CHILDREN
OF IMPRISONED PARENTS

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The editors wish to thank the authors for their contributions.

Cover and design: DETUSCH&LUBA
Production: Handy Print A/S, Skive

Printed in Denmark, 2011

ISBN 978-87-91836-44-2

This publication has been produced with the financial support of the Fundamental Rights & Citizenshp programme of the European Commission, and The Egmont Foundation. The contents of this publication are the sole responsibility of the authors, and can in no way be taken to reflect the views of the European Commission.

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Introduction

It is estimated that every day, some 800,000 children across the European Union live separated from their parents due to the latter's imprisonment. This is likely to be a conservative estimate and the true number of children so affected is unknown as data is not systematically collected (or, where it is collected by prison authorities, it is not systematically analysed). For a minority of children it may be in their best interest when the parent is removed from the family home, for example, if the imprisoned parent has been abusive; but for the vast majority of these children this is not the case. Yet the issue for consideration is how best to support a child with an imprisoned parent, regardless of the actions or behaviour of their parent. Children who have parents in prison are unquestionably a vulnerable group, yet their situation is rarely considered in State policies and practices of imprisonment and their support needs often go unaddressed.

The UN Convention on the Rights of the Child *(UN CRC)* states that no child should be discriminated against because of the situation or status of their parents *(Article 2)*. Yet, children of prisoners often feel ashamed, unsupported, and 'different' because their parent is in prison. They may experience bullying and harassment from their peers or the whole community in which they live; they may experience difficulties in school. They are at risk of developing emotional difficulties that impact on their development and their future. For some, their material situation will change – or pre-existing poverty deepen – due to parental imprisonment. Their lives may change beyond recognition from the moment of arrest, in particular if this is their first experience of parental detention, and they often live in fear, anxious and worried about their parents. In short – children of imprisoned parents often bear the consequences of their parents' actions in a way that no child should be expected to bear; they become "the invisible victims of crime and the penal system". [1]

All Member-States of the European Union and the Council of Europe are signatories to the UN CRC and are therefore required to give practical effect to the rights included in the Convention. Of particular relevance to the situation of children whose parents are in prison are:

1. the right to be free from discrimination *(Art. 2);*
2. protection of the best interest of the child *(Art. 3);*
3. the right to have direct and frequent contact with parents from whom the child is separated *(Art. 9)*, including the right to be provided with information about the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child *(Art. 9.4);*

Children's rights are also protected by the European Convention on Human Rights *(ECHR)*, in particular by the provisions of its Article 8 guaranteeing enjoyment of the right to family life without unjustified and disproportionate interference. The right of the imprisoned parent to family life is equally protected by this provision.

This report is a summary of a study funded by the EU from October 2009-May 2011 led by the Danish Institute of Human Rights in collaboration with the University of Ulster and EUROCHIPS[2] . Its focus was to examine the rights of children of imprisoned parents and to consider the following questions:

Are children's rights considered and respected when their parents are imprisoned? Do the police, prison services, courts take note of the situation of children at each stage of the criminal justice process?

This report is based on the findings of research conducted in Denmark, Italy, Poland and Northern Ireland in the course of the project. It looks at the various stages of the criminal justice process – from arrest to release – through the eyes of the children affected, their parents, police officers, prison officers and social workers. It concludes that while some positive initiatives are in place in individual prisons, those are not mainstreamed throughout penal institutions, police services and beyond. Indeed, in most cases, they remain marginal in the context of the overall criminal justice system. Change in this area is therefore urgently needed so the rights of children with imprisoned parents are fully respected across Europe.

4. the right of the child to express his or her views and to be heard in matters affecting their situation *(Art. 12)*;
5. the child's right to protection of their family life and their privacy *(Art. 16)* and
6. the right of the child to protection from any physical or psychological harm or violence *(Art. 19)*.

ARREST

> There are children who tell [us] about how they were sitting and eating dinner when the door was broken down and six uniformed officers marched in and handcuffed their father. This is not an image that is easy to let go of again. It stays with them permanently. **(Family therapist, Denmark)**

The arrest of a parent can be a traumatic experience even if it is conducted in a calm, peaceful manner. Having a parent removed, a parent 'disappearing' from the child's life – even temporarily – in circumstances that the child may not entirely comprehend leaves a mark on the child's feeling of safety and security. Even in situations where removal of a parent perhaps brings respite to the family – such as in circumstances of an arrest of a perpetrator of domestic violence – the experience of arrest is not neutral. The child may, for example, blame themselves for the violence – or for not being able to stop it – and in turn blame themselves for the fact of the arrest taking place and their parent being taken away.

The arrest of a parent changes family dynamics. The remaining parent is often worried and pre-occupied with the fact of arrest, perhaps involved in organising legal advice or other support for the mother or father who has been arrested. The needs of the child may not be a priority at this time. Where there is no-one to take care of a child following an arrest of a parent, the child's world often changes beyond comprehension – they may need to stay with their relatives for a considerable time, or be taken into care by social services or other authorities; their social networks are affected; their school life may change. In extreme circumstances, children may be left completely on their own for a time, terrified and uncertain what is going to happen to them, as Mikkel's story shows:

> Mum was frying meatballs when they came and she was given just three minutes to clear it away and then they handcuffed her. She asked: "What about Mikkel?" and one of the officers said: "The 24-hour social services will pick him up". I didn't know what that was, so I was pretty scared and then I sat all on my own, waiting for them to come. **(Mikkel's story re-told by a family therapist, Denmark)**

The UN CRC protects the child's right to family life and their right to be safe from any physical or psychological harm. It is therefore important that the experience of parental arrest does not violate those rights. While some positive initiatives and practices

have been observed, the focus of police action is largely on the arrest of the suspect. Criminal justice considerations more often than not take precedence in actions of the police over family considerations. The law or police guidelines on arrests or the Police Code of Conduct give some guidance as to the behaviour expected of them. It was clear, however, that children's experiences of police actions were varied, with some reporting that police officers "were kind" and others being scared of police and having negative attitudes towards officers

> The officer said that we had to leave the room so he could check it for drugs. When we were on the way out of the room, he opened my drawers and began throwing out my underwear etc. all over the place. It was so insulting I felt as if I was a criminal. **(Carina, Denmark)**

Arrest of a parent in the presence of a child must respect the child's right to privacy, family life, and their right to be heard. Police officers should be trained specifically in handling situations where an arrest is made in the presence of a child. In this respect, police training in this area in Denmark includes positive initiatives. There, for example, role-plays used in the Police Academy include situations where police officers have to deal with children affected by their actions. However, while police recruits may get more training nowadays, serving police officers still often rely on their personal skills and experience when they come across such a situation (Denmark and Poland). This shows the need to provide professional development training as well as training for newly recruited staff.

Arrested individuals have the right to communicate their whereabouts to their families without unjustifiable delay[3]. From the perspective of the rights of the child, Article 9.4 UN CRC requires that state authorities provide the necessary information about the whereabouts of the absent parent to the remaining parent or other carers, unless the provision of such information is detrimental to the well-being of the child. In practice, the responsibility of letting children know what is happening is largely left to the remaining parent

> She [the children's mother] knew I had been arrested but she never knew where I was or what was the case. So after two days I was allowed to phone her so the wife and children hadn't seen me for two days or heard from me for two days; after that I was allowed to phone her and then that was it, she was able to come to the police station and see me. **(Prisoner, Northern Ireland)**

Parents and carers who have to explain to the child what happened to their other parent often find it difficult to decide how much to say to their children and when. Some families feel that it is best to be truthful from the very start. This is particularly, but not exclusively, true when the case is high profile and

parents are aware that children may find out independently, for example from their peers or the media. Children are often very capable of handling the news well. As one of the prisoners interviewed in Northern Ireland explained:

> We brought them up to a visit [...] I was only in three or four weeks at that time and I sort of says, 'Let's just set them down at the table on visits' and just sort of explained, not any details of the case. Because we thought at that stage it would have been a wee bit upsetting to go into the details – although we did later [...] And the more information they got, they definitely were able to cope with it.

