

Annual Report

Children of Prisoners Europe

2022



CHILDREN OF
PRISONERS EUROPE

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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The Wise Persons Group

COPE's Wise Persons Group, made up of three COPE experts, reviews all COPE action from a holistic, macro perspective, ensuring that COPE action is aligned with ethical and deontological imperatives and is child-sensitive to the fullest extent. The group consists of former COPE chair Kate Philbrick; Margaret Tuite, a former child rights coordinator for the European Commission and child safeguarding expert; and Ann Adalist Estrin, an expert who has been working with children and families for over 40 years.



Foreword

In 2022, COPE made significant progress in many areas. It continued to expand geographically in its European reach. It also deepened its connections and impact with members and affiliates through both country specific activities and the development of thematic activities and materials, including the COPE Principles.

At the same time, COPE made important steps in relation to European-wide standard-setting in relation to children with a parent in prison. Building on the groundbreaking [Council of Europe Recommendation CM/Rec\(2018\)5](#) concerning children with imprisoned parents in whose development and drafting COPE was central, COPE ensured that the [EU Strategy on the Rights of the Child](#) adopted in June 2022 recognised children with a parent in detention as a vulnerable category requiring special attention. Following on from this, COPE's input to the [European Commission's Recommendation on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions](#) (adopted in December 2022) meant that not only does this Recommendation refer to Articles 7 and 24 of the EU Charter of Fundamental Rights, which “enshrine the right to family life and the rights of the child,” and the Council of Europe Recommendation but explicitly states that EU Member States should provide suitable facilities to accommodate family visits under child-friendly conditions and ensure regular and meaningful contact between family members.

The status of the Council of Europe Recommendation on children with imprisoned parents has been enhanced by the fact that the European Court of Human Rights is now regularly referring to it when deciding cases that impact such children. In a first for COPE, it, together with the Aire Centre, submitted a [Third Party Intervention](#) to the European Court of Human Rights. Although the Court's judgment won't be issued until 2023, its significance is such that it is worth flagging now since it would endorse the right of children when separated from a parent in prison to regular, ongoing contact with the parent, including, as in this case, when the parent is in pre-trial detention. Although the specific judgment would be legally binding only on the country concerned, that the Court may take this position should be taken into account by all Council of Europe states as the correct interpretation of the right to family life under Article 8 of the European Convention on Human Rights.

Another important development in 2022 was that the UN Committee on the Rights of the Child also referred to the Council of Europe Recommendation in its [Concluding Observations on Germany](#) at the end of its review under the Convention on the Rights of the Child, to which all other European States are also parties.

All these developments are valuable for COPE and its members' and affiliates' continuing work in relation to sensitising and training judges, lawyers and other legal officers to take account of the rights of children at all stages when a parent comes into conflict with the law. The Roundtable for judges and other legal officers which COPE organised in Krakow, Poland, in September 2022, was a much-appreciated first step by all concerned and forms an excellent basis for further work in this area.

In addition, COPE trained prison and probation staff in Estonia, following a keynote and workshop at the International Society for the Prevention of Child Abuse and Neglect (ISPCAN) in Tallinn (June 2022); participated in a conference and workshop at the women's prison in Lithuania and a cross-sectoral roundtable in Vilnius (October 2022), and organised a cross-sectoral roundtable in Athens, Greece, to "future proof" the rights of children who have a parent in prison regardless of external circumstances (October 2022). These initiatives all strengthened partnerships with child rights defenders and prison services in these countries.

None of these achievements would have been possible without the hard work, dedication and skills of the small COPE staff, Liz Ayre, Brianna Smith, Paula Akyol and Carole Sautier, the hardworking COPE Board, and the Wise Persons Group.

