

# Recommendations on policies for children with imprisoned parents in the 47 Council of Europe Member States

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Children of Prisoners Europe: the COPE network

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**Council for Penological Co-operation**  
Conseil de Coopération Pénologique  
**Working Group 30.1.2017**

# Structure

- Experts
- Children of Prisoners Europe
  - Influencing change
  - Framing
- The issue
  - The children's needs
  - The children's rights
- Progress so far
- Looking forward with PC-CP

# It's time to act

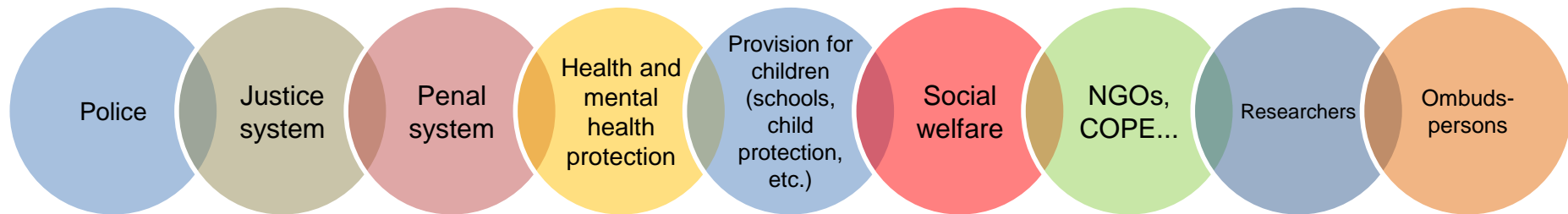


## Where does the COPE network span?

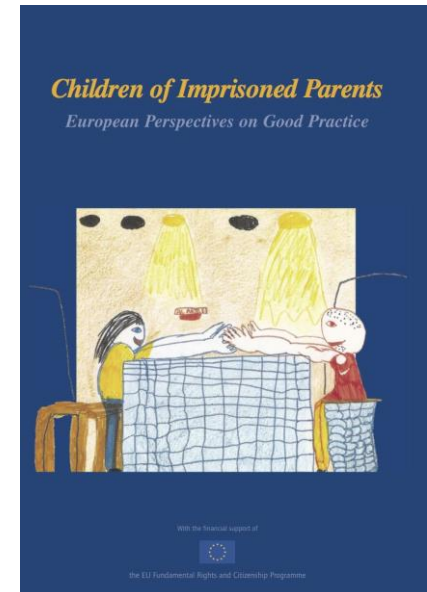
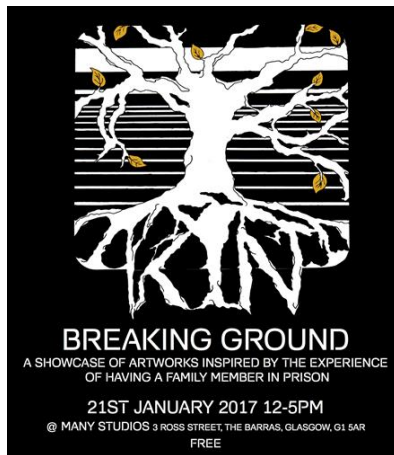
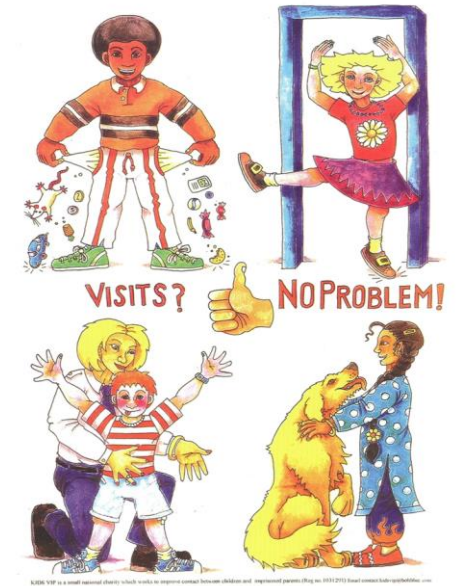
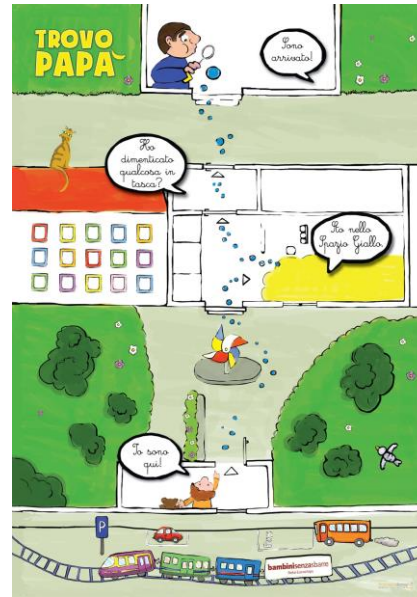