In other instances, the information that the child receives from the other parent or from relatives is incomplete or the child is told a 'story' which avoids telling them the truth about what happened. While most of the time half-truths are told with the intention of protecting the child from the reality of parental arrest, this may leave children worried, confused and often even distrusting if they later find out what really occurred.

Families should be given full information about the grounds for arrest; the likely length of the arrested person's stay in police custody and their exact whereabouts; and the procedures for contacting them when at the police station. Only then will parents who remain with the child be fully equipped to make a decision regarding what to say and when.

> 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 (as an employee in the police car wash service) is significant. He wants his hands to grow big enough so he will be able to wear suitable work gloves and be with his Dad. **(Child development worker, Spazio Giallo, San Vittore Prison, Italy)**

EXAMPLE OF POSITIVE INITIATIVES

MOTHER AND CHILD UNIT, GRUDZIADZ WOMEN'S PRISON – POLAND

Women can stay in the unit with their children, regardless of the nature of the mother's offence and security classification. The Mother and Child Unit provides specialised healthcare, including a small maternity ward so women can give birth in the prison, assisted by healthcare professionals including midwives and nurses, neonatal specialists, gynaecologists, anaesthetists etc.

While the women have to share rooms in the Unit (all of the bedrooms contain three beds for mums and three cots for children), the building itself looks more like a block of flats, and the bedrooms have large balconies which can be accessed by prisoners. The unit is designed in a way that women can take responsibility for their daily tasks – they have access to the kitchen, laundry rooms, etc. Bathrooms are child-friendly and include facilities for newborns and infants. Staff wear civilian clothing and can, with the mother's permission, take the children for trips to the shops, playgrounds outside of the prison, etc. (the prison is located in the city centre).

After a visit to Poland in 1996, the European Committee for the Prevention of Torture described the Unit in the following way:

The Mother-and-Child Unit was intended for women in advanced pregnancy and mothers with children of up to 3 years of age. At the time of the visit, the unit was holding 14 children, 11 mothers and 6 pregnant women. The living accommodation for mothers with children consisted of five rooms, each of them being designed for triple occupancy. The rooms were spacious, clean, enjoyed a profusion of natural light and had access to a balcony. Further, there were two good-sized playrooms containing a variety of toys, as well as a small garden used as a playground. The unit also had its own kitchen in the basement of the block. To sum up, the Mother-and-Child Unit was a quite impressive facility.


JOHNNY

REMAND

The period of detention when on remand represents a particularly difficult time for families of those arrested, and for remand prisoners. The remand into custody of one parent means that the remaining parent suddenly becomes a single carer. Where a single parent is arrested, the anxiety around the situation of children left behind can cause immense stress to the parent and children alike. Families find themselves in often unfamiliar situations (particularly those for whom remand is a new experience), having to deal with loss of contact, loss of income, legal procedures, involvement of social services in their life, and so on. The desire to attend the court to support the arrested parent may cause difficulties in arranging childcare and put a lot of pressure on the parent remaining with the children at home.

Additional stress is brought on families due to the uncertainty of the outcome of criminal investigation and the lack of information given to families about things like visiting rights and procedures. They also face the anxiety around whether to let their relatives and friends know about the fact of arrest and the criminal charges. The period of imprisonment on remand is therefore full of uncertainty and stress. What will the outcome of the case be? How long will the detention last? How long will the investigation take? When will we be allowed to see him/her in prison?

In some instances, in particular in relation to high profile cases, stress connected to the arrest and detention on remand may be compounded by media coverage of the case. At those times, children may be exposed to media interest, or confronted in school or in other settings with information published in newspapers or by broadcast media about their parent's offence. They may also find out, independently, about the nature of the offences, as one father in Northern Ireland explained:

> "My older son, my fourteen year old, he was able to Google me, you know, he was able to read news reports and things. So he knows quite... He knows everything, more than I hoped he did know [...] *(Prisoner, Northern Ireland)*

Media coverage may, therefore, interfere with the family's privacy, impacting on the parents' choices about what to say to their children and how to explain what is happening. It may have negative consequences for children's relationships with their peers and the family's relationship with the wider community. In such circumstances, a balance needs to be struck between what is reported of the case 'in the public interest' and the protection of children's privacy and their best interests, as required by international human rights law.

In a lot of ways, the time on remand is different to the period of imprisonment upon sentence. In particular, the prosecutors and the police may be concerned that the accused will try to influence witnesses or in other ways try to derail the criminal investigation. For

those reasons, in some countries remand prisoners are not allowed contact with the outside world or such contact is severely limited. In Poland, all remand prisoners have to make an application to the police and the prosecutor to be allowed visits. In Denmark, visits and correspondence are often supervised by the police and sometimes remand prisoners are held in solitary confinement to keep them from interfering with the police investigation. This clearly impacts on the way in which prisoners can keep in touch with their families during that time, including keeping in contact with their children. In some countries (like Poland) children may have to wait for months to see their parent who is held on remand due to restrictions on visits. Even where visits are allowed, these will usually happen under very strict conditions – for example, with no physical contact and for a very short time. In some cases, prison authorities introduce limits on the number of visitors who can come together, which impacts negatively on the situation of families with several children. (Denmark)

Restrictions on remand prisoners' contact with their families impact directly on the right of the child to be in "regular and direct contact with both parents" (UN CRC, Article 9.3) where it is in the best interest of the child to maintain such contact. In this context, the recent changes to the law in Poland, which mean that the child's right to visit is now separate from the parent's right to visit, who may be subject to restrictions on contact with the detained person for legal reasons, are particularly welcomed.

The European Prison Rules (2006) are clear that the status of prisoners awaiting trial should not be influenced by the possibility that they may be convicted in time of a criminal offence. The rules are also clear that the right of remand prisoners to visits and other contact with the outside world can only be restricted in exceptional circumstances. Article 8 of the European Convention on Human Rights (ECHR) protects the right to family life of the detained parent and, in the view of the European Court of Human Rights (ECtHR):

> Detention, like any other measure depriving a person of his liberty, entails inherent limitations on his private and family life. (...) However, it is an essential part of a detainee's right to respect for family life that the authorities enable him or, if need be, assist him in maintaining contact with his close family.[4]

From the perspective of the rights of the child to meaningful contact with their parent, restrictions regarding contact with the parent held on remand should only ever be in place when absolutely necessary. Legal provisions supporting the right of individual children to contact independent from that of their parent should be replicated across all European legal systems.

SENTENCING

> Where the defendant has child-caring responsibilities, the Committee recommends that the principle of the best interest of the child *(art.3 [UN Convention on the Rights of the Child])* is carefully and independently considered by competent professionals and taken into account in all decisions related to detention, including remand and sentencing, and decisions concerning the placement of the child.[5]

Judges who decide on detention on remand are often allowed – or even required by law – to take into consideration the family circumstances of the person accused of the crime. In Poland, for example, the Code of Criminal Procedure explicitly states that remand may not be appropriate if the person has sole custody of a child or if he or she is the only person providing financial means to the family.

Should judges have the same option of looking at the person's family circumstances when choosing the sanction at the end of the trial? The above quote from the UN Committee on the Rights of the Child suggests that not only should they have such an option, they should be obliged to do so when sentencing a parent.