– Rachel Brett, President

Impact Summary



In 2022 COPE welcomed to the network:

Six new member organisations

- [Child and Space](#) (Bulgaria)
- [Confiar](#) (Portugal)
- [Hoppenbank e.V.](#) (Germany)
- [KRITS](#) (Finland)
- [Mid-Dlam Ghad-Dawl](#) (Malta)
- [SAVN](#) (Denmark)

Three new individual members

- Rodrigo J. Carcedo (Spain)
- Ana Majko (Albania)
- Polly Wright (United Kingdom)

2022 COPE Membership totals

- Full member organisations: 29
- Individual members: 29
- Applicant members: 7
- Affiliate organisations: 20
- Affiliate individuals: 36

121 members and affiliates in 37 countries worldwide

2 new countries in 2022: Lithuania & Albania

Milestones

1



European Commission's Recommendation on material conditions of detention and pre-trial measures (December 2022)

The 8th of December 2022 saw a milestone in efforts to embed the perspectives of children impacted by parental imprisonment in European policy standards. As the year came to a close, the European Commission adopted the Recommendation on the procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions. COPE welcomes this Recommendation, particularly given the expansion on standards for family spaces in detention facilities, promotion of regular and meaningful contact with family, and consideration of the unique needs of women impacted by imprisonment, as well as their infant children.

Through the Recommendation Member States are encouraged to:

- allocate detainees as close to their homes as possible,
- to facilitate regular contact between prisoners and relatives (e.g. by letter, telephone and alternative means of communication for persons with disabilities), and
- support women and girls in prison with necessary arrangements for their physical and mental well-being (e.g. by ensuring that pregnant prisoners may give birth outside of prison facilities).

This Recommendation calls upon implementation of the Council of Europe Recommendation CM/Rec(2018)5, equally promoted in the EU Strategy of the Rights of the Child – adopted in March 2021 – marking a decisive move towards greater child awareness in prison services throughout EU Member States.

Read the Recommendation on material conditions of detention and pre-trial detention measures [here](#).

COPE / Aire Centre third-party submission to European Court of Human Rights (February 2022)

In February 2022, COPE drafted and submitted a joint Third Party Intervention (amicus brief), in tandem with the AIRE Centre, to the European Court of Human Rights (*Deltuva vs Lithuania*), to strengthen children’s rights to ongoing contact with a parent when the parent is in prison, including pre-trial detention. 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, as well as fortifying EU Charter of Fundamental Rights enshrining the child’s right to contact with a parent when separated from that parent. If successful, the case will set a precedent for future cases concerning children’s rights to contact with parents in pre-trial detention. Its success would also implement a shift with respect to two paradigms: (1) how we construe contact between a child and a parent in prison – the desired outcome is acknowledgement by the Court and future courts that child-parent contact needs to be ongoing, not limited to one or two visits annually; and (2) rights that are enshrined and implemented for sentenced prisoners need to be done so for pre-trial detention as well.

Read the amicus brief [here](#).



COPE Events

Cascais Conference: “My parents have been arrested, what now? Public Policies for the future” – hosted by Confiar (June 2022)

In June 2022, COPE’s annual conference was held in Cascais, Portugal, hosted by Confiar. The conference brought together practitioners from law enforcement and criminal justice sectors, the judiciary, prison services, education sectors and academics from both international and Portuguese backgrounds. Some salient points of discussion included: the importance of child dignity, healthy parental relationships, the need to focus action on trauma prevention in both pre- and post-trial proceedings and the value of interagency approaches to enhancing effective and structured support for children. The conference was a significant building block in raising awareness in Portugal of children’s rights and needs when a parent is in prison.



'Training for Transitions' (June 2022)

As part of COPE’s Annual Network Meeting held in Cascais, Portugal, the Forum for Reflection and Exchange included a capacity-building workshop, ‘Training for Transitions’, revolving around establishing ‘child checks’ and reducing violence for children during moments of key transition: a parent’s arrest, a parent’s sentencing processes and their pre-trial detention. Policies and protocols that aim to promote child rights-based justice systems were discussed. Mila Tashkova of Child and Space (Bulgaria) spoke about a workshop involving judges in Bulgaria while Ewelina Startek spoke about the Polish experience of building a relationship with the judiciary; how to encourage judges to consider alternatives to imprisonment to maintain the best interests of children. Accompanying Ewelina were Paweł Jaros and Paweł Kaczor, both Polish judges, who discussed their experience of using the [COPE toolkit for sentencers](#) and how it impacted their practice. They highlighted the importance of approaching sentencers through a practice-based lens noting that judges can be regarded as working like ‘craftsmen’ with a set of tools that assist the operational functions of the judiciary.

