

## Children Affected By Parental Imprisonment: Needs, Solutions and Rights – the Evidence from Across Europe

By Lucy Gampell OBE, President of Children of Prisoners Europe

### 1. Introduction

In recent years, there has been increasing interest in the specific impact of parental imprisonment on children. But whilst in most of Europe the focus has been on the welfare and needs of the child, in the UK attention has focussed on the link between strong family ties and reducing re-offending. Whilst research does show that prisoners who have good family support are less likely to re-offend, the focus of Children of Prisoners Europe (COPE) is on minimising the harm caused to children by parental imprisonment and ensuring that their rights and needs are met. Some children face stigmatisation (especially if the crime has been particularly high profile), and many feel responsible for their parent's departure, leading to feelings of guilt. Frequently the whole family will experience great difficulties following imprisonment of a family member including a lack of information, financial problems, difficulties visiting the prison and keeping in touch. It is not surprising, therefore that children of prisoners have been found to have around three times the level of mental health problems, be more prone to anti-social behaviour and other adverse outcomes than their peers. Previous studies have found mostly negative changes in the lives of children since their father's imprisonment with those with a mother in prison being even more acutely affected. Studies have also consistently found psycho-social problems including:

Depression, hyperactivity, aggressive behaviour, withdrawal, regression, clinging behaviour, sleep problems, eating disorders, running away, truancy, low academic achievement, low self-esteem, delinquency and anti-social behaviour.

Yet despite acknowledging these potentially negative outcomes for children with a parent in prison, almost no country systematically collects data on whether prisoners have children (exceptions being Sweden, Lithuania and Romania). In Northern Ireland for example, in 2010, the Northern Ireland Prison Service (NIPS) estimated that at any one time around 1,500 children have a parent in prison; 120,000 visitors entered the 3 prisons each year, of which an estimated 36,000 (30%) were children. This failure of governments to record statistics on children impacted by imprisonment is a serious failing impeding the identification of, and provision for, their needs.

---

<sup>1</sup> Reducing Re-offending, Social Exclusion Unit Report 2002

<sup>2</sup> Whilst this paper refers specifically to children whose parents are imprisoned, many more children are also affected by the imprisonment of their siblings, grandparents and other family members with whom they have a close relationship. The effects and experiences on these children will often be similar to those children whose parent goes to prison

<sup>3</sup> Farrington & Murray 2005 & 2008

## 2. Children's Rights and European Research findings

Imprisonment rates, and therefore the number of children and families affected, varies across Europe but the UK imprisons more than any other EU country (bar Portugal) at around 150 per 100,000 inhabitants, with Sweden imprisoning half that at 77.

COPE is a network of member organisations and individuals from across Europe; through our engagement with our members and participation in a number of robust research projects, COPE provides evidence on the detailed impact of imprisonment on the child at every stage of the CJS from the arrest through to post-release and highlights what works via legislation, good practice and in battling the stigma they carry. Between 2009 and 2013, COPE was involved in two major EU funded pan-European research studies, one rights based and the other needs based and specifically child-centred: Children of Imprisoned Parents (2009-11); and the COPING Project (2010-13).

### Children's Rights

UNCRC Art 3 states: "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**".

Within the ECHR Article 8 protects the right to privacy and to family life whilst within the CRC those rights of particular relevance to the situation of children whose parents are in prison are:

- » the right to be **free from discrimination**, including where such discrimination might be consequences of the status and actions of their parents (Art.2);
- » the right to have **direct and frequent contact with parents** from whom the child is separated (Art. 9);
- » 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)

Applying these to prisoners' children should mean they have a right:

- » to have their views heard on how they will be affected by their parent's imprisonment (a particular challenge with younger children and in a system focussed on punishment of the offender);
- » to be informed about what is going on and where their parent is;
- » to see their imprisoned parent(s) on a regular basis and in a manner that respects their physical and moral integrity; & to be assisted in this by public authorities that have the obligation to facilitate this contact; and
- » to be protected from media intrusion into their family's life.