Cases quoted in the Northern Ireland study suggest that even if a prison sentence is still imposed in such cases, the length of sentence may be reduced in consideration of the impact on children, although only in exceptional cases, for example where one parent is deceased or both are imprisoned. In Denmark and Poland, whilst not explicitly obliging judges to look at the impact on children, the law allows for consideration of family circumstances during sentencing; more detailed research is, however, needed to assess the application of those laws in practice. It is notable that, in 2005, the Children's Council in Denmark recommended that the impact of imprisonment on children

> [...] should be a significant factor in the choice of punishment. Here, it would be relevant to prioritise sentences which limit the separation between the child and the parent, for example a form of punishment where the parent continues to sleep-over at home.[6]

While practice in Northern Ireland for example, indicates that in some cases judges take into consideration the needs of children before deciding on a sentence, this is still an exception rather than established procedure.

Another way in which the situation of children can be taken into consideration at the sentencing stage is the provision of alternatives to custody for parents who commit criminal offences. Examples of positive initiatives in this respect can be found in Italy, in particular with the Finocchiaro Law (Law No.40 of 8 March 2001) which introduced special house arrest for mothers caring for children under the age of 10. Mothers can serve their sentence at home (or another specified place of residence), providing that the original sentence was no more than four years in prison; that they served at least one-third of that sentence in prison and that they present no risk of re-offending. While not without limitations – for example, this law does not apply to remand, and meeting conditions for house arrest may be difficult for some groups of prisoners – the Finocchiaro Law (especially following amendments in March 2011) provides an example of how alternative means of execution of sentences can lessen the negative impact of parental separation on children. More initiatives like this one are needed across Europe to address the negative impact of parental imprisonment on children.

IMPRISONMENT ON SENTENCE

Prisons are designed with a focus on security and regulation of prisoners' activities in a way that does not compromise such security. The way in which prisons function on a daily basis impacts on the relationships between prisoners and their children, even in countries where the re-establishment or maintenance of family links is recognised a way of achieving one of the aims of imprisonment – reducing re-offending by released prisoners. The latter focus is in itself problematic – contact with families is officially encouraged as a way of promoting desistance from crime rather than a way of promoting children's rights or the need to safeguard the welfare of children.

Every aspect of the relationship with prisoners' children is in some way regulated by the fact that the parent is behind bars. Prison security and availability of staff dictates the visiting times, the duration of the visit, whether or not prisoners can have physical contact with their relatives, when and for how long they can speak on the phone, how many letters they can send. Nothing about visiting a parent in prison is 'natural' and the impact on the child's relationship with an imprisoned parent through visits to prison is profound. In addition, children's views are rarely sought by the authorities with regard to what can be done to improve their experiences. This adds more anxiety to what can already be a stressful situation for children who have to deal with parental imprisonment in their daily lives, many facing stigma and abuse in their own communities:

> He [brother] was being tortured at school as well. You know teachers harassing him [...] I think the school did not help the situation at all. The teachers did not help at all and [my son] has kind of left school [...] **(Mother, Northern Ireland)**

Legal regulations place some focus on prisoners' family relationships and the support required in maintaining those during the period of imprisonment. This is particularly true in the case of sentenced prisoners who may avail of family visits, phone contact, day releases, as well as structured temporary release, and a number of other opportunities to sustain contact with their children. In practice, however, both the quantity and the quality of the contact depend very much on individual prisons and the provision of facilities and other support varies significantly between different institutions.

Some encouraging practice examples have been observed regarding support for family contact, both on a regular basis, and in cases of an emergency. This was particularly true in relation to some flexibility offered by prison regimes in relation to visits. In Poland, prisoners who have custody of children below 15 years of age can request an additional one visit per month; in Italy prisoners who have children aged 10 or less can request additional visits and phone calls. In Poland and Denmark it is also possible to combine a number of visits a month into longer ones – this means the visits

will be rarer but may have a better quality, especially for families which have to travel considerable distance to visit their relative in prison. In Italy, the researchers reported that in the Lombardy region (where an in-depth study was undertaken) most prisons would organise special events for children and prisoners to be able to spend some quality time together. In Denmark, the Danish Institute for Human Rights and the Danish prison service are currently working together on introducing children's officers in four Danish prisons in order to improve contact with prisoners' children, including improved facilities and resources. In Northern Ireland, the provision of 'child-centred' visits has been flagged up as an example of a positive initiative, supporting the maintenance of family ties and positive contact between prisoners and their children. Additionally, each prison there has a dedicated Family Support Officer responsible for improving the visiting experience for children and families. Family Support Officers are also involved in running family support groups outside of the prison or co-operating with non-governmental organisations in the provision of similar support. The work of these officers was highly praised by prisoners and their families. However, despite the importance of this work, there were not enough Family Support Officers to meet the needs of prisoners and their families, no bespoke training was available and because the role was not protected, officers could be re-deployed to other tasks at short notice, leaving families' needs unmet.

Overall, however, the study found that even where such positive initiatives exist, these are rarely introduced to prisons on a nation-wide basis and are either infrequent or dependent on resources and/or working practices and the commitment of prison staff. Children's rights and their needs are too often relegated to second place, compared with the smooth running of the prison or under the guise of 'security considerations', which may not always be justified by the level of risk.

Security checks

> Once, I had a gift with me for Dad, they destroyed it because they had to see what was inside. **(Mads, Denmark)**[7]

Search procedures should respect children's rights, and in particular respect their right to privacy and bodily integrity. Staff in prisons need to be mindful of the fact that children visiting their parents, as well as their carers, are not suspects and that they should not be treated as such. The European Court of Human Rights is very clear that the situation of individuals visiting prisoners is different from those who have been convicted of a criminal offence when it stated in Wainwright v. United Kingdom (commenting on strip-searching procedures):

> [...] the application of such a highly invasive and potentially debasing procedure to **persons who are not convicted prisoners or under reasonable suspicion of having committed a criminal offence** must be conducted with rigorous adherence to procedures and all due respect to their human dignity.[8]

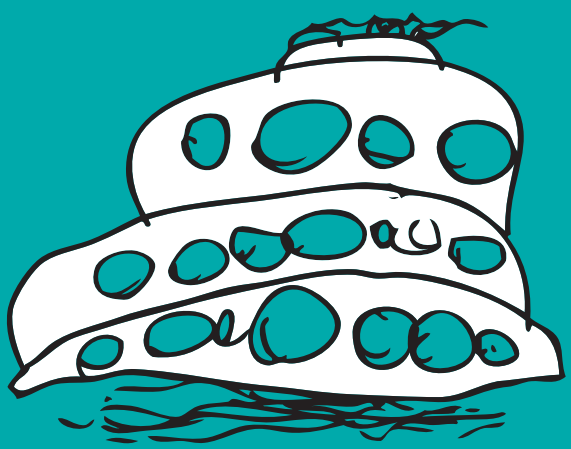
The Parliamentary Assembly of the Council of Europe also submits that search procedures may be frightening for children and recommends that searches and security procedures involving children should be carried out in a non-threatening manner.[9]

Some prison officers make considerable effort to make security checks as painless for children as possible. Officers in Poland and Denmark often spoke about trying to create a relaxed atmosphere for the sake of children, engaging them in 'chit-chat', explaining how screening equipment works, using simple language and speaking in a soft tone of voice. In some prisons, children are not usually searched and prison staff request parents or carers to deal with situations where, for example, a child's toy needs to be screened for security reasons. However, the experience of security checks can also

SHOULD CHILDREN ALWAYS VISIT THEIR PARENTS IN PRISON?