Keeping Children in Mind: Judicial Roundtable I, Poland (September 2022)

On 22 September, COPE organised a roundtable for Judges and Magistrates in Krakow, Poland, alongside a conference organised by Probacja Foundation (23 September) entitled ‘Civil Society Organisations as Partners in Justice Processes’. The Roundtable provided an opportunity for judiciary, prosecutors and COPE members to come together and exchange on the promotion of the best interests of children when a parent is involved in adult criminal justice procedures. Discussions raised a comparison between the consideration of children in family courts versus criminal courts, with an eye to the best interests of children and the contact between children and their parent when a parent is in conflict with the law. Participants considered how to include information on family situations in sentencing decisions, and how to hear children and consider their best interests before decisions are taken. Conclusions included that judges should be more exposed to the idea of compassionate sentencing and should be provided with support and information to understand the consequences of a parent’s sentence on children. This roundtable has laid the groundwork for a series of judicial events to further COPE’s holistic, cross-spectrum child-rights approach to working with judges and magistrates.



"Future-proofing' the rights of children regardless of circumstances, Athens Roundtable (October 2022)

COPE organised an international roundtable in Athens on 14 October 2022 entitled '*Building protection now and "future-proofing" the rights of children with imprisoned parents*', at the Stavros Niarchos Foundation Cultural Centre. Chaired by former EU Child Rights Coordinator Margaret Tuite, the roundtable included participants from social affairs and justice ministries, EuroPris, UNICEF, Defense for Children International Greece, child rights and child welfare NGOs and various academics and featured a video by the deputy children's ombudswoman of Greece. The overarching objectives to further support children with imprisoned parents included:

- Taking note of current information and data on the number of children affected by parental imprisonment in Greece, as well as geographical considerations.
- Learning who is involved in support and protection of the rights of these children in Greece, their roles – who does what and how.
- Identifying any potential gaps or opportunities for further protection and support.
- Fostering a frank exchange of ideas and the exploration of some overall guidelines for the respect of the specific rights and unique needs of children with imprisoned parents and ringfencing contact with imprisoned parents irrespective of external events and circumstances (e.g., public health crises) (Future-proofing).

The Athens roundtable has laid the groundwork for continued efforts to enshrine the rights of children with imprisoned parents, with the active participation of the Children's Ombudsperson's Office Greece and the Greek Ministry of Citizen's Protection.



'Not my crime, still my sentence' campaign 2022

COPE's 2022 advocacy-based campaign called into action two key stakeholders: the police and the judiciary. Supporting children during these two key moments of transition – both the arrest, and the court proceedings and sentencing stage – is critical to help safeguard their future. COPE created 'Advocacy Packs' – one for each stakeholder group – to offer practitioners a concise overview of the impact their work may have on children with a parent in conflict with the law, as well as considerations for altering their practice. The campaign marked an occasion for COPE and members across Europe to bring in new audiences to the discussions of children with parents in conflict with the law, expanding the outreach of the network.

Capacity Building

COPE prison service training in Tallin, Estonia (June 2022)

COPE joined hands in June 2022 with Estonia's Chancellor of Justice Office for a full-day national-scale prison service training workshop with 64 participants. The workshop sought to build the capacity of prison services, informing on support for children and their imprisoned parents in a non-discriminatory and child-friendly way. It came at a strategic moment where the Estonian legislative branch was hearing a law banning routine strip-searches for children. As part of the workshop, COPE urged the Chancellor to take specific COVID-19 measures to secure healthy child-parent relationships at a time of global insecurity. These trainings promoted implementation of the EU Child Rights Strategy to protect child mental and physical wellbeing, as well as individual dignity. They were organised alongside an ISPCAN conference that spotlighted children with imprisoned parents, with COPE giving a keynote address (see photo below).