The *Children of Imprisoned Parents* study was undertaken by COPE (then Eurochips) in collaboration with the Danish Institute for Human Rights and the University of Ulster, with partners in Italy and Poland. It reviewed international and regional legally-binding instruments (e.g. the International Covenant on Civil and Political Rights - ICCPR,) as well as the jurisprudence from the European Court of Human Rights – which plays a pivotal role in upholding human rights as its judgements are legally binding on the States to which each case relates. Four country-wide studies were undertaken in Denmark, Northern Ireland, Italy and Poland along with a review of the human rights framework itself.

The four countries involved in the COPING study (which was led by the University of Huddersfield) were England, Germany, Romania and Sweden, which again have a broad spectrum of criminal justice policies, social welfare provision, and interventions to support children of prisoners. Of all the countries in either study, the UK has the highest prison population and the second highest number of children deemed at risk of poverty or social exclusion, but a greater range of support services, mainly provided by NGOs (eg. providing information and advice for prisoners' families and running visitors' centres such as NIACRO, Quaker Service and Barnardo's).

Little evidence was found of any systematic consideration being given to children's rights at any stage of the CJS - arrest, bail/remand decisions, sentencing, during the period of imprisonment and post release. As a result, the treatment children receive at each of these stages has the potential to lead to unnecessary trauma and long-term harm and their resilience to this treatment and their experience was the subject of the COPING project.

Not surprisingly, very few children have yet taken a case to the European Court of Human Rights and their perspective is rarely taken into account by the Courts. However, there have been some interesting judgements more recently, particularly in Northern Ireland and Italy where the impact on children has been taken into account at the sentencing stage. One of the recommendations COPE is pressing for is that the best interests and needs of the child to be overtly taken into account when deciding about both remand and the sentence itself.

Very little attention has been given to the treatment of children and families when the arrest takes place in the home and the particular role of the police. Evidence from both the EU studies highlights the need for more attention to be given to this and of the importance of police and criminal justice agencies having children's welfare in mind which requires specific training and understanding as these quotes from young people illustrate:

*"Mum was frying meatballs when they came and she was given just 3 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." (Denmark)*

*"The officer said that we had to leave the room so he could check it for drugs. When we were on the way out 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". (Denmark)*

Other concerns identified at the early stages included the stress caused by extended periods of bail; children having no opportunity to say "goodbye" to parents when they were remanded into custody; and serious concerns about restrictions on contact with families for remand prisoners (in Sweden and Denmark).

---

<sup>4</sup> case of Ann Doyle, Kerri Cassidy, Meehan & McDonald see p 136-139 of report

Whilst children have a right to know what has happened to their absent parent, it is generally left to their carer to do this which many can find extremely hard to do. In addition, prisoners sometimes do not want their child to be told the truth. What they are told often depends on the age and perceived maturity of the child with mistruths being told which can then develop into a complex web of lies in order theoretically to protect the child; but often children find out for themselves through the press, people at school or the internet.

There is increasing recognition (supported by the COPING findings) that children cope better when they know the truth; they are reassured when told where the parent is and are less likely to feel abandoned or guilty that he/she has been taken away. In both studies it was found that the earlier children get told the truth, the better and that prison and NGO staff have a role to play in supporting the process. If a child isn't told the truth they can develop unhelpful fantasies:

*"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." (Italy)*

The most fundamental right is the right to contact with a separated parent. This is often undermined by the system, the imprisoned parent or by the carer denying their child access to visit. Both projects demonstrated the importance of prison visits and that it is usually better for the child to visit the prison sooner rather than later, as their fantasies about the "unknown" place where their parent is can be worse than the reality. Visiting an imprisoned parent can be a traumatic process; negative preconceptions are exacerbated if the visit is not child-friendly, as is all too often the case - imposing gates; the security search process; drugs dogs; stern prison officers; the lack of play area or child-oriented decorations and pictures, all serve to heighten a child's fears.

*"It makes you feel horrible, like you have done something too. They watch you and make you feel guilty just for being there. They search you and you feel stupid and it's horrible. You don't get used to it; you sit there waiting for them to call you and you feel ashamed." (UK)*

Yet a single visit can reassure a child that their mum or dad is alive and not being mistreated or neglected. In practice, both the **quality and quantity** of the contact between parents and children depends very much on state policies and local prison practice. Examples of good practice can be found across Europe but these are rarely mainstreamed across the whole prison estate and security and control issues often over-ride children's interests. The opportunity to see the cell can be particularly helpful for children, with Northern Ireland prisons Magilligan and Maghaberry being two of the few that allow children to do this.

