

Input for OHCHR study on human rights and the social reintegration of persons released from detention and persons subjected to non-custodial measures

Submission by [Children of Prisoners Europe \(COPE\)](#)

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Introduction

COPE welcomes the opportunity to contribute to this study on social reintegration¹ and urges the UN to develop Guiding Principles on the topic. Maintaining and strengthening bonds between detained persons² and their children is a key protective factor for children's health, education and well-being ([Jones et al., 2013](#)). Strong relationships and quality visits during imprisonment have been linked to better post-release quality of life ([Jacoby and Brenda, 1997](#)) and have been cited by imprisoned individuals as critically important for their social reintegration³. Support for children, detained parents and families should begin as early as possible. We commend the International Coalition for the Children of Incarcerated Parents' input and have signed the CSO Joint Submission.

¹ In line with A/HRC/RES/57/9, operative paragraph 8, this document recognises social reintegration as “*the successful re-entry into society of a person who was subjected to a sanction involving deprivation of liberty or to non-custodial measures, so that the person can lead a law-abiding and self-supporting life with dignity, access to opportunities and enjoyment of human rights, without discrimination of any kind*”.

² For conciseness any reference to “detention” or “a detained person” in this document also applies to non-custodial measures or a person subject to non-custodial measures, unless otherwise stated.

³ Schultz, A., Aro, K., Viks-Binsol, P., Vaarik, R., & Konov, V. (2025). *Rakendusuring „Kasutajauuring kinnipeetavate seas“* [Applied research: User study among prisoners]. Civitta Eesti AS.

COPE firmly asserts that **children should never be objectified as a means to achieving better outcomes for a parent post-release**. Human rights preclude the children affected by a parent's detention from being instrumentalised for the purposes of social reintegration. All children are individual rights bearers, entitled to ongoing, quality contact with the parent (except if contrary to their best interests, which should always prevail). This and other rights enshrined in the UN Convention on the Rights of the Child (Art. 2, 3, 9 and 18) apply from a parent's arrest to pre-trial detention, sentencing, imprisonment and reintegration and during non-custodial sentences. Yet governments continue to overlook these rights.

Key problems

Parental detention can strain child-parent relationships, often leading to lost or limited contact due to [structural, and other, barriers](#) inside and outside of prisons. Detained parents seldom receive adequate support to maintain their caregiving roles.

COPE founder and [psychoanalyst Alain Bouregba⁴ outlines three characteristics of imprisonment](#) that can negatively impact an individual's sense of self and responsibility, thus hindering relationships ([Bouregba, 1992, 2002](#)):

- loss of agency and responsibility, which can erode decision-making abilities;
- lack of privacy, space and spontaneity, in addition to codified communications, impacting the ability to nurture relationships;
- humiliation and indignity, often leading to feelings of shame.

To cope, parents often rely on their children for emotional support, which can lead to role reversals and undue pressure placed on children. Upon release, reintegration into family roles can be difficult, with parents and children struggling to adjust. If this adjustment fails, parents may seek a sense of belonging elsewhere, increasing the risk

of recidivism.

Supporting detained parents and their children to stay connected in quality, child-friendly ways can aid reintegration. When children are free of any obligation or responsibility to be the source of the parent's emotional comfort, and are supported to cope with the parent's detention, stress is reduced; they are granted the freedom to be children.

Barriers to maintaining child-parent bonds during parent's detention

Lack of support for parents to uphold caregiving roles from prison (eg, support with communication, facilitating contact).

[Financial burdens of imprisonment on families and children](#) can hinder relationships. Ireland introduced a means-tested Prisoner's Wife's Allowance (1974), incorporated later into the [One Parent Family Payment scheme](#). The UK operates a [Help With Prison Visits scheme](#).

Structural barriers, eg lack of child-friendly visits in prisons; unavailability of mother-baby units in pre-trial and youth justice facilities; geographical distance between prisons and families (especially for detained mothers due to fewer women's prisons and for individuals held in foreign countries).

Psychological barriers, eg hostile prison settings and behaviours, strip-searching children prior to visiting parents in some jurisdictions.

Barriers to information: no reliable global data on children affected by parental imprisonment, hindering impact assessment and resource planning.

Communication barriers include costly, restricted calls; lack of privacy; technical issues and time limits. [The Irish Prison Service is introducing in-cell telephony.](#)

Gender barriers include justice (and other) systems undervaluing women's credibility. Their testimony is often weighted less than that of men⁵, which can prevent mothers from regaining custody after release ([Epstein, D. & Goodman, L.A., 2018](#)).

Stigma faced by everyone impacted by detention can strain family relationships, negatively affect prisoners' self-perception, dissuade them and families from seeking support and hinder reintegration. This also applies for restrictive or identifying forms of non-custodial measures.