- The only pan-European network
- Members, partners or contacts in all EU States
- Active within prison-related, child rights and welfare fields
- Awareness-raising and new ways of thinking, acting and *interacting*
- Foster cross-sphere collaboration (public and private agencies)

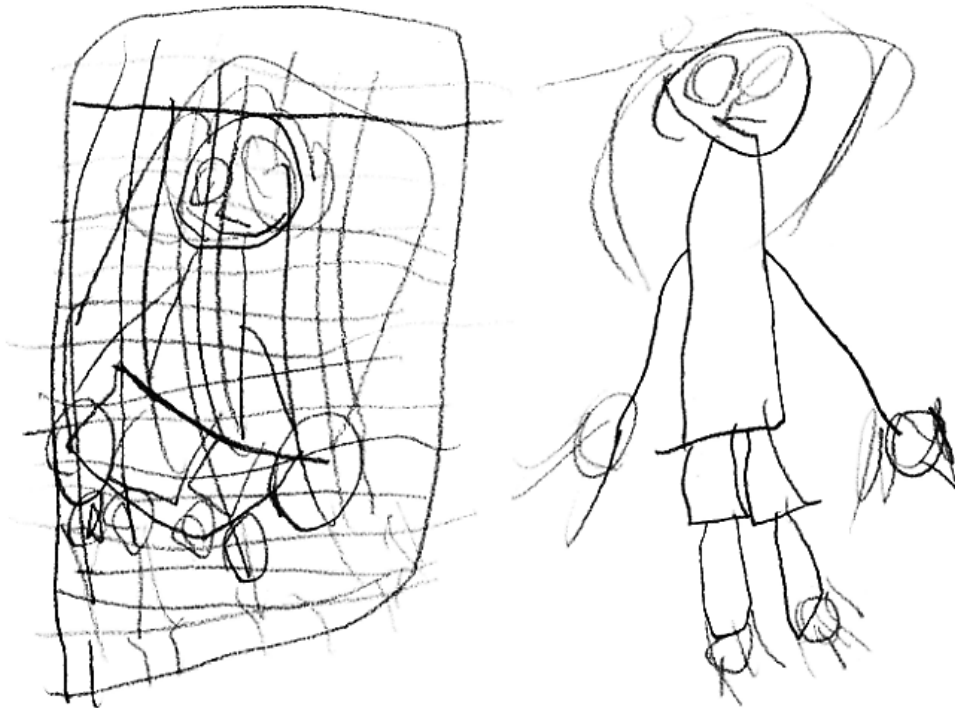
# A multi-sectoral issue



# Promoting good practice







## Ethical considerations



*“Aligning oneself with a just cause does not guarantee just action.”*



# Frame-reflective advocacy

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 