Contact between the imprisoned parent and their child may not always be in the child's best interest, for example if the imprisoned parent has been abusive to the child in question. The principle of the best interest of the child should always be the primary consideration and no child should be forced to visit their imprisoned parent.

In some cases, children may not want to visit, as their relationship with the imprisoned parent is difficult. In such cases, both children and prisoners should be supported to re-establish and maintain contact. Parenting classes, for example, should be offered in prisons to improve the parent's parenting skills.



be quite traumatic for children and their carers alike, as this prisoner describes:

> It's taking them through all that searching as well. You know children coming in; they have to get the [drugs] dog sniffed at them and my wee girl's two and she come up today, she was even searched at two years of age, you know patted down. And that's why I don't believe in my six year old coming up. Because he's going to get patted down [individually searched]. **(Prisoner, Northern Ireland)**

Security staff should be specially trained in child-appropriate searching procedures and in particular in how to minimise the negative effect of searching children, who may be anxious and fearful of the process and of the staff. Appropriate reference should be made in such training to the rights of children, as protected by international human rights law.

Visiting facilities and visits

> The wee ones don't really understand what's going on in that way. To me it should definitely be more child-friendly. I know it's prison and they're being punished for doing something wrong but it wasn't the kids fault they done it wrong you know what I mean. **(Mother, Northern Ireland)**

Many factors decide about how the child experiences a visit to their imprisoned parent – their own relationship with their Mum or Dad in prison; the relationship between the two parents or between the imprisoned parent and other relatives who accompany the child on the visit; the child's feelings about the crime the parent committed, and so on. Additionally, the child's experience will also be decided by the way he or she is treated by the prison staff and what kind of physical environment children find themselves in while visiting the prison.

Individual children experience visits in many different ways. Some look forward to seeing their imprisoned parent and spending time with them, others are scared and anxious, especially during the first few visits. For some, particularly older ones, visiting time can be outright boring. Whilst some establishments create opportunities for younger children to play and take part in some activity, very few, prisons, make any special provision for teenagers who visit their parents in prisons. Research found that teenagers sometimes stop visiting parents on long-term sentences resulting in broken family ties.

The limited time for which the visits last is also a factor that impacts on the child's experience. For example, they often wish they had more time to talk to their parents about what is happening in their life, but due to restrictions on the length of visits, they may not have the opportunity to do so. Having to say good-bye to an imprisoned parent and leave them behind at the end of the visit can also cause considerable distress to both the child and the parent. Conversely however, where there are no specific activities for children on visits, they report finding the visit boring and wanting it to end sooner.

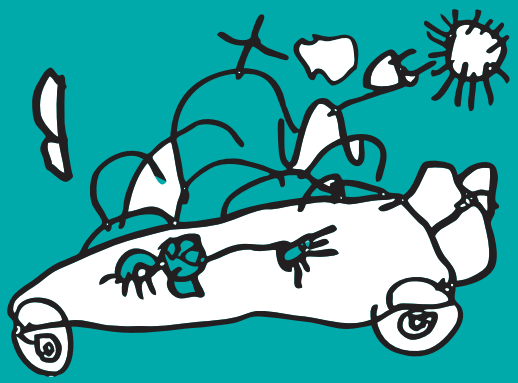
Sometimes parents are afraid to discuss their lives openly during visits – either because of lack of privacy or because they do not want to talk in front the children present. The experience of visits then becomes 'unreal', 'artificial', and communication is forced and unnatural. Additional problems are created by the high costs and inconvenience of travelling to prisons (which are sometimes situated a considerable distance from a family home). This may discourage many families from visiting. In such circumstances, the child's right to "direct and frequent contact" with the parent from whom they are separated (UN CRC, Article 9) will be negatively impacted upon. It is therefore important that assistance with transport costs is provided to families of prisoners; that information about such assistance is widely available and that procedures for accessing assistance are simple and transparent.

WHY DOES MY DAD NOT WANT TO SEE ME?

A number of prison staff in the Polish study said that prisoners may not want to see their children. This is because they worry that it may be very hard for their child to visit them in prison. They worry that it may have a negative emotional impact on their child to have to see their mother or father only for a short time and then have to leave them again. They are also concerned about the consequences for their child's well-being of having to experience the security checks in prisons and endure the poor physical conditions in many of the visiting facilities. Some prisoners also admit that it would be emotionally too difficult for them to see their child only for a short time.

Reasons for not wanting to maintain face-to-face contact with children are in a lot of respects understandable. Many parents will want to protect their children from the negative consequences of their own imprisonment to the greatest possible extent. The child's own feelings about the situation, however, also need to be considered. Children often worry a lot about their imprisoned parent and are concerned about why they do not want to see them.

While some prison officers said that they would encourage prisoners to contact their children (Poland) or they would at least make an effort to find out more about why prisoners do not wish their children to visits (Italy), more should be done to support prisoners and their children. Support should be available to both children and parents to deal with such difficult situations to ensure that solutions can be found that would enable positive and constructive contact between the parent and the child.



Creating child-friendly spaces

> There are no good places in prison [where a visit by children could be organised]; a place of detention will always be inappropriate for this. The only thing you can do is to make what we have a bit more friendly – provide toys, paint the walls in cheerful colours [...] **(Prison officer, Poland)**

The atmosphere and culture of prisons are not 'child-friendly'. Many of the visiting facilities are designed with adults and security in mind – equipped with tables and chairs only, with not enough space for children to play in. Even where minimum standards for visiting facilities have been introduced – like in Denmark – the lack of resources for refurbishment in many of the prisons means that child-friendly areas are not provided or the rooms are not furnished in welcoming and comfortable décor.

Innovative approaches have been taken in a number of prisons in Denmark and in Italy, which now provide outdoor facilities that can be used by prisoners and their children during visits. In Northern Ireland, NIACRO's play workers are present in visiting areas to engage with children during visits, working towards making the experience positive for a child and allowing parents a chance to talk. However, because the imprisoned parent is prevented from moving from their seat during visits and engaging with their child in the play area, they may be excluded from enjoying the opportunity to play with their child during the visit.

The quality of visits and contact also depends largely on the culture in individual prisons, the approach of staff and their training. In some instances, families reported they were made to feel like suspects during their visits to prison. Improved physical conditions of visiting areas may play little or no role if staff's approach to visiting children and their parents is rude or unhelpful. Researchers in Italy reported, for example, that in some of the prisons in the Lombardy region staff are offered awareness-raising programmes, highlighting the need for adjusting their behaviour when in contact with children.

In some of the prisons visited during the research there were indications that staff are doing their best to accommodate children's needs, understand their behaviour during visits and create relaxed atmosphere during visits, regardless of the physical conditions. One officer in Poland, for example, told the researchers how – even though private toys are not supposed to be allowed on visits – the staff would not see it as a problem if a child wants to bring some toys in. In other prisons, however, there were either very strict rules about no private items being allowed or the practice was different depending on the staff on duty. Children reported that they would welcome clearer rules about what is and what's not allowed:

> So, you're allowed to take a drawing in with you, and then you're not next time. You can't take a gift inside one time, and then you are allowed to take something along another time. [...] it's just really annoying. **(Kristian, Denmark)**

While children reveal mixed feelings about visiting prisons, common concerns they raise relate to the prison environment and the quality of facilities available, including insufficient and inadequate spaces to play, and unfriendly visiting areas.[10] The lack of facilities and oppressive environment may discourage both children and their imprisoned parents from meeting in prisons and impact negatively on the family relationships. Unfortunately, creating child-friendly visiting facilities and environment is not a priority in the vast majority of prisons, although Denmark has recently prioritised improving the quality of children's visits across the country.

