

20th Council of Europe Conference of Directors Of Prison & Probation Services:
Radicalisation and other strategic challenges

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Who is punished - the case of children of imprisoned parents

The presentation will address the impact on children of having a parent in prison and identify some solutions to the how to meet their needs & mitigate the harm done, focussing on evidence from recent European research and good practice.

- First we need to remind ourselves of the European and international framework which set out the standards and principles which every country in Europe should be adhering to:

1. European Prison Rules [Ppt 1]

Basic principles

1. All persons deprived of their liberty shall be treated with respect for their human rights.

5. Life in prison shall approximate as closely as possible the positive aspects of life in the community.

6. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.

Contact with the outside world

24.1 Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organisations and to receive visits from these persons.

24.2 Communication and visits may be subject to restrictions and monitoring necessary *for the requirements of continuing criminal investigations, maintenance of good order, safety and security, prevention of criminal offences and protection of victims of crime*, but such restrictions, *including specific restrictions ordered by a judicial authority*, shall nevertheless allow an acceptable minimum level of contact.

24.4 The arrangements for visits shall be such as to allow prisoners to maintain and develop family relationships in as normal a manner as possible.

24.5 Prison authorities shall assist prisoners in maintaining adequate contact with the outside world and provide them with the appropriate welfare support to do so.

2. **UN Convention on the Rights of the Child. [Ppt 2].** In particular children's:

- right to be **free from discrimination**, including where such discrimination might be consequences of the status and actions of their parents (Art.2);
- right to protection of the **best interest of the child** (Art. 3);
- the right to have **direct and frequent contact with parents** from whom the child is separated (Art. 9.2);
- the right to essential information concerning the whereabouts of the absent member of the family (unless detrimental to the wellbeing of the child) (9.3)
- the right of the child to **express his or her views** and to be heard in matters affecting their situation (Art. 12);
- the child's right to **protection of their family life and their privacy** (Art.16).
- the right of the child **to protection from any physical or psychological harm or violence** (Art. 19)

These principles represent the core values and work of Children of Prisoners Europe (also known as COPE); COPE is a network of organisations and individuals working to improve the lives of children of prisoners. Most relevant to this conference is our specific attention to children's interaction with the prison system in seeking to maintain meaningful contact with their parent in prison. Each member brings a level of expertise and practical knowledge from their own professional and cultural context, resulting in a diverse range of shared knowledge regarding the varying situations relating to children of prisoners across the Europe.

It is important to remember that whilst we refer specifically to children whose parents are imprisoned, there are of course thousands more children who are affected by the imprisonment of their siblings, grandparents, uncles and aunts and other family members with whom they have a close relationship. The effects and experiences on those children will often be similar.

Each child is unique and there are many ways in which parental imprisonment may affect a child's wellbeing depending on the child's situation prior to their dad or mum going to prison, so ideally support for children affected should be individualised according to each child's best interests. Yet there are remarkably common threads through all cultures – children's feelings of separation anxiety; their sense of loss for

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the parent who has gone away; their sense of isolation and stigma; their need to see their parent and for answers to the many questions going through their minds; and their vulnerability to developmental/mental health problems.

In general, children with a parent in prison have to deal with the loss of attachment, separation and irregular contact which provides little by way of the normal parent child relationship. We know that the loss of attachment is particularly damaging for very young children. The lack of frequent face to face contact means that younger children's vital attachment to their parent is broken, sometimes beyond repair; some may feel that it is their fault that their parent has gone away and feel guilty. A child who perceives this separation as abandonment risks seeing him or herself as being unworthy of being loved and will, in turn, find it harder to form meaningful attachments and relationships as an adult.

Children's day to day life will change too. They may live in unstable and chaotic environments and be subject to social stigma as a result of their parent's incarceration. This is especially true for children with a mother in prison who often have to move home, school and even find themselves separated from their siblings.

Sadly, we also know from research that boys with a father in prison are significantly more likely to end up in the criminal justice system themselves and for some, they find themselves labelled and feel doomed to under-achieve.

(PPT: Reversible thinking http://vimeo.com/71246866 (STOP after 50 secs)

Yet even with these known poor outcomes , there is a lack of attention given to the needs of prisoners' children, despite them representing a surprisingly significant percentage of the child population. In England & Wales for example, we know that around 7% of school age children will experience the imprisonment of a parent during their years in school – that is more than the number who will experience divorce. And up to 30% of prisoners' children will have significant mental health problems compared to 10% of the general child population.