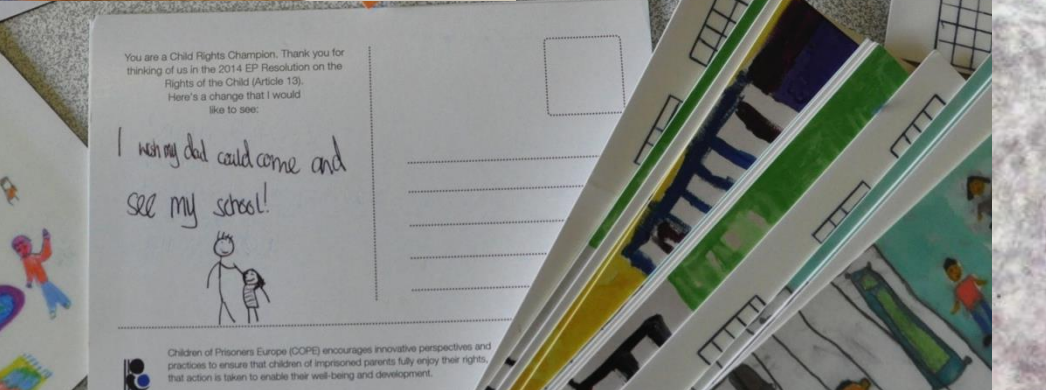
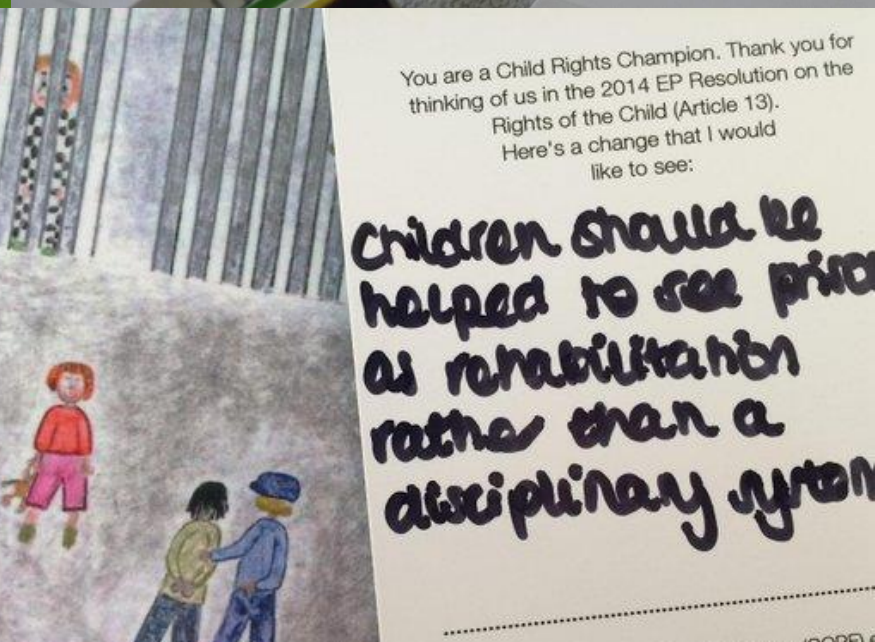
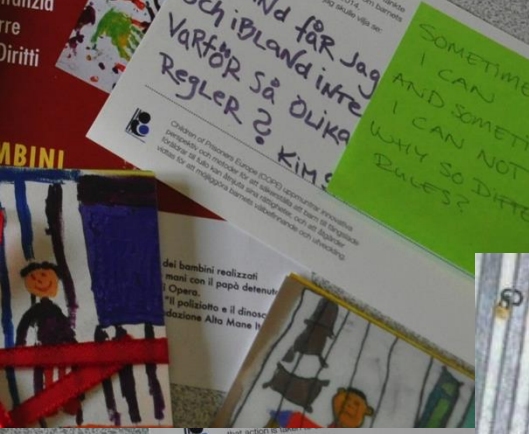
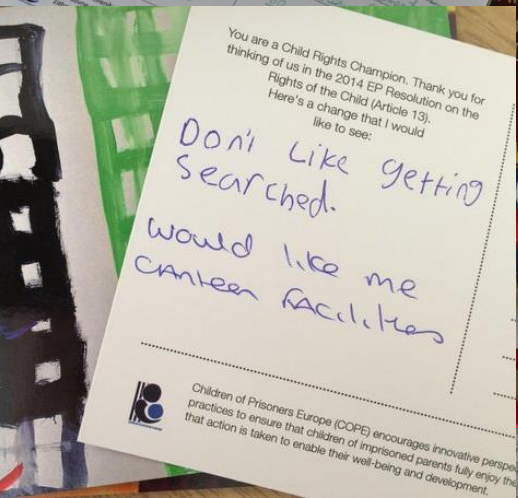
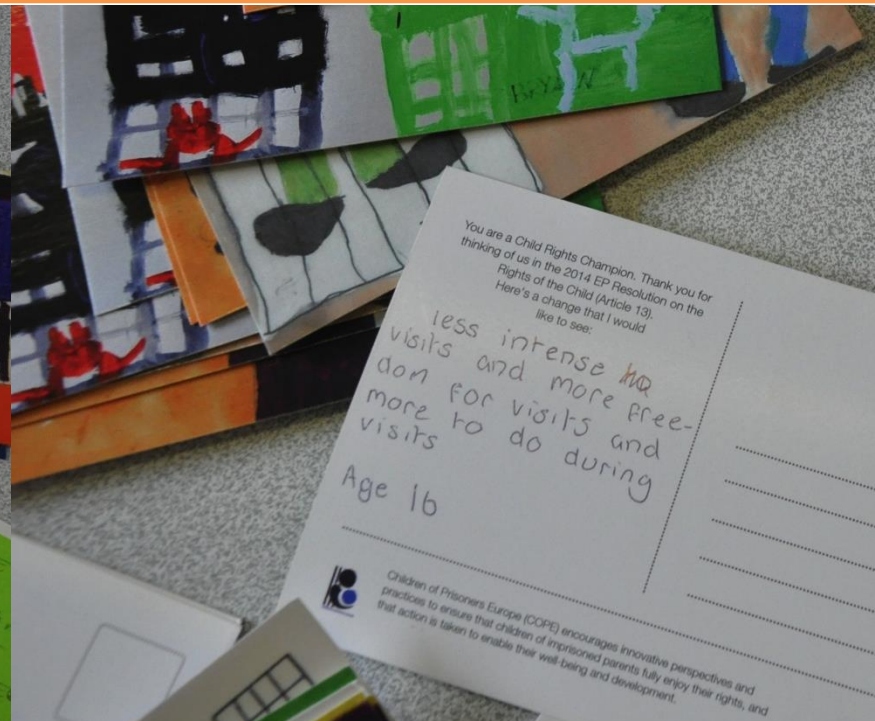
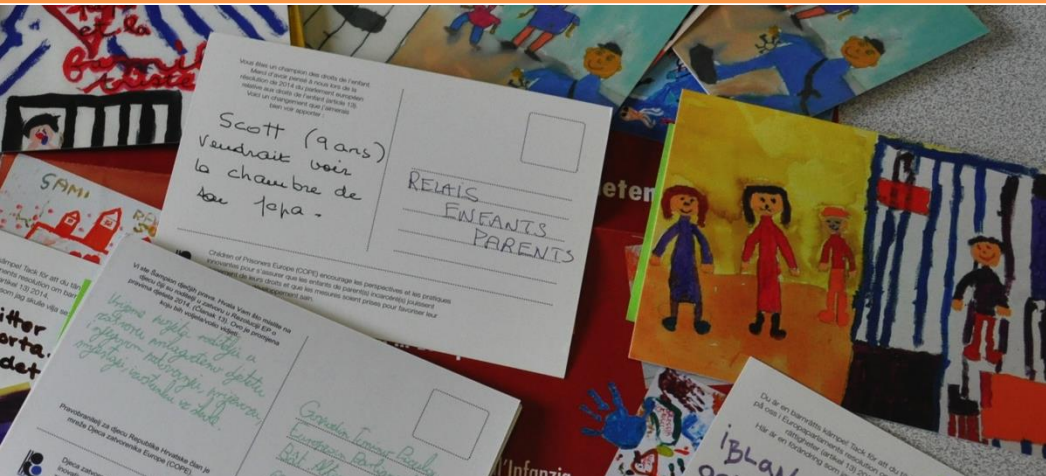


