict with the law is that it is sometimes difficult to know that a child is undergoing this separation, often depriving them of much-needed support. The issue of children with imprisoned parents has not always been recognised as an issue in and of itself. In fact, they were exponentially invisible: eighteen years ago, children with imprisoned parents did not even appear on UNICEF’s lists of invisible children.<sup>13</sup> For years, the words ‘child’ and ‘prison’ immediately brought to mind children in conflict with the law, or the approximately 800 infants co-residing with parents in prisons in Europe, not the estimated 2.1 million children separated from their parent in prison in

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<sup>9</sup> As proposed by Defense for Children International in [Twelve: Children's right to participation and the juvenile justice system. Theory & Practices for Implementation](#), although the main focus of DCI is children and young people in conflict with the law.

<sup>10</sup> Smith, P. S., & Smith, P. S. (2014). *When the innocent are punished* (pp. 7-20). Palgrave Macmillan UK.

<sup>11</sup> EU Strategy on the Rights of the Child (2021), p 4.

<sup>12</sup> Martin L. Carole. 2014. *Gender: early socialization*. Encyclopaedia on Early Childhood Development. Available online: <https://www.child-encyclopedia.com/pdf/complet/gender-early-socialization>

<sup>13</sup> The United Nations Children’s Fund (UNICEF), 2005, *Excluded and Invisible, The state of the world’s children*, UNICEF, New York, USA. Available online: <https://www.unicef.org/media/84806/file/SOWC-2006.pdf>

Council of Europe countries.<sup>14</sup> It has taken some time for this group of children to be recognised as a group of *vulnerable* children. Today the current Council of Europe and European Union Child Rights Strategies explicitly recognise that children with imprisoned parents are one of society's most vulnerable and marginalised groups of children, requiring protection against exclusion and discrimination.

The end result means that children who have a parent in conflict with the law risk slipping between the cracks, their rights – such as the right to family contact – violated. They are often seen as passive victims, without agency, unable to participate in decisions affecting them. This is a common frame used even by some child rights advocates and defenders, and can deprive children of their right to be involved in child participation processes. This can be seen here:

FRAME ANALYSIS: CHILDREN WITH IMPRISONED PARENTS			
FRAME	VICTIM	INSTRUMENTAL	HOLISTIC
CONSTRUCTION OF CHILDREN	Vulnerable (invisible) children facing stigma, children 'at risk'.	Children at risk but also potential mediators of parent's resettlement and rehabilitation.	Children with a right to an emotional and continuing bond with their imprisoned parent. Children's rights as universal and indivisible.
VIEW OF CHILDREN	Largely as passive objects	Adjusted to fit views of different stakeholders	Largely as active subjects

*'Vulnerability should not eclipse agency'*  
— Laura Lundy, 2018

<sup>14</sup> Aebi, M. F., Cocco, E., & Molnar, L., (2023). SPACE I - 2022 – Council of Europe Annual Penal Statistics: Prison populations. Council of Europe and University of Lausanne, updated 26 June 2023, p. 30. The 2022 SPACE report indicates that 720 infants were co-residing with a parent in prison in Council of Europe countries, yet data for eight countries authorising co-residence was not included. The total number of infants co-residing with a parent is therefore estimated to be slightly higher than 720. Data on co-residence in Council of Europe countries obtained from a COPE survey that was disseminated to Member States by the Council of Europe in 2017 indicated, for example, that Germany reported a total of 77 infants co-residing with a parent in prison; German data was not included in the 2022 SPACE report, nor was Sweden's data. Sweden reported that 20 infants were living with primary caregivers in prison in 2017.