Other contact with children

> Life in prison shall approximate as closely as possible the positive aspects of life in the community. (**European Prison Rules 2006, Rule 5)**

Advances in technology over recent years mean that most people rarely stay 'out of reach' today. In the world outside of prison walls, children and parents can usually communicate instantly using mobile phones and internet, no matter what the distance between them. For children whose parents are imprisoned those means of communications are largely unavailable – primarily for reasons of prison security but also because of the financial cost to the prisoner and their family. While in some countries the cost of phone calls from the prison is exactly like on the outside, prisoners also face situations where they are charged significantly more to contact their families than the cost on the outside:

> It's extortionate, so it is. [...] it's £20 a week I put in [on the phone card] but it's crazy... I would phone probably for a fifteen minute period each day – seven days a week but the bill works out at a thousand forty pound a year [...] there's absolutely no way a residential line should cost that [...] **(Prisoner, Northern Ireland)**

The vast majority of prisons do not allow the use of texting or the internet for communication with families, although some exceptions are made for prisoners whose children are abroad (Northern Ireland). In Denmark, internet access is allowed for some prisoners especially in open prisons, but this requires a special permit. There are also limited initiatives in place to allow children to e-mail their parents in prison (Maghaberry Prison, Northern Ireland) but the parent can only respond to such communication by using the phone or writing a letter. Where internet contact is allowed, it is closely monitored, raising concerns about the prisoner's and the child's right to privacy. Very few prisons create opportunities for children to phone into the prisons to talk to their parents (most prison phones allow outgoing calls only), although some prison staff reported that they would facilitate such contact in an emergency (Poland). In any case, privacy of phone conversations is often another issue impacting on contact with children, as phones used by prisoners are situated on the landings, within earshot of other prisoners (who are often queuing up to use the phones) and calls may be listened into by prison staff for monitoring purposes.

As face-to-face visits do not happen every day, contact between prisoners and their children using other means should be actively encouraged by the prisons. Children should be able to communicate with their parents in ways that resemble the opportunities on the outside. In particular, more should be done to enable children to call their parents in prisons or to contact them using modern technology such as mobile phones and email. Again, while some positive initiatives have been taken in this regard (for example, some 'medium security' prisoners in Italy are able to use mobile phones and in Denmark, the Prison and Probation Service, is currently conducting a trial project installing mobile phones in the cells in an open prison.[11]), these are limited and exceptional in character.

The role of non-governmental organisations in providing support and assistance

The research found that non-governmental organisations provide invaluable help to prisoners and their families throughout the experience of imprisonment. Such organisations are involved in the provision of information, advice, transport, childcare, therapeutic assistance, skills development training and financial assistance. Often, they provide a link between the prison and the outside which otherwise would be underdeveloped or non-existent.

Examples of the involvement of non-governmental organisations could be found in each of the countries studied and while it is beyond the scope of this short report to list them all, it is worth mentioning a few of the areas in which their assistance is so vitally important.

In Northern Ireland, NIACRO[12] runs the visitors' centre at Hydebank Wood Prison, and offers advice on finance, resettlement and practical family support. NIACRO also organises transport to the prisons. Various NGOs are involved in running the visitors' centres in Magilligan and Maghaberry prisons, while the children's charity Barnardo's provides parenting classes in the prisons and offers support to parents on the outside. Non-governmental organisations have also produced an invaluable range of information for children,

parents and prisoners, including pamphlets written in child-friendly format, DVDs and e-learning packages. The Prison Fellowship offers support to prisoners and to families in the community, including a hamper for families in need at Christmas.

In Poland, the Slawek Foundation supported the introduction of the "Read for Me Mum, Read for Me Dad" initiative, which facilitates fathers in prison in recording CDs with stories for their children. The Foundation also provides resettlement support. A host of other organisations across the country organise special events for prisoners and their families on occasions such as Christmas, Easter, Mother's or Father's Day. In Italy, organisations such as Bambinisenzasbarre (Bambini), who conducted the research for this study, assists and supports parents in prison and their families on the outside. The organisation works in the three prisons in Milan, providing parenting skills workshops and running special child-friendly play areas, the so-called Spazio Giallo (the Yellow Space). In Denmark, the organisation SAVN works with prisoners' relatives and children together with family therapists, social workers and others and arranges weekend outings for the families and family support.

The above examples give an indication of the breadth of engagement by non-governmental organisations in the support for prisoners, their children and wider families. It is therefore important that such organisations are appropriately resourced and that sufficient funds are provided not only for them to be able to maintain their current level of service but to develop an even wider range of programmes.

MOTHERS AND BABIES

The question of mothers having their children in prison with them poses a particular dilemma in relation to the rights and best interests of the child. As the European Committee for the Prevention of Torture (CPT) stated in 2000:

> [...] on the one hand, prisons clearly do not provide an appropriate environment for babies and young children, and on the other hand, the forcible separation of mothers and infants is highly undesirable.[13]

The general approach advocated by the Parliamentary Assembly of the Council of Europe is that the vast majority of female offenders should be serving their sentences in the community while a more humane approach must be found for those few mothers who have committed serious offences, meriting a prison sentence.[14] The European Prison Rules (2006) stress that young children should only stay with a parent in prison if this is in their best interest and that where children are living in prison establishments, special provision should be made for, in particular, nurseries, staffed by qualified staff (Rule 36). In this respect, the CPT further elaborates that

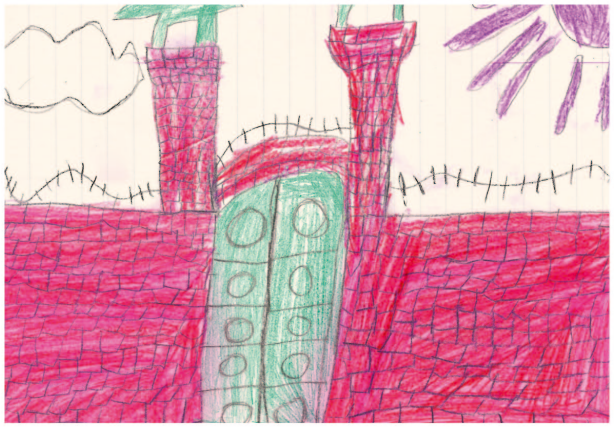
> Where babies and young children are held in custodial settings, their treatment should be supervised by specialists in social work and child development. The goal should be to produce a child-centred environment, free from the visible trappings of incarceration, such as uniforms and jangling keys.[15]

The Parliamentary Assembly of the Council of Europe's Resolution 1663(2009) of 28 April 2009 on Women in Prison sums up the requirements concerning women prisoners that have their children with them and in particular require that:

- prison regimes and facilities must be "flexible enough to meet the requirements of pregnant women, breast-feeding mothers and prisoners whose children are with them;
- in situations where babies and young children in prison with their mother have to be separated from her, this (must) be done gradually, so that the process is as painless and non-threatening as possible;
- children staying in prisons with their mothers (must be) given access to crèches outside the prison, offering them opportunities for socialisation with other children and alleviating the detrimental social effects of imprisonment on their personal development.[16]

There is no uniform approach across Europe as to the optimum age at which children should not remain in prison with their mothers – in Northern Ireland, children can remain with their mothers until 9 months old while in Poland and Italy they can stay in the specialised Mother and Children Units until the age of three or longer if this is in the best interest of the child.

Some positive initiatives have been observed in relation to the situation of mothers and babies, either currently being piloted (for example, the ICAM Project



in Italy) or having a long-established nature (like the Mother and Child Units in Poland). The ICAM Project, designed specifically to assist mothers with children up to three years of age, provides support to develop positive family relationships, including with children who are on the outside, and provides early years' education to children. Officers in this very small prison wear civilian clothing and are assisted by education, health and welfare staff who work with the women and children. Similarly, the Mother and Child Unit in Grudziadz Women's Prison in Poland provides child-friendly environment where mothers take responsibility for the daily care of children. Staff in the unit wear civilian clothing and can, with the mother's permission, take children out of the prison grounds, for example to playgrounds in the residential areas surrounding the prison. Crèche facilities are provided for children whose mothers go to school or work during the day.