One of the biggest challenges is that almost no country systematically collects data on whether prisoners have children. Yet without this information, it is hard to see how Prison Services can ever take proper account of the need to help prisoners maintain

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contact with their families which is a vital component of effective resettlement. Nor can they ensure that the child's right to contact with their imprisoned parent can be upheld.

An estimated 800,000 children a day in the EU alone have a parent in prison and it is not improbable that in Europe as a whole the number will be closer to two million children. This need for data collection is one of the key action points that COPE is prioritising and an area which urgently needs addressing by prison departments and it would be interested to hear from anyone present who is recording this data.

Through our involvement with our members and participation in robust research projects, COPE has been gathering evidence on the detailed impact of imprisonment on the child and the various ways in which these children may be and are being helped. Two significant studies we have been recently involved in are:

- Children of Imprisoned Parents – undertaken with the Danish Institute of Human Rights, University of Ulster and partners in Italy & Poland, which focussed on the lack of attention given to the rights of children of prisoners taking account of the UN Children's Rights Convention and European Human Rights law... &
- The Children of Prisoners study (also known as the COPING PROJECT) – undertaken with the University of Huddersfield and partners in England, Sweden, Germany & Romania which looked at interventions and mitigations to strengthen the mental health of children with a parent in prison. [PPT 4]
- COPING identified important data about factors affecting children's resilience. Over 1000 children, aged 7-17 (plus parent/carers) were surveyed to ascertain coping strategies and mental health problems.
- These include: The quality of the parents' relationship with the child prior to imprisonment; the child's innate qualities, intelligence and personality; the level of stability provided by care giving parents and of their willingness to facilitate contact; and the importance of the child sustaining and maintaining her/his relationship with the imprisoned parent.

– the reports are available on our website in English (and the summary report of is available in French, Polish & Italian).

Children's experiences of Criminal Justice System

It is easy to forget that the process of imprisonment starts well before the prisoner's arrival at the gate. First there is the arrest, then the decision over pre-trial detention (remand), the trial itself and then the sentence but the impact on children doesn't end there; it continues throughout the sentence and after release. The treatment children and families receive at each of these stages by the range of professionals they come into contact with determines how well they cope with their situation – training professionals to be understand and be sensitive to the impact of their actions on children can and does make a difference to how they will feel.

Imagine, if you will, the situation for a moment. You are 12 years old & it's the middle of the night; you live with your Mum & Dad and are asleep in bed... you are woken up by a loud bang on the door; policemen with dogs rush into your house & start opening drawers and cupboards and throwing all your things out. Next thing you know they've taken your dad away in handcuffs and you are left with your mum, not understanding what's happened. **How do you think you'd feel – scared, angry, upset??**The psychological scars on children and young people of witnessing an arrest or having their home 'trashed' can have consequences for how they respond to those in authority in the future – including prison staff.

If remanded into custody, the accused can be on remand waiting for trial for months, even years. Throughout this time no-one gives the child or the family much thought and the stress can be extreme - especially if the crime is particularly serious or the family lives in a small town or village. It is likely to be all over the media and can even result in families having to move away to escape the intrusion of the press or hostility around them.

Many prisoners do not want their children to know where they are and their children are left feeling abandoned and confused. In some countries visits to remand prisoners are even more restricted than those once the prisoner has been sentenced and this makes it especially hard for meaningful contact to be maintained with children. At this stage it is vital therefore that prison staff understand the distress and anxiety that a prisoner who is separated from his or her children will be feeling

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and are able to offer appropriate support. Incidents of self-harm amongst prisoners are highest in the early days of custody so the need for sensitivity and vigilance is particularly important at this point. Women prisoners in particular may have high levels of anxiety about their children and may not even have told the authorities about them. But, children too worry for their parent... 2 sisters told us: [PPT 5]

"She mustn't think we don't love her...if we don't keep in touch she will think we don't love her and she will harm herself"

As I highlighted at the start, children have a right to be told where their parent has gone, but it is usually left to the prisoner to decide whether or not they want their family to know where they are. Sometimes they have told a lie which may have started on remand and as children become older, it becomes harder for the truth to stay hidden. The importance of telling the truth (albeit probably limited in detail) and of enabling children to understand what has happened to their parent cannot be over-emphasised and is something that needs to be addressed more systemically with prisoners early into their sentence as children's fantasies about the place where their parent has gone and why they can't come home can be worse than the reality.