# The child's needs

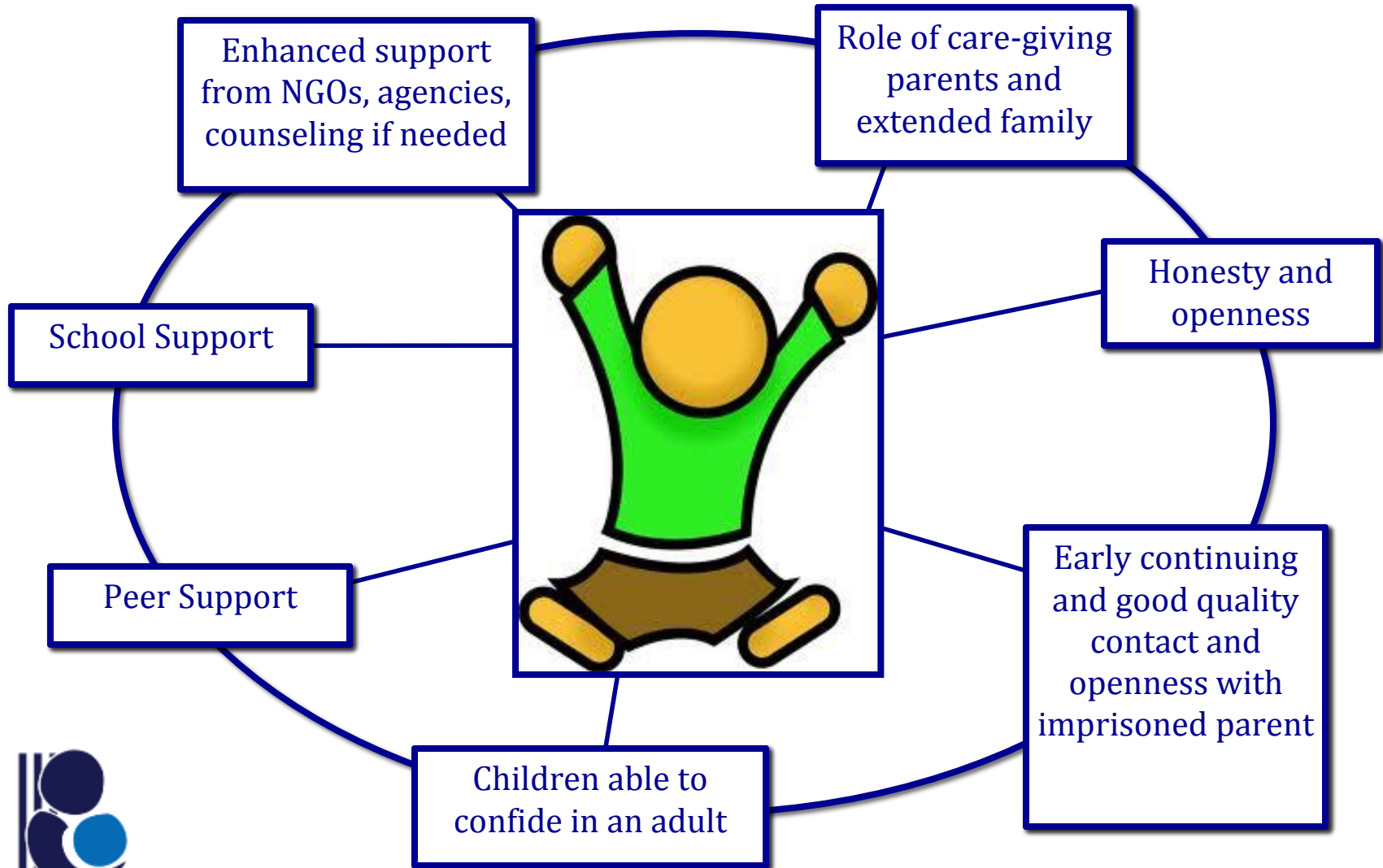
the need for case-by-case analysis







# Resilience factors - positive





# Protecting the child-parent bond

## Parent needs protection from humiliation



Alain Bouregba:

Comment l'incarcération altère la conduite de l'individu /  
How incarceration alters the child-parent relationship

# The rights of the child

## **European Convention on Human Rights (1953):**

Article 8: *Everyone has the right to respect for their private and family life*

## **United Nations Convention on the Rights of the Child (1989)**

Articles:

2: right to protection from discrimination on the basis of the status or activities of the child's parents;

3: right to have their best interests taken into consideration;

9: right to contact with their parents;

12: right to express their views in all matters concerning them.

as well as 5, 6.2, 9.1, 31...

## **Charter of Fundamental Rights of the European Union (2000/2009):**

Article 24: Rights of the child to protection, care, well-being, express views freely, best interests and the right to maintain a personal and direct relationship with both parents

# The rights of the child 2

- UN Standard Minimum Rules for the Treatment of Prisoners (revised in 2015)
- European Prison Rules as amended by the Council of Europe in 2006
- Council of Europe's 1973 Resolution (73)5 on Standard Minimum Rules for the Treatment of Prisoners:

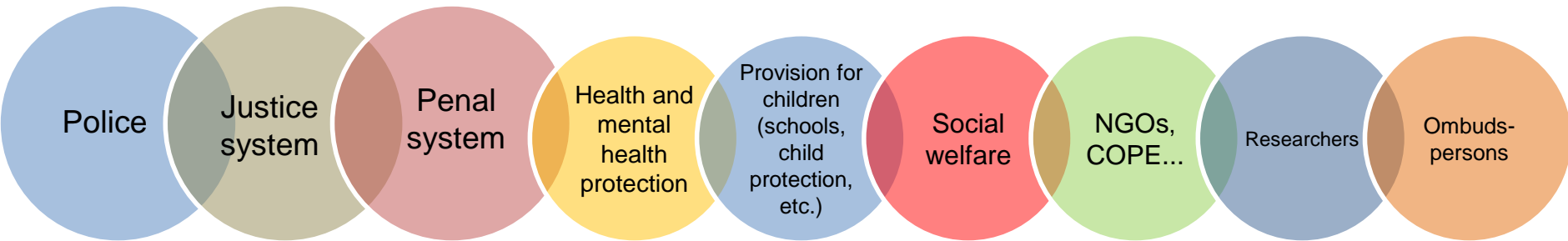


# Children of prisoners... in Europe

- 1989 UN Convention on the Rights of the Child (Article 9, separation)
- 2000 European Network for Children of Imprisoned Parents (Eurochips) founded
- 2006 First pan-European conference on issue
- 2008 EP motion for resolution on impact of parental imprisonment
- 2009 1st EU-funded transnational project on *rights* of children of prisoners
- 2010 1st EU-funded transnational project *with* children of prisoners (n=987) on *needs*
- 2011 UN Day of General Discussion
- 2013 COPING conference :EU & UNICEF lists of “vulnerable children”
- 2014 **Italian Memorandum of Understanding signed.**  
     **European Parliament** Resolution on the 25th anniversary of the UNCRC (Article 13)
- 2015 Written Response from Commissioner for Justice, **European Commission**
- 2016 **Council of Europe** Strategy on the Rights of the Child (2016-2021)
- 2016 **European Parliament** Written Declaration on children of imprisoned parents
- 2017 ...

# A multi-sectoral issue

## ... with multi-sectoral importance



With thanks to: Maja Gabelica Šupljika

### Benefiting:

- child (*psychological, rights, interests, school, family life...*)
- imprisoned parent
- caregiver(s)
- the prison (*dynamic security*)
- police
- government
- sectors of health and mental health protection
- schools
- the taxpayer (*reducing reoffending / trans-generational offending*)
- the EU and its Member States

# Looking forward...

- Council of Europe
- United Nations
- European Union
- National policy practice and laws

# Looking forward...

Council of Europe

Council for Penological Co-Operation (PC-CP)

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European Committee on Crime Problems (CDPC)

**Committee of Ministers Recommendation  
on children with imprisoned parents (2017)**

# Memorandum of Understanding (Italy)

Italian Ministry of Justice,  
Ombudsman for Childhood and Adolescence  
&  
Bambinisenzasbarre

- 1. Judicial orders, judgments and sentences**
- 2. Children visiting prisons**
- 3. Other types of contact**
- 4. Training of prison staff**
- 5. Information and support**
- 6. Data collection**
- 7. Children living with mothers in prison**
- 8. Monitoring committee**

# Scoping Questionnaire

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Questionnaire Council of Europe/COPE\*

POLICY / PRACTICE

Children visiting prison

- |   |  |
|---|--|
| 1 | Children are authorised to visit an imprisoned parent within a week following the arrest and, on a regular and frequent basis, from then on  |
|   | Restrictions imposed on contact between prisoner and the outside world are implemented in a way that does not violate the child's right to contact with their separated parent under UNCRC |
| 2 | A designated children's space is provided in prison waiting rooms (e.g., bottle warmer, changing table, toys, crayons, games)  |
| 3 | Prison visits facilities provide child-friendly space that allows for personal contact, an environment conducive to play and interaction with parent                                       |
| 4 | Visits are organised so as not to interfere with school attendance (i.e., six days a week, including afternoons, Sundays, public holidays)   |



# Questions asked in Scoping Questionnaire

- This is implemented in your prisons
- If implemented please describe
- You do not implement but would like to
- You would like support from an NGO in implementing this
- Contact information for follow up by NGO
- Comments