In sum,

**Challenges to fostering child participation and free expression for children with a parent in conflict with the law can include:**

✓ **Stigma**

✓ **Taboos** around discussing parental imprisonment, children feeling 'different', young people become 'voiceless', fear expression

✓ **Secrecy**

✓ **Masking of truth** within family, resulting in 'ambiguous loss' whereby the child is not included in discussions about the parent's whereabouts, senses the family's grieving but does not fully understand the root cause of the parent's disappearance

✓ **Resistance to topic and 'parental imprisonment lens'**: children not wanting parental imprisonment to define them or be the overriding factor of their identity

✓ **Fear**

✓ **Anger**: anger and mistrust towards authorities, particularly if he or she has witnessed the parent's arrest

✓ **Trauma**

✓ **Feelings of isolation, alienation.** Caregiver parent too can fail to reach out for help and support, reinforcing sense of isolation, alienation, taboos and secrecy

✓ **Shame.** Shying away from the gaze of others<sup>15</sup>

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<sup>15</sup> As highlighted by Rachel Condry in her publication *Families Shamed* (2007): "Relatives of those incarcerated feel forced to hide from the shaming gaze of others, leading them to withhold information and avoid connections that may help them."

### III. Surmounting barriers: fostering action that protects the right of expression of all children

- Child participation is not only the right of individual children, but also the right of groups of children. Many have emphasised the **importance of children in vulnerable situations working collectively together as a group** in a safe environment (see for example, Lundy, 2023). Focus groups for children with a parent in conflict with the law from several countries, organised by COPE in Krakow, Poland in 2019, corroborated this. Youth participants in the focus groups found the experience to be positive, with some participants highlighting that it was the first time that they had discussed with other children who had a parent in conflict with the law.

The following is a graphic recording of the Youth Forum.



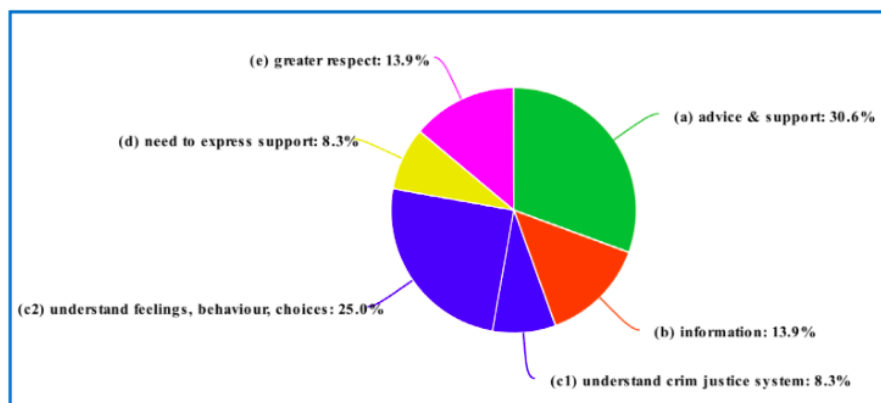
Source: graphic recording from Ola Krawczyk



The focus groups allowed children and young people to discuss and identify their priority needs. Figures 2 to 6 below highlight the needs of children as they expressed in hypothetical situations to various stakeholders during the focus groups. It is notable that one third of the young people expressed a need for ‘advice and support’ of some kind, which suggests the need for comprehensive support for children from social workers, support professionals and NGOs like COPE, as well as from key players in the community, notably teachers. The EU-funded COPING Project demonstrated that the impact of parental imprisonment on a child can be mitigated when children have the support of a trusted adult.<sup>16</sup>

**Figure 2. Needs expressed by children with a parent in prison**

Source: COPE, Krakow Focus Groups 2019

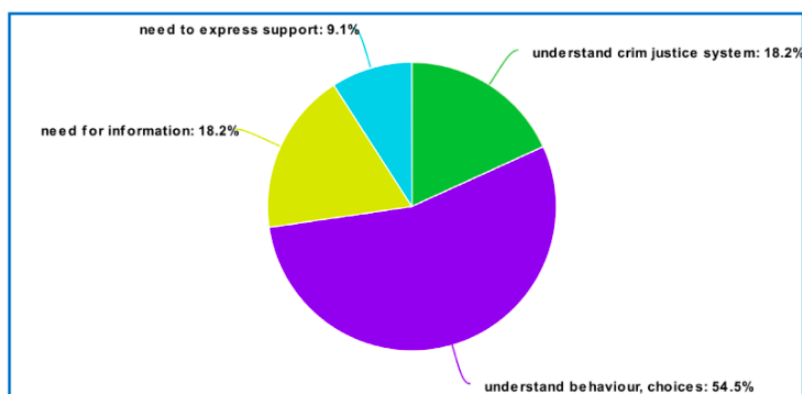


The focus groups fostered expression with respect to some of the issues they were grappling with in terms of their parent’s actions. Nearly fifty-five percent of respondents expressed a need to better understand the feelings, behaviours and choices of their parent in prison, as indicated in the diagramme below. Ongoing quality contact with a parent in prison can provide opportunities for exchanges between children and their parent in prison and help deepen children's understanding with respect to their parent’s actions.