Unfortunately, at the other end of the spectrum, minimal provision for mothers and babies has been observed in Hydebank Wood women's prison in Northern Ireland, where facilities for mothers whose babies are with them are limited to the provision of a larger cell on the general landing in the facility. The Northern Ireland Prison Service's own policy on the Management of Mothers and Babies concedes that the prison is "not equipped to cater properly for children above 9 months"[17]. Some initiatives have, however, been introduced more recently in the prison to support contact between mothers and their children. For example, the prison now offers extended visits (including the possibility of an overnight stay) and has a mobile unit that can be used by women to spend more time with their children in a more private environment.

While improvements in the facilities available to mothers are welcome, these should not be treated as a replacement for what is required by international law and guidelines. In particular, custody should be only used in the exceptional cases of mothers who have committed the most serious offences and, for all others, effective community-based alternatives should be provided. Such alternatives should be designed in a way that respect the principle of the best interest of the child.

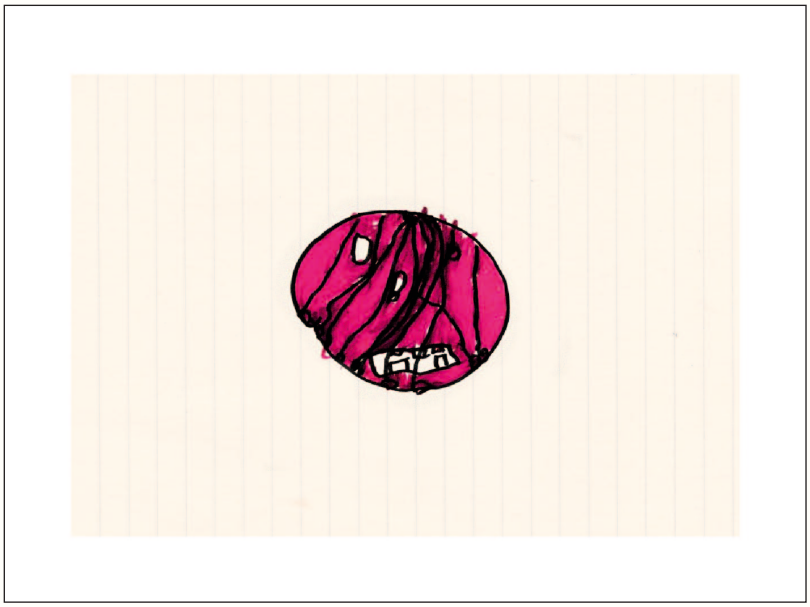
RELEASE FROM PRISON

Separation through imprisonment changes family relationships. No matter how often prisoners have contact with their children, and in what form, it is inevitable that they will miss events that are important in their children's lives, will not be able to give them support and advice on a daily basis, follow their children's development or be involved in decisions about their lives in a way that they would be had they never been imprisoned. Indeed, programmes are sometimes offered to prisoners locally to develop their parenting skills or develop stronger bonds with their children. In Italy, for example, parenting support schemes are offered by Bambinisenzasbarre in the Como and Bollate prisons. A support project for families with children who experience behavioural difficulties due to parental imprisonment is offered at Milano Opera prison. The project offers a physical space organised as a private home to enable contact as well as psychological support by experts in family dynamics and child psychology.

While those positive initiatives are encouraging, it remains the case that often programmes offered to prisoners are mainly designed to address their offending behaviour or their addictions. Such programmes unquestionably have the potential to impact on the relationship with the prisoner's children. They are not, however, specifically designed to improve such relationships or to support prisoners to fulfil their parental responsibilities on release. There is a need for prisons to offer a mixture of programmes that tackle both the causes of offending behaviour and also develop the positive engagement between prisoners and their children.

On release, many prisoners have to 'learn' how to be parents again and many children have to get used to having the parent around again. Their time in prison should be used to support those prisoners who wish to do so in providing them with parenting skills and to prepare them for 'parenting on the outside'. Resettlement plans for prisoners who have children should include the offer of specific support to prepare them for undertaking their parental responsibilities on release. Support should also be offered to the families of returning prisoners. In this respect, a programme run by the children's charity 'Barnardo's' in Magilligan Prison in Northern Ireland is a positive example. This brings together prisoners and their partners to look at the difficulties they may face as a family following release and encourages them to look for constructive solutions in preparation for the time after custody.

Studies in the four countries revealed that non-governmental organisations, as well as social services, play an important role in assisting prisoners and their families with resettlement on release. As stated earlier, it is vital that those organisations are appropriately resourced to be able to continue and expand their services. Equally, evidence from the studies clearly indicates that there should be more focus on the situation and the needs of prisoners' children in connection with the release and resettlement of imprisoned parents.



> Prisoners tell [us] that they experience immense uncertainty about going home. The family has, of course, coped without them and consequently they are uncertain whether there is a need for them at all anymore. **(Family therapist, Denmark)**

JYDERUP STATE PRISON – DENMARK

Jyderup Prison is an open facility. Visiting times at weekends extend from 9:30 am to 7:30 pm, which gives families greater flexibility as to when to visit. Visits inside the prison typically take place in the prisoner's own room, and facilities are provided so that families can cook meals together, eat together, have time to play and watch TV, and so on. Additionally, the prison has accessible outdoor areas where parents can play with their children during a visit.

PENSION ENGELSBORG, DENMARK

This unique initiative (a Family House) is situated in a Halfway House 'Pension Engelsborg' in Denmark. The 'Pension Engelsborg' belongs to the Danish prison service. Selected prisoners can stay in the house with their entire immediate family in an environment very similar to ordinary flats/housing and the family and children receive help and counselling from professional staff as appropriate on an individualised basis.

The Family House began as a trial but has now become a permanent part of the Prison and Probation Service's re-entry programme and has been expanded to include two family therapists. In addition, a social educator and social worker are also available in the Family House, in which five families can live at one time.

RELEVANT ARTICLES FROM
THE UN CONVENTION ON THE RIGHTS OF THE CHILD

ARTICLE 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

ARTICLE 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

ARTICLE 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

ARTICLE 12

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.

ARTICLE 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

ARTICLE 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

RELEASE FROM PRISON

> Prisoners tell [us] that they experience immense uncertainty about going home. The family has, of course, coped without them and consequently they are uncertain whether there is a need for them at all anymore. **(Family therapist, Denmark)**

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ficulties they may face as a family following release and encourages them to look for constructive solutions in preparation for the time after custody.

Studies in the four countries revealed that non-governmental organisations, as well as social services, play an important role in assisting prisoners and their families with resettlement on release. As stated earlier, it is vital that those organisations are appropriately resourced to be able to continue and expand their services. Equally, evidence from the studies clearly indicates that there should be more focus on the situation and the needs of prisoners' children in connection with the release and resettlement of imprisoned parents.

> Children of imprisoned parents become introvert, they seek acceptance from their peers and others but often experience emotional difficulties [...], start displaying nervousness. [...] Such children often feel lost and become an easy target, start having problems at school and at home. They lose the feeling of safety and security, begin to display aggressive behaviour. In cases where the mother is imprisoned, children often lose contact with her and family ties dissolve. They are stigmatised. **(Social Worker, Poland)**

CONCLUSIONS AND RECOMMENDATIONS

As stated in the introduction to this report, an estimated 800,000 children are separated from their parents every day due to the latter's imprisonment. Considering that more often than not children of prisoners are vulnerable and often have multiple support needs, it is important that accurate statistics exist in the different countries, so that the State authorities can provide appropriate assistance.