# Suggestions for recommendations

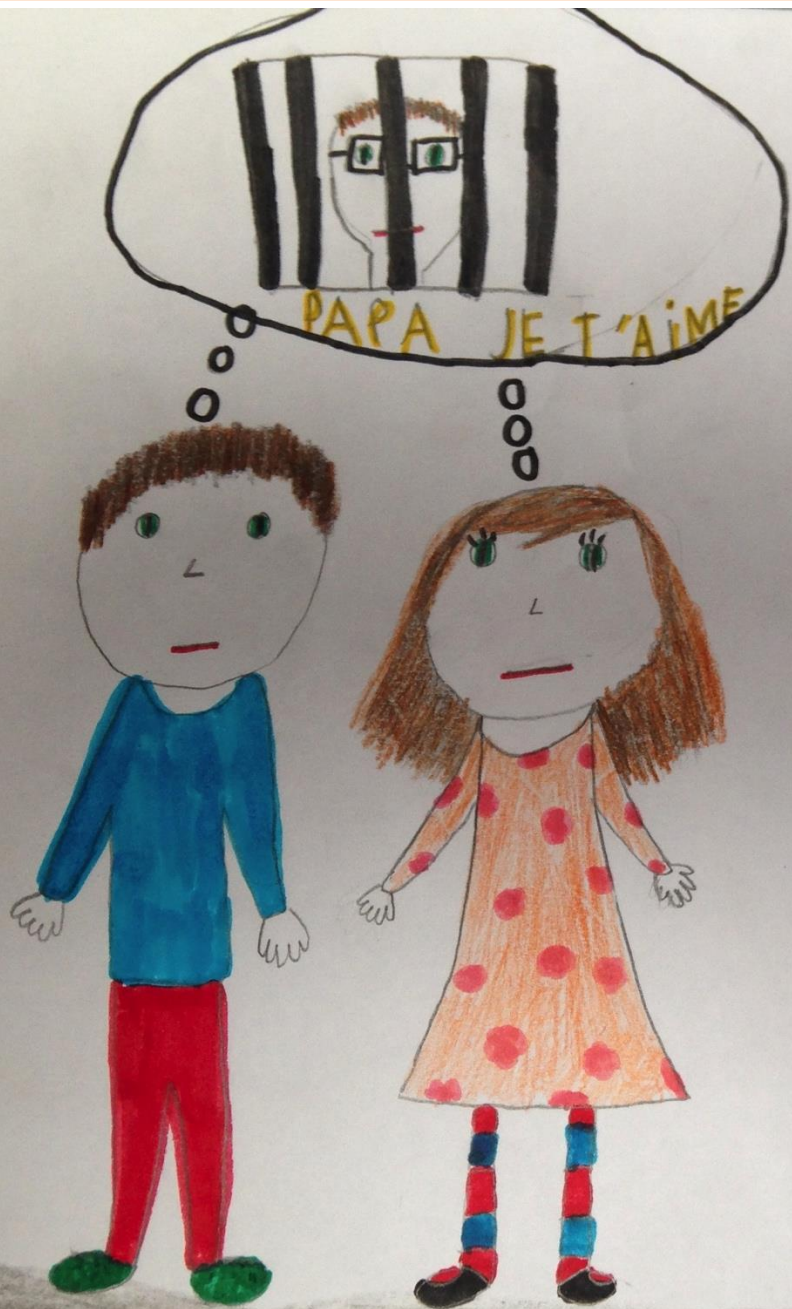
- . Taking non-custodial remand measures and sentences in appropriate cases wherever possible when a child's sole or primary carer may be imprisoned as a result of preventive detention or sentencing decisions.
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- 2. Fostering the relationship between the child and an imprisoned parent by ensuring appropriate visits facilities, as well as visiting hours that do not interfere with school attendance.
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- 3. Authorising visits between a child and their imprisoned parent in appropriate conditions during the first week following incarceration, and on a regular basis from then on.
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- 4. Systematising support for prisoner-parents to enable them to be responsible parents and effective non-violent role models and thus contribute to their child's healthy development.
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- 5. Implementing mandatory training for all prison personnel, particularly those who have front-line contact with children.

# Rebalancing the scales: Child rights when sentencing parents



“When Dad comes home everything will be resolved and the road will become straight again”  
Dylan, 11 years old

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PRISON





FRANCESCO.