<sup>16</sup> 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.

**Figure 3. Needs of children with a parent in prison, as expressed to their parent**

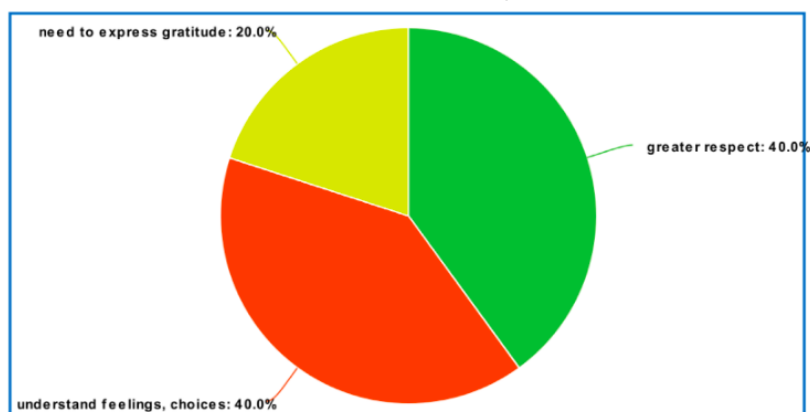
Source: COPE, Krakow Focus Groups, 2019



As mentioned earlier, one of the challenges inherent in working with children who have a parent in conflict with the law is that the arrest of a parent frequently is a very problematic and difficult experience for children.<sup>17</sup> Without support, children can harbour feelings of anger and mistrust towards authority, particularly if he or she has witnessed a parent's violent arrest. COPE aims to raise awareness among police of the need to be more mindful of children's interests prior to and during the arrest of a parent. This can include such measures as having a designated child-sensitive officer present, taking children into another room to avoid witnessing their parents being handcuffed; allowing parents to make a final telephone call to children not present in the home at the time of arrest, before all mobile phones are confiscated; ensuring that children's belongings are not damaged. The latter figured prominently in what children in the Krakow focus group expressed:

**Figure 4. Needs of children with a parent in prison, as expressed to police**

Source: COPE, Krakow Focus Groups, 2019

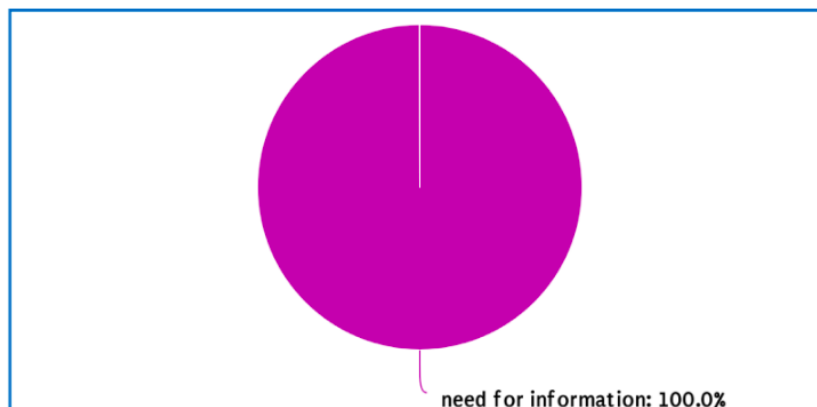


<sup>17</sup> Smith, P. S., & Smith, P. S. (2014). *When the innocent are punished* (pp. 7-20). Palgrave Macmillan UK.