The laws on imprisonment in the different European countries place some focus on prisoner's family relationships. In practice, however, both the quality and quantity of the contact between parents and children depends very much on individual prisons, and the provision of facilities and other support varies greatly between different institutions. Examples of positive practice can be found across Europe. These are, however, rarely mainstreamed across the whole prison estate or across the whole police service.

In particular, the results of the studies undertaken in the four countries indicated very strongly that while all four are signatories to the UN Convention on the Rights of the Child, the practice, in relation to the situation of children of imprisoned parents, shows that more must be done to implement the principles of the Convention.

The report, therefore, makes an overall recommendation to all Member-States of the European Union and the Council of Europe to:

> Incorporate the UN Convention on the Rights of the Child into European standards, national laws and practice, with regard to children of imprisoned parents, so as to ensure that children of imprisoned parents are able to maintain contact with their parents; are consulted and receive timely information regarding what had happened to their parent; are free from discrimination on the grounds of the acts of their parent and have their views taken into account wherever appropriate.

Based on the findings of the four studies, the report also makes a number of detailed recommendations for the practice of law enforcement agencies and support agencies. While the research report mainly mentions children whose parents are imprisoned, there are of course those who are affected by imprisonment of their grandparents, siblings, uncles and aunts and other family members with whom they have a close relationship. The effects of such imprisonment on those children will often be similar to those experienced by children whose parent goes to prison. The recommendations that follow should, therefore, be considered with this in mind.

ARREST:

1. Specific guidelines should be developed for police officers on handling arrests in the presence of children, with the overall aim of minimising the traumatic consequences for children. All arresting officers should be trained in accordance with the guidelines.

2. Arresting officers should ensure that up-to-date information is given to children of arrested parents and carers at the point of arrest or very soon after. This should include information for children who are taken into care as a result of the arrest of a parent.

3. Arresting officers should be under legal obligation to find out whether the arrested person has any children or if they have primary responsibility as carers for any children (in particular if children are not present during arrest). Arresting officers should then ensure that children are taken care of properly and in particular that they are not left on their own following the arrest of a parent.

4. If children are brought to a police station as a result of an arrest of a parent, procedures should be in place to ensure that the rights of children are respected. To this effect, police services should employ "children's and/or family" officers who are specifically trained to deal with such situations.

DECISIONS ON REMAND:

1. All decisions as to whether an individual should be placed on remand awaiting trial should be taken with a primary consideration of the rights and needs of the children of the arrested person.

DECISIONS REGARDING THE SENTENCE AND THE PLACEMENT IN A PRISON:

1. The child's best interest must be considered when a parent is sentenced, with regard to both the choice of punishment and, if imprisoned, the choice of where the sentence is served so as to ensure the possibilities for face-to-face contact between the child and the parent during the stay in prison.

2. States should implement the Council of Europe Resolution 1663 of April 2009 regarding women in prison, and in particular consider wider use of alternatives to custody for women with parenting responsibilities and for men who are primary carers.

CHILDREN VISITING IMPRISONED PARENTS:

1. A child should have the right to visit his or her imprisoned parent in an appropriate setting within one week of the initial imprisonment and frequently thereafter.

2. Restrictions imposed on contact by remand prisoners with the outside world should be implemented in a way that does not violate the child's right to contact with their separated parent under the UN Convention on the Rights of the Child.

3. Minimum European standards should be adopted for visiting facilities in prisons to create child-friendly spaces which encourage personal contact and provide an environment conducive to play

and positive relations between parents and their children. Such facilities should be accessible to children with disabilities or other access needs.

4. Children should be provided with age-appropriate information about visiting procedures and arrangements, including information about what they are allowed to bring with them on visits and how the search procedures will be conducted when they arrive at the prison. Such information should be provided in a variety of formats (for instance, large print, 'easy-read' versions, audio versions) and languages.

5. Search procedures should be appropriate and proportionate to children's rights, i.e. they should consider the child's right to privacy, their bodily integrity, safety and security, etc. Security staff in prisons should be trained in child-appropriate searching and in the impact on children of parental imprisonment and the prison environment.

6. Every prison should have a designated "children's and/or family officer", appropriately trained to support children during visits. Specialised staff should also be present in child-friendly facilities during visits.

7. Arrangements should be made in prisons for parent-child activities on a regular basis. Opportunities should also be created for children to visit their parent in private in special circumstances.

8. Arrangements should be made so children can be accompanied on visits when the other parent is not available. Such arrangements should be made with specialised non-governmental organisations (NGOs) or specialised social work professionals.

9. Where possible, children should be able to see where their parents live in prison (i.e. be able to visit their parent's cell or be given a photograph of the cell) so as to reduce their fear and anxiety around what happens to their parent when the child leaves the prison after a visit.

10. "Children's expert/advisory groups" should be established in each prison to regularly evaluate the children's experience of visiting the prison and/or maintaining contact with their parents by other means and to recommend improvements in practice where necessary.

11. Financial support should be available to families on low income to ensure visits are not impossible due to lack of funds. Where possible, families travelling long distance to prison should be accommodated overnight close to the prison facility.

OTHER CONTACT WITH IMPRISONED PARENT:

1. The needs of children should be paramount in the development of law and guidelines on prison leave and their implementation. Additional contact with children should never be treated as an "award" under the system of prison privileges dependent on the behaviour of a prisoner. Neither should prisoners be deprived of such contact as a disciplinary measure.

2. Prison rules should include the possibility of prisoners availing of special leave in emergency situations, for instance to visit their children in hospital.

3. Telephone technology (including mobile phones) and the internet should be utilised more with a view to encouraging and maintaining contact between prisoners and their children.

4. Specific guidelines should be developed in relation to supporting and maintaining contact for prisoners whose children live abroad. In particular, the use of internet technologies (including the use of web cameras and internet instant chat communication) should be encouraged in such circumstances.

BABIES AND SMALL CHILDREN LIVING WITH THE IMPRISONED PARENT:

1. All children living with their parents in prisons should have access to outside areas such as playgrounds. Arrangements should also be made so children have access to the outside world (if necessary, supervised by specialised, non-uniformed staff) as it must be recognised that the child is not a prisoner and should be able to avail of maximum access to the community.

2. Prison units accommodating children should be partly staffed by specialist staff, trained in early-years development and education.

3. Educational and day-care facilities should be available, preferably both within and outside of prisons accommodating children with their imprisoned parents.

4. Parents of children who live with them in prison should be supported in the development of their parenting skills. Parents should be given opportunities to care for their children in a way that resembles parental responsibilities in the community, i.e. they should be able to prepare meals for their children, prepare them for nursery (even if the school is within the prison), spend time on play and other activities both inside and in outdoor areas, and so on.

INFORMATION, SUPPORT AND GUIDANCE:

1. Prisoners, their relatives and their children should be offered appropriate, up-to-date and relevant information at each stage of the process – from arrest to release – about procedures and policies that affect them and that affect family relationships. Prisoners and their families, including children, should be provided with information about the support available to them before, during and after the period of imprisonment of a family member. Children should be provided with age-appropriate information about support which they can access separately from their parents, if such support is available (for example, through children's charities).

2. Prisoners who are concerned about the impact of visits to prisons by their children on the children and/or themselves should be supported and encouraged to maintain contact with their children in different ways, especially until such time as visits become possible.

3. Parenting and other programmes that encourage the development of constructive parent-child relationships and in other ways support positive experiences for children should be offered in prisons.