Through our members and our involvement in robust research COPE has been able to identify, exchange and develop models for improving the quality of prison visits. For example:

- Northern Ireland has been an exemplar of good practice for many years in this regard with visitors' centres and prison play areas run by NGO staff; information for families, family link officers in prisons and family support work through the likes of NIACRO and the Quaker Service;
- In Poland, prisoners who have custody of children below 15 years of age can request an additional one visit per month and several countries (Poland, Denmark and UK) allow for accumulated visits – this means the visits will be rarer but may have a better quality, especially for families that have to travel considerable distances;
- Several countries, again including Northern Ireland organise children and family days and child-centred visits where children and prisoners spend quality time together or have specialist workers to interact with the children on visits. One dad explained the difference as follows:  
 "...it's seeing wee stupid things like swinging him and running up and down and chasing him, he always brings two cars over – he wants me to push a car up, he wants to push one back towards me.... he just stands his ground and waits until he gets the red car so he can drive up and down. It's brilliant – I love it, honestly. Tremendous." (Prisoner, Northern Ireland)
- In France, Relais Enfants Parents provides volunteer escorts to take children on prison visits as well as community based interventions, through child psychologists and volunteers working with children of prisoners;

Both studies found that the way in which children are treated by staff has a significant impact on the quality of the visit experience. This relates to the culture in individual prisons, the attitude of staff and their training. In some of the prisons it was clear that staff were doing their best to accommodate children's needs, for example by making the security searches less intrusive and providing training.

- Denmark runs a project with children's officers and in Northern Ireland (and Scotland) there are Family Link Officers in every prison responsible for improving the experience of visiting for children and families. Alongside these, initiatives such as Children's Committees and Family Groups have developed in some countries, enabling dialogue between children, families and the prison.
- There were also examples of extended visiting times to allow children to visit after school or where they can visit without another adult being present to have a more meaningful and informal visit with their parent. The Danish Prison Service has set up a Children's Forum where children's NGOs, the DIHR and others meet to influence policy and practice and the Service is currently extremely committed to creating child friendly visiting conditions across the system. Similar initiatives operate in Norway through the Children's Ombudsman with each prison having a Children's Ambassador nominated to represent their needs.

Both reports recommend that all Prison officers who have family contact and manage the visits areas need appropriate training. In Italy, following the impressive awareness-raising work of Bambinisenzasbarre, the Justice Ministry issued a circular instruction in December 2009 instructing prison staff in all Italian prisons to pay particular attention to children visiting the prison and foster quality contact wherever possible.

Telephone and letters also provide an important link with the imprisoned parent, and these were at a higher level in the UK and Germany, fairly high in Sweden, and moderate in Romania. Contact by letter was particularly important in Germany, as this was often the only means of communication between visits.

In essence, every aspect of the relationship between children and their imprisoned parent is in some way controlled by adults and by the fact that the parent is behind bars. Little about visiting a parent in prison is 'natural' or child-centred and almost all the initiatives identified are generally at the discretion of the prison governor and rely on the goodwill of staff working alongside NGOs. This work is unfortunately increasingly vulnerable to lack of funding and policy change.

### **Children's experiences - the COPING PROJECT:**

The COPING project used a **child-centred**, multi-agency approach, to investigate the mental health needs of children of prisoners, to enhance understanding of their vulnerability to emotional and health problems. It looked beyond the CJS to children's experiences in schools and their local community and involved the largest number of children of any EU study, surveying over 1,000 children, aged 7-17 to ascertain coping strategies and mental health problems; results were compared with population norms. In addition to the survey smaller groups of children and parents were interviewed: across the four countries 343 interviews took place, comprising 160 children, 128 non-imprisoned parents/carers and 65 imprisoned parents. The interviews were conducted by a combination of NGO and university staff and most interviews were carried out in the children's own homes, or in NGO offices. Most imprisoned parents were interviewed in prison. Child friendly interview techniques were adopted, including encouraging children to use drawings to illustrate their experiences.