Young people participating in the focus groups by and large expressed a need for information from judges, as indicated in the diagramme that follows. Queries included *When is my dad going to come out? How often can I see him? Can you tell me some details?*

**Figure 5. Needs of children with a parent in prison, as expressed to judges**

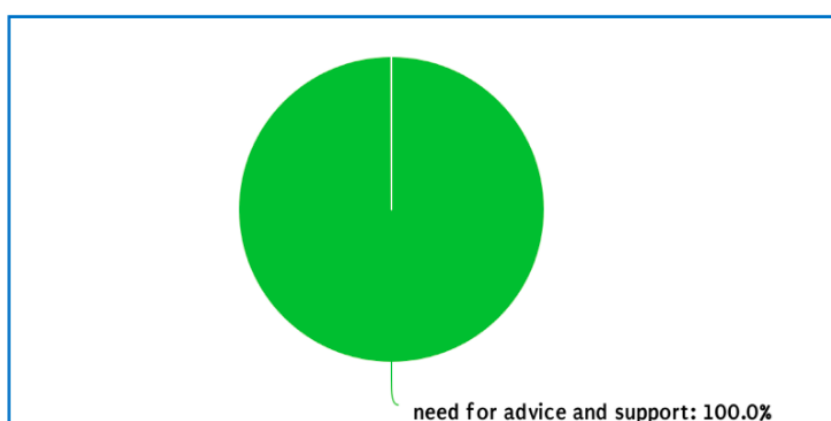
Source: COPE, Krakow Focus Groups, 2019



When equipped with an enhanced awareness of how a parent's imprisonment can impact children, and of the wide range of different experiences and reactions among children, teachers are ideally positioned to provide them with direct support. Children unequivocally expressed their desire for support and guidance from their school teachers during the Krakow focus groups:

**Figure 6. Needs of children with a parent in prison, as expressed to teachers**

Source: COPE, Krakow Focus Groups, 2019



COPE's objective was that the two facilitators of the Youth Forum would present feedback from the Forum at a conference organised by COPE member Probacja Foundation the

following day. This would avoid putting any pressure on the children and young people in highlighting the feedback. However, young people expressed their interest in speaking at the conference, and did so the following day. The Youth Forum and conference gave participating children and young people: (a) an opportunity to meet with peers who have also experienced parental imprisonment; (b) the support and space to formulate ideas about what change is required amongst key stakeholders; (c) a platform to voice these ideas and expressions, and crucially (d) an audience who could listen and are actively involved in advocating for these changes on a national and European level. Feedback from some of the children and young people revealed how they felt with respect to the experience: *‘I’m so proud of myself, ‘I hope they will finally listen’ and ‘I hope this makes a difference.’*

- One way for children with a parent in conflict with the law to have influence is to provide opportunities for them to participate in the process of change at every stage – policy design, implementation, monitoring, review and adaptation/updating and promotion. Allowing children and young people to be involved in the development of tools that implement child participation not only gives them full ownership at each stage, but also empowers other young people – as they see that children are involved in developing the very tools and mechanisms that bring about change.

An example of a tool developed with the participation of children and young people was the **Child Impact Assessment**, a practical tool co-created by Prison Reform Trust Associate and Churchill Fellow Sarah Beresford in 2022 to encourage children to voice their feelings, concerns and views in relation to having a parent in conflict with the law, and moreover to ensure these words are acted upon by practitioners throughout the criminal justice system.<sup>18</sup>

The Child Impact Assessment features a set of questions, in child-friendly language, that ask children how they feel and what support they require. It is not about assessing children, it is about assessing their *needs*. Published alongside the Child Impact Assessment are accompanying notes that give background information to practitioners as well as a comprehensive toolkit, ‘This is Me’, that provides detailed information on how to best implement a Child Impact Assessment. The toolkit is the result of a fifteen-month-long consultation carried out with twenty-eight children and young people with experience of a mother in the criminal justice system. This highly participatory project champions children as individual agents of change in their own lives. In addition to empowering

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<sup>18</sup> See <https://prisonreformtrust.org.uk/child-impact-assessment-toolkit/>

children who participated in the development of the toolkit, it served as an example for kids to stand out as champions for other children experiencing parental imprisonment, speaking out for them as Child Leaders and providing a source of inspiration.