4. Prison regimes should be designed in a way that progressively allows imprisoned parents to take parental responsibility, in particular as part of preparation for release (for example, by creating opportunities for imprisoned parents through home leaves).

5. The important role of non-governmental organisations in supporting prisoners and their families should be recognised and appropriate funding should be made available to them so that such assistance can be provided in accordance with need.

FINAL RECOMMENDATIONS:

1. Police and prisons should be legally obliged to collect information about the number and age of children whose parents have been arrested and/or imprisoned.

2. Statistics on the number of children whose parent/s are in prison should be made publicly available.

EXTENDED VISITS – LOMBARDY, ITALY

Extended visits play a key role in supporting family ties by providing opportunities for families to spend quality time together. They are available in a number of prisons in the Lombardy region. In addition to longer visiting times (until 6 pm, including on Saturdays), special events are organised which feature children's entertainment, including theatre plays. At San Vittore Prison, prison staff do not wear uniforms during those special events organised, for example, for Mother's Day or Christmas. In some prisons, prisoners are able to contribute to the organisation of the special events by cooking food, baking, and so on.

CHILD-CENTRED VISITS – NORTHERN IRELAND

These are visits which take place after the normal visit and the child stays in the room with their parent for an additional, extended visit. The idea behind giving additional time for children is so that they can get undivided attention from the parent. Child-centred visits are welcomed by prisoners and their families. One prisoner in Magilligan Prison said that

> The child centred visits are unbelievable like, really really brilliant – love them.

In particular, prisoners enjoyed the freedom that such visits give them to play with their children. Unlike during a regular visit, children and prisoners can move around the room and can use toys especially brought in for the visit. The time can be used to bond with kids, running with them around the room, playing with cars and dolls, making drawings, etc.:

> (...) he [the son] always brings two cars over – he wants me to push a car up, he wants to push one back towards me and, there's a lot of toys get brought out. Anything he sees being brought out, he wants, you know what I mean? (...) It's brilliant, I love it, honestly. Tremendous. **(Prisoner, Northern Ireland)**

Unfortunately, the researchers in Northern Ireland found that such visits are still infrequent and quite a number of families are unaware that they can avail of them. Considering the impact of the visits, the Northern Ireland Prison Service should do more to facilitate more of what is a very positive experience for children and prisoners alike.

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APPENDIX A

FULL REPORT AND NATIONAL CASE STUDIES

THE RESEARCH in the four countries was based on the model of a study on children of imprisoned parents conducted in Denmark by the Danish Institute for Human Rights (DIHR). It has attempted to combine academic research with knowledge and information drawn from practical work by statutory bodies and NGOs with children of prisoners and from dialogue with all relevant professionals working in the field. This was so as to ensure that the recommendations are based on research evidence, as well as on practical experience gathered by people related to or working with and around children of imprisoned parents – i.e. prison staff in prison visiting areas, police officers making arrests, social workers involved with prisoners' families, education workers in prison, psychologists, prisoners' relatives and children.

THE FINDINGS of each individual national research, together with the analysis of international human rights framework and a review of the available literature on the experiences of children of imprisoned parents, were published in May 2011 in [TITLE OF THE FULL REPORT; PUBLISHER, PLACE]

THE PROJECT was managed by **Jes Ellehauge Hansen** ***(DIHR)*** under the overall guidance of **Peter Scharff-Smith** ***(DIHR)*** and **Lucy Gampell** ***(Eurochips)***. Additional project management support was provided by **Sisse Stræde Bang Olsen** and ***Mads Thau Loftager (both DIHR)*** and **Liz Ayre** ***(Eurochips)***.

Dr Stephanie Lagoutte ***(DIHR)*** provided the analysis of the relevant human rights framework.

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APPENDIX B

FOOT NOTES

[1] Marshall, K. (2008) Not Seen. Not Heard. Not Guilty: The Rights and Status of the Children of Prisoners in Scotland, Edinburgh: Scotland's Commissioner for Children and Young People p. 8.

[2] *Eurochips* is a European-wide network of organisations working with and on behalf of children with an imprisoned parent. It seeks to raise awareness and achieve new ways of thinking, acting and interacting on issues concerning prisoners' children.

[3] Article 8.2 ECHR. See for example: Report of the European Commission for Human Rights in the case of McVeigh and others v. United Kingdom (appl. nr. 8022/77, 8025/77 and 8027/77), DR 25, pp. 67-68.

[4] Moiseyev v. Russia, judgment of 9 October 2008 [Section I] (app. no. 62936/00), § 246.

[5] UN Committee on the Rights of the Child (2006) Considerations of reports submitted by States Parties. Concluding observations: Thailand, 17 March 2006, CRC/C/THA/CO/2, § 48.

[6] Children's Committee (2005) Report to the UN's Committee on the Rights of the Child. Supplementary report to Denmark's 3rd periodic report, page 18 f.

[7] *MetroXpress* (Denmark), 16 October 2010.

[8] Wainwright v. United Kingdom, judgement of 26 September 2006, application no. 12350/04, § 44.

[9] Council of Europe (2008) Women in prison, Report of the Social, Health and Family Affairs Committee of the Parliamentary Assembly of the Council of Europe, Doc. 11619 revised, 23 June 2008, pt. 45.

[10] See for example: Boswell, G. (2002) 'Imprisoned Fathers: The Children's View' The Howard Journal Vol. 41 No. 1, pp. 14-26.

[11] The phones are secured to the wall in the cell but allow text messages back and forth, enabling prisoner's children to have regular contact with their imprisoned parent

[12] Northern Ireland Association for the Care and Resettlement of Offenders (NIACRO).

[13] European Committee for the Prevention of Torture (2000) 10th General Report on the CPT's activities covering the period of 1 January to 31 December 1999, CPT/Inf (2000)13, p.15.

[14] Parliamentary Assembly of the Council of Europe Resolution 1663(2009) of 28 April 2009 on Women in Prison.

[15] European Committee for the Prevention of Torture (2000) 10th General Report on the CPT's activities covering the period of 1 January to 31 December 1999, CPT/Inf (2000)13, p.15.

[16] Parliamentary Assembly of the Council of Europe Resolution 1663(2009) of 28 April 2009 on Women in Prison.

[17] Northern Ireland Prison Service (2006) Management of Mothers and Babies, Belfast: NIPS, p.4.

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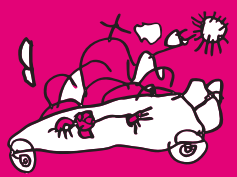
When a person is imprisoned, it has repercussions for society at large. Not least for the prisoners' children – a group often neglected and on whom the impact can be colossal. Estimates indicate that on any given day about 800,000 children in Europe are separated from a parent who is behind bars.

Relatively little is known, however, about the consequences for children who have a parent in prison – except that, on the whole, it can be detrimental to the child's wellbeing. Whilst several examples of positive initiatives exist, little has been done in a systematic manner by authorities in European States to mitigate these consequences. This is despite the fact that children have rights articulated in, among others, the UN Convention on the Rights of the Child and the European Convention on Human Rights, which should guide the manner in which they are treated when their parents are imprisoned.

This report is based on research conducted in four European countries: Denmark, Italy, Northern Ireland (the United Kingdom) and Poland. Through interviews with police officers, prison staff, social workers, prisoners' children and parents, the consequences for children of having one or more of their parents incarcerated are explored. A number of positive initiatives around Europe are also identified and described.

Based on the individual national case studies and the relevant human rights framework, a number of recommendations are proposed to European policy and decision-makers. Recommendations that, if implemented, could significantly improve the situation of children of imprisoned parents.



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