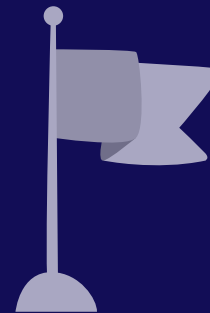


Events in Lithuania (October 2022)

In October 2022, COPE carried out a training workshop for correctional staff in Lithuania to enhance the capacity of prison staff to better support children and their parent in prison, revolving around COPE's Papa Plus approach. This event was followed by a roundtable discussion: *'Children of Prisoners: what do we know about them?'* held at Prison Department premises, under the Ministry of Justice. COPE highlighted cross-sectoral, holistic approaches to creating child-rights-based societies and justice systems, presenting Council of Europe Recommendation CM/Rec(2018)5 and concrete ways to work towards its implementation. Cross-sectoral participants included ministry officials (Ministry of Social Security and Labor, Ministry of Education, Science and Sports) and representatives from the prison service, the judiciary, the police, the Social Welfare Department, the Lithuanian Institution of the Ombudsman for Children Rights, a Roma community association, NGO representatives and child protection and social welfare services. These two events aligned with a conference entitled *'The perspectives of the rehabilitation of convicted women'* at Panevėžys female correctional house, organised by the Lithuanian Prison Department / Justice Ministry. Outcomes of these activities included: bringing together cross-sectoral and cross-agency stakeholders under the same roof for the first time; greater awareness and understanding of children's specific needs and challenges; a commitment from the Children's Ombudsman's Office Lithuania to explore a follow-up conference on the topic of parental imprisonment. These events worked towards the implementation of the Council of Europe Recommendation CM/Rec(2018)5, the EU Charter of Fundamental Rights and the EU Strategy on the Rights of the Child.

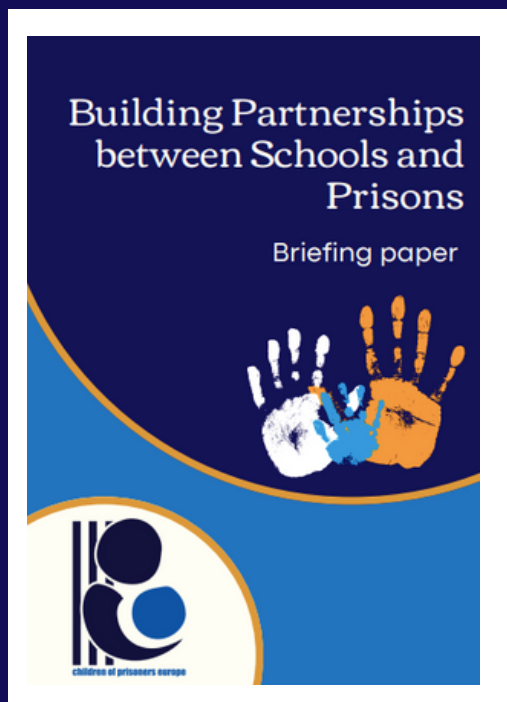


2022 Publications



Briefing paper on schools:

Advocacy tool:



Available in English



Available in English and Polish

From across the network

Publication of 'On both sides of the bars' (Croatia)

The year 2022 saw the publication of 'On both sides of the bars. What we owe children whose parents are in prison', co-authored by Deputy Children Ombudswoman Croatia and COPE Secretary General Maja Gabelica Šuplijska. This comprehensive collection of testimonies from children, imprisoned parents, caregivers and professionals revolving around family relationships impaired by parental imprisonment illustrates real-life challenges often experienced against a background of shame and secrecy. Through personal stories, this book successfully discusses needs, rights, experiences and specific concerns of children who have a parent in prison. On both sides of the bars is available in Croatian.