(PPT 5 picture).

"Johnny has been told a lie that his father works at the police car wash service and that Johnny is not allowed to help his father until his hands are as big as his Dad's and he'll be able to wear suitable work gloves.the lie about his father's whereabouts is significant. Since then, he wants his hands to grow big enough so he will be able to wear suitable work gloves and be with his Dad" Johnny visits his dad over a couple of years & becomes a very troubled and angry child; both he and his mum required significant support from professionals.

We know from children themselves that they want to hear the truth and that it is better for them to hear it from someone they trust – the prisoner themselves or their carer, so Prison staff need to be sensitive to the difficulties for parents in prison and help them to consider their child's point of view and the long-term impact of losing physical contact in deciding whether or not to have visits.

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(VISITS) PPT 7

For those who have spent many years working in prisons, it's easy to forget just how alien a prison environment is for those visiting, especially for the first time. Most people's vision of prison is formed from the TV or films and is generally far removed from reality. Children are often influenced by these exaggerated depictions and may build up a frightening picture in the head. Evidence shows that it is usually better for the child of an imprisoned parent to visit the prison sooner rather than later, ideally within 72 hours, as just a single visit to their parent can reassure the child that they are alive and well and not being mistreated. Clear information for the family is essential – including leaflets specifically aimed at children (& produced in relevant languages for your particular prison population).

The high cost and inconvenience of travelling to prisons which are often a long way from where the family live and located some distance from town centres deters many families from visiting (especially if using public transport). In England for example, around 25% of families face a 5 hour round trip to get to the prison, often involving several modes of transport and then when they get there, heightened security, searching and inadequate visitors' facilities mean the visits experience is often a poor one and rarely 'child-friendly'. Some countries provide financial support for visits for families on low income but it is often discretionary and even where the legal framework is relatively good for supporting prisoner's families financially, the local authorities and social service are simply unaware of the family situation so no contact is established or families themselves are not made aware of the existence of this support.

The process of visiting an imprisoned parent can be a traumatic and unrewarding one. The child's feelings of loss and even anger at being abandoned can have an effect on his experience of the visit and the quality of their relationship with their dad or mum. Every aspect of the relationship between children and their imprisoned parent becomes regulated by the fact that the parent is behind bars. Prison security and convenience dictate the visiting times, the duration of the visit, what physical contact is allowed, when and for how long they can speak on the phone and even how many letters they can send. Little about visiting a parent in prison is 'natural' and the impact on the child's relationship with an imprisoned parent is therefore profound.

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This is what some children had to say about visits:

<http://www.notmycrimestillmysentence.org> (800,000 voices)

It is clear from these voices that the experience of the visit depends on a range of dynamic factors, but with a little thought and attention (& not too much money) visits can be changed for the better. For example:

- By training of all staff who come into contact with children and families (including over the telephone) to ensure they are treated sensitively. Many NGOs working with prisoners' families are involved in the development and delivery of training to staff on the impact and needs of children with a parent in prison and advice and training materials are available.
- By providing child-appropriate information leaflets (illustrated rather than text-heavy) on what to expect when they arrive at the prison; explaining searching procedures; what they can take in on the visit; what contact they will be allowed etc. Many countries have developed colouring or story booklets for children to help them prepare for the visit.
- Considering the times of visits and offering visits after school and on weekends
- Providing a space for families to go before and after the visit where they can get information, support, with toilet and refreshments facilities
- Making the visits environment bright and attractive (this requires little more than a coat of paint) – there are many examples of good practice often set up in collaboration with NGOs.

For example Bollate prison outside Milan (a relatively new and very large institution) has a specially designed area where visits between children and their fathers take place in a range of rooms designed for different age groups with age-appropriate activities, furniture and toys; and even the chance even to cook and eat a meal together. The emphasis is on the family being together, in as normal and environment as possible, fostering continuity and family life.

- In some countries where children's rights are more closely adhered to and, where the Children's Ombudsperson acknowledges the specific needs of

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children of prisoners, prisons are required to directly consider the needs of children visiting

- Providing more opportunities for parents to stay in half-way houses on prison land or in the community to help prepare families for reintegration;
- & enabling parents to go out of the prison on special temporary licence to be present at important events in their child's life – such as birthdays, first day of school, first Communion or parent/teacher school consultations. This is of course not without its challenges but is not unsurmountable and arrangements can be made where there is a commitment to the best interests of the child.