Pre-trial detainees often face harsh contact restrictions, with limited or no communication with family and little information shared with relatives ([Children of Prisoners Europe, 2021](#)). A [2024 CPT report to the Danish government](#) raised serious concern over widespread restrictions on visits and communication for pre-trial detainees in Denmark, where 50% were barred from phone calls; monitored visits frequently led to delays and shorter durations. Foreign detainees were effectively unable to receive visits due to lack of interpretation (required for monitoring of conversations). The **European Court of Human Rights** upheld children's right to maintain contact with parents in pre-trial detention in *Deltuva v. Lithuania* (2022, ECHR 223647). Any restrictions on contact must consider each child individually, rather than as part of a generalised "family," acknowledging their unique ages and circumstances.

International and national guidelines

[Council of Europe Recommendation CM/Rec\(2018\)5](#) encourages:

- granting prisoners home leave to help children stay connected with their parents and prepare for their return (§32),
- programs that foster positive parent-child relationships, preparing children and parents for their release in sentence planning (§41),
- open prisons, halfway houses, electronic monitoring and community-based services to facilitate reintegration, reduce stigma and re-establish contact with families (§42),
- the consideration of prisoners' caregiving responsibilities and a family's reintegration needs during early release decisions (§43),
- pre- and post-release reintegration programs to support parents and children, and prisoners' parenting needs, to be implemented in collaboration with probation, social and community services and civil society organisations (§44).

The [European Commission's 2022 Recommendation](#) on procedural rights in pre-trial detention and detention conditions encourages:

- allocation of detainees to facilities near families (Article 37);
- facilitation of in-person, child-friendly visits and communications via digital means (Articles 54-56);
- recognition of women and girls' distinct needs eg, facilitating childbirth in hospitals, providing pre- and post-natal care and supporting mother-child bonds in detention (Articles 65-66).

The [European Prison Rules](#) emphasise family ties, especially with children, as essential for prisoners' reintegration into society (Rules 24.1, 24.4, 24.5, 107.4).

The [Bangkok Rules](#) also address family ties, post-release support and non-custodial measures through provisions such as Rules 4, 9, 23, 26, 28, 36, 42, 46-48, and 57-62.

Italy's [Memorandum of Understanding](#) between the Justice Ministry, Children's Ombudsperson and NGO Bambinisenzasbarre is a model for replication by other States.

Conclusion

State provisions to uphold children's rights and best interests when a parent is detained, while promoting parental reintegration could include:

- **Prison staff training**⁶ to support the child-parent relationship.
- **Child-friendly adaptations to prison settings**⁷ to minimise impact on children during visits and boost quality of child-parent contact.
- **Child-focused visits**⁸ including everyday activities (cooking⁹, sports or parental involvement with their child's education via teacher-parent meetings, homework clubs¹⁰). This also helps combat social exclusion and stigma and foster stronger bonds.

⁶ COPE [Papa Plus training programme](#) implemented in Bulgaria, Greece, Poland and Lithuania.

⁷ [Child-friendly, sea-themed visiting area](#) in Spain. Projecte Nius' [socio-artistic projects](#).

⁸ In-prison Mother's/Father's day events, Relais Enfants Parents (France); [Game with Mum & Dad](#).

⁹ [Father-child lunches in prison](#) (France).

¹⁰ [Schools Zone project](#) (Wales).

- **Direct support to children and families** eg, from penitentiary social workers¹¹.
- **Cross-sectoral partnerships**¹² of prison/probation, health, social and welfare services, schools, police, children's rights officials and civil society organisations.
- **Participatory mechanisms**¹³ for children and those with lived experience to design support measures in and outside prisons.
- **Destigmatising initiatives**, especially for minority groups like Roma and Travellers, to challenge perceptions and support reintegration¹⁴.
- **Expanded use of open prisons, halfway houses, small-scale detention, electronic monitoring and community-based services**¹⁵.

¹¹ In Catalonia, prison social workers assess family dynamics through visits and interviews, coordinating with community services. A 'Family Participation Plan' involves children and family in reintegration.

¹² The ASPIRE Project (Wales) explored a national support model for children with affected by parental imprisonment, recommending cross-sector collaboration; the Czech government launched a Cross-sectoral Working Group on Children of Prisoners.

¹³ [Our Stories Matter](#) (Netherlands).

¹⁴ NGO Romodrom (Czechia) supports Roma children and families affected by imprisonment, promoting inclusion and anti-discrimination through culture, arts, and community, in partnership with prisons and social services.

¹⁵ Catalanian 'Initial Regime Classification' allows some prisoners to serve sentences in open conditions to prevent family disruption.