Mid-Dlam Ghad-Dawl Conference (Malta)

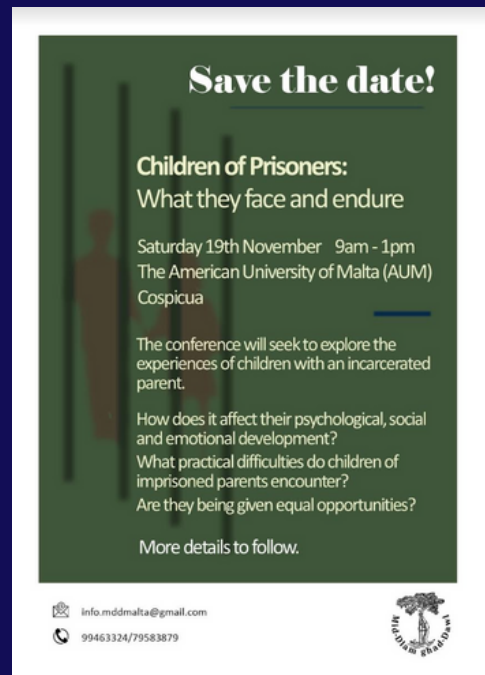
COPE member Mid-Dlam Ghad-Dawl organised the conference ‘Children of Prisoners: what they face and endure’ at the American University of Malta on 19 November. The conference explored the impact of parental imprisonment on the rights and wellbeing of children and considered the roles of schools and police services in providing holistic support and prioritising the best interests of children when a parent is in conflict with the law. Speakers included President Emeritus of Malta and President of Eurochild Marie Louise Coleiro Preca and Dr Charles Azzopardi, the director of the Institute of Family therapists.

‘Child Impact Assessment’ (UK)

“It lets people know how I feel about mum in prison and gives me an opportunity to talk about my feelings in general around the situation. It is a good mix of writing and drawing.” – Sam (aged 12)

COPE member and Associate of the Prison Reform Trust Sarah Beresford launched the [Child Impact Assessment](#) in November 2022, a practical tool designed to assess the needs of children with a parent in conflict with the law through a set of questions, in child-friendly language to be completed with a trusted adult (e.g. teacher, social worker, probation officer). The tool is designed 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. 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.

Find the [Child Impact Assessment online here](#).



Guide for caregivers and teachers of children impacted by parental imprisonment (Netherlands)

ExpertiseCentrum, in collaboration with Exodus, (Netherlands) produced [a guide for parents, caregivers and teachers](#) of children with an imprisoned parent, its 'Yellow Pages' entitled 'You are not alone'. The guide includes stories, tips and information and consists of the following chapters: the criminal justice process, talking about imprisonment with children, the impact of imprisonment, contact with the parent and information for classrooms and schools. The guide also points to further valuable information. The guide was developed throughout 2022 and published Jan 2023. It can be read in Dutch [here](#).



Autumn camps for children (Netherlands)

Exodus (Netherlands) carried out its Autumn camps with children who have a father in prison together with the Judicial Institutions Agency (DJI). Children are united with their fathers for nearly a week at the camps where they engage in fun activities such as crafts and sports, as well as eat meals together. The camps allow children to be around their fathers in a fun, relaxed environment. One child's words about the camp: "I can finally say see you tomorrow". Time spent at the camps also encourages fathers to resume their parent role. One father's thoughts on the camp: "you enjoy working with the whole group. You're just having fun with each other. What I like best is what the Autumn Camp does with the children. When you see how my daughter has grown, I really enjoy seeing that."

Family support organisation (Ireland)

COPE member Paul Murphy (Ireland), formerly of the Irish Prison Service, announced the launch of [New Directions](#), providing support services to the families of people in prison. It is part of a broader network of organisations operating under the auspices of the Irish Penal Reform Trust.



Financial impact of imprisonment on families (Scotland)

Families Outside (Scotland) conducted research into the financial impact of imprisonment on families, published October 2022 ([available here](#)). Families Outside also hosted a national conference on the same topic, entitled '[Hidden in Plain Sight – The Cost of Imprisonment to Families](#)' in November 2022.



Children and families' experiences of the police (Norway)

For Fangers Pårørende FFP (Norway) conducted research on families' experiences with the police when a parent is in conflict with the law. The research sought to gain information about the police's knowledge about families, and about routine and assessments connected to arrest and custody procedures with an eye to develop knowledge and routines for the police to take better care of families during the arrest itself and during the custody period. [Available \(in Norwegian\) here.](#)





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Children of Prisoners Europe (COPE)
contact@networkcope.eu <http://childrenofprisoners.eu/>
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