For some children visits are problematic because the relationship with their carer and the prisoner has broken down and they have no-one to take them on a visit.

Initiatives such as the work in France & Belgium of Relais Enfants Parents that provide trained volunteers to escort children on prison visits can ensure the parent/child bond can be maintained.

Visits are also important to prison stability and security. You are probably very well aware that if visits are disrupted or cancelled prison unrest increases as visits are arguably the most highly valued aspect of prison life for prisoners.

Telephone contact with the imprisoned parent is also important – especially where visits are difficult however the cost to prisoners is often very high (*eg. in the UK, Romania and Norway*). Phone calls are shown to be a positive experience for nearly all children, though restrictions on the timing of telephone calls are often frustrating for children. In Sweden prisoners can apply for 15 minutes of free calls to their family with an additional 5 minutes per child per week. However, phone-calls are almost always only possible one-way (out of the prison) and of course are not the way most young people communicate any more. Some countries are beginning to pilot email schemes and initiatives for using Skype are also being developed.

Letters too provide an important link with the imprisoned parent; but thought needs to be given to the literacy needs of prisoners and their children. Some countries allow additional free letters for prisoners (particularly mothers to write to their children).

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For parents in prison the challenge of trying to be an active parent when cut off from their children and their daily life is a huge challenge and you will be hearing more about this from the next speaker, Mr Attila Juhász.

A crucial time where parenting support and family work is needed is in the preparation for release. All too often this gets overlooked but it is important to remember that everyone in the family will have changed during the sentence: children have grown up; older children will have become independent and may even have taken on a caring role themselves; the prisoner's partner has adjusted to life alone. The return home requires careful preparation as the transition and change can be fraught with difficulty. Post release support involving the Probation service and community agencies needs to be more family focussed.

PPT 9

Italy, has taken these issues of to a pioneering level; the NGO and COPE member Bambinisenzasabarre worked with their Ministry of Justice and, with the strong support of key individuals including Signor Mauro Palma, published a Charter for children of imprisoned parents - The Memorandum of Understanding. It was signed in March 2014, by the Italian Minister of Justice, the National Ombudsman for childhood and adolescence and Bambinisenzasabarre. The Charter formally acknowledges that these children have a right to an emotional and continuing bond with their imprisoned parent and reaffirms that the latter has a right to play his/her parental role. The **Memorandum** contains many of the recommendations from 2 research studies (*COPING* and *Children of Imprisoned Parents*) starting with the role of Judges in sentencing through to imprisonment. Furthermore it commits the Prison Service to transform the relational and care aspects of prisoners, taking their parental role into consideration. The Charter is an important message for civil society, as it demands a change of attitude, a cultural shift away from the rights of the adult to those of the child. A year on, implementation is proving challenging but the model is one to be applauded and observed and it is hoped that more countries will follow Italy's example.

PPT 10

A further step in achieving greater implementation of the rights of the child for children of prisoners came at the end of last year when the European Parliament passed a resolution on the 25th anniversary of the UN CRC that states that children's

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rights are at the heart of EU policies and more must be done to ensure its full implementation in policy and practice to ensure respect for the rights of every child everywhere, especially for the most vulnerable. Article 13 requires Member States “to assess the impact of detention policies and criminal justice systems on children; ...and underlines the fact that an estimated 800,000 children in the EU are separated from an imprisoned parent each year, which impacts on the rights of children in multiple ways”.

It will be important to see how this Resolution is put into force by Member States and feeds down to Prison and Probation Services.

So to conclude, I hope I have given you a brief insight into the needs of children of prisoners, why they matter and some of the ways in which these can be addressed.

The key principles to this are:

- Asking children what they want, listening & responding to what they say;
- Sensitising staff who come into contact with children visiting prison;
- Adopting a positive mindset that values the parenting role of prisoners and recognises the importance of maintaining positive parent/child relationships from behind bars
- Working with NGOs to bring about change

It can seem a daunting challenge but the first step is to acknowledge this and begin to change the mind-sets of prison staff and those responsible for prison and probation policy. I'll end by returning to the poem I played earlier– as you will see, I didn't play it to the end before. **(Final Ppt)**