- One way of working to alleviate the shame that children can experience – and that dissuades them from engaging in advocacy work – is to provide creative ways to express relevant issues and to encapsulate their experience. In Sweden, COPE member Solrosen has worked closely with theatre company [Gyllene Draken](#) to implement a schools-based theatre project. The play *What no one must know about daddy*, which has been performed nearly 300 times to 11,000 children and 1,500 teachers and school staff, tells the story of a young girl whose father is in prison and whose mother is struggling to cope. The central character is played by an adult actor who experienced her father's imprisonment as a child. The performance opens the door to discussions with children that, above all, seek to destigmatise parental imprisonment and reduce social isolation. The active participation of an adult with lived experience of parental imprisonment is particularly inspiring and engaging for children – as for school staff and teachers to whom the play is also performed. Theatre is but one of the many creative methods for amplifying the voices of those affected by parental imprisonment – videos, animations and photography exhibitions have all been used as a vehicle to communicate children's experiences and ideas, an often less-intimidating process when the chosen method is fun, engaging and creative.

Deploying a creative method to facilitate child participation is central to the project *Our Stories Matter*, led by the Netherlands Helsinki Committee, where children are invited to meaningfully and safely participate in policy design and implementation at local and national level in prisons in the Netherlands. The project, which aims to improve respect for the rights of children visiting prison and to establish a culture within prison services in which child participation is a self-evident part of policy design and implementation, is to be implemented through a pilot at Zaanstad Prison; an action plan is to be developed by the project team, a Youth Board and Zaanstad Prison for integrating children's participation in relevant policy development and implementation based on a walk through the prison with key stakeholders, research findings and internal learning event. The walk includes a child-friendly sticker evaluation method, making use of the Council of Europe Child Participation Assessment Tool. Results will be summarised in a report.

Whatever the approach to child participation or the chosen methodology, an understanding of the importance of holistic support and a cross-agency perspective is vital for any child defender or child rights institution when advocating on behalf of children who have a parent in conflict with the law. Cross-agency support initiatives encompass criminal justice, law enforcement, education, child welfare, health and social service agencies and caregivers. These provide building blocks of holistic support systems to children's needs and minimise violence, discrimination and exclusion. Capacity-building stakeholders across the law enforcement and criminal justice spectrum is necessary during a preliminary phase so that they know how to support children. As a follow-up phase, these cross sectoral agencies must be brought together under one roof in order to ensure that children's rights are fully respected and that children are involved at each step. Practically speaking, law enforcement, judicial, criminal justice, child protection and child welfare services, prison services, education and mental health workers and NGOs can better cooperate and coordinate policies and interventions, provide referral pathways so children do not go without support, identify systems gaps, work to help fill these gaps. Children are offered a more harmonised inter-agency, cross-sectoral, professional and child-friendly intervention revolving around their best interests; helping to bring these cross-sectoral stakeholders 'under one roof' and reducing the risk of children slipping between the cracks when a parent goes to prison. The EU-funded Barnahus model, currently being replicated in several EU Member States, has demonstrated the importance of bringing together criminal, child protective agencies, medical and mental health sectors together into a single child-friendly office to cooperate and work together on support interventions for children.<sup>19</sup>

Drawing on this model, COPE's One Roof approach will work to help establish premises for regular meetings of law enforcement, judicial, criminal justice, child protection and child welfare and social services, prison services, education and mental health workers and COPE – to cooperate, assess and coordinate policies and interventions and offer children who have a parent in prison a more harmonised better coordinated inter-agency, cross-sectoral, professional and child-friendly intervention revolving around children's best interests. The children's ombudspersons who are members of the European Network of Ombudspersons for Children—its stated objective being 'to provide a channel for children's views, and to encourage government and the public to give proper respect to children's views' and 'to establish structures through which children's views could be directly and effectively represented to other bodies' –could be encouraged to commit to organising two One Roof

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<sup>19</sup> See <https://www.barnahus.eu/en/about-barnahus/>

meetings at their premises annually. A long-term approach will aim to establish a One Roof venue for children.

Benefits to children and envisaged change include more targeted 1:1 support, more efficient child protection systems and greater protection through cross-sectoral child checks, and healthier children, better equipped for positive life outcomes, with their rights fully respected.

## IV. Primary targets for dissemination of this report include:

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