The project also involved **stakeholder consultation** to broaden the evidence about the needs of children through consultations with prison staff, NGOs, social welfare and education professionals and residential care workers.

However, like any research study, there were limitations:

- Children not in contact with their parents were under represented in the study; and children in the normal range (S&DQ scores) were over represented, possibly because those involved were already receiving quite a lot of support.
- Children from minority ethnic groups, particularly in the UK, were also under represented.
- Overall, it proved difficult to achieve target numbers of families with a mother in prison.
- fairly wide variations were noted with regard to the seriousness of offences and lengths of sentences across the four countries, making generalisations somewhat difficult.

Levels of stigma varied between the four countries, and seemed more ingrained and somewhat more marked in Romania. Children were generally careful about sharing information too widely but most found sharing information with trusted friends to be helpful and supportive. In most countries, some level of support was available to children of prisoners (mainly through NGOs) and the study showed that children valued and benefitted from being given opportunities to talk with other young people in similar situations. Generally however, across Europe there is a lack of specific support and interventions, especially for teenagers.

One of the significant findings of the COPING project was the role of schools in supporting children of prisoners. The findings showed the potential for schools to contribute to the emotional wellbeing of children of prisoners, however, COPING also found that staff in schools do not always have sufficient knowledge or understanding of the issues to be able to offer appropriate support to the children. Whilst children's school attendance could be adversely impacted by parental imprisonment, generally children continued to perform well at school, although for a minority their school performance 'tailed off'. In England however, boys tended to do less well than girls (supporting other findings that boys with a dad in prison are significantly more likely to fall into delinquent behaviour and end up in prison themselves).

COPING identified key factors relating to children's resilience, including: children's innate qualities; the importance of stability provided by their carer; the ability to maintain a relationship with their imprisoned parent; and the strength of the parent's relationship with the child prior to imprisonment. The project also identified the importance of extended family members, particularly grandparents and the valued role of siblings in supporting each other. Alongside this the project identified children's enhanced roles supporting their care-giving parent.

COPING focussed mainly on children with a father in prison. Evidence has been found, particularly in the UK, that children miss their fathers in prison as much as their mothers, and this might not have been predicted from previous research. There is some evidence that where parents continue to work together to ensure the child's welfare (whether their own relationship is continuing or not), their prospects are improved; whereas where the relationship between the carer and the imprisoned parent is under strain, this has an adverse impact for children. Family conflict, particularly associated with drug abuse for UK and Swedish families and with alcohol abuse and domestic violence in Romania also impacted negatively on children. Children's resilience is also closely linked to good communications and their being informed about what has happened as has been outlined above.

## Conclusion

There appear to be important country level differences which indicate how socio-economic, cultural and political contexts can impact upon children of prisoner's well-being. In general, Scandinavian countries have more family friendly prison policies, shorter prison terms and a welfare orientated justice system that encompasses extensive social support and sympathetic attitudes to crime and punishment, which may explain why children appear to be less affected by parental imprisonment than in the UK.

The reports make a series of recommendations aimed at enshrining children's rights principles into policy and practice at each stage of the CJS. The DIHR report contains one overall recommendation to all member states of the EU & 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.

In addition the Northern Ireland case study recommendations include:

- that sentencing legislation and guidelines should include a requirement that those responsible for setting a tariff should establish the needs of dependent children prior to sentencing;
- that legislation should restrict the imprisonment of mothers of young children to those exceptional cases of serious offending and violence;
- that police officers should receive specific training in conducting arrests when children are present and that such; and
- children should be provided with 'essential information' regarding the whereabouts of their imprisoned parent, including (as is currently the case in Magilligan) for children to be able to see their parent's cell.

The challenge in the UK is to get our government to acknowledge the detrimental impact on children of having a parent in prison, to focus on their needs and ensure their rights are upheld and that Government adheres to its obligations under the UN CRC. By learning from Europe's more child-centred approach and placing the needs of children's first, we have the opportunity to shift the focus in the UK so as to ensure improved outcomes for the next generation of children with an imprisoned parent.

- Lucy Gampell OBE is President of Children of Prisoners Europe (COPE), a European-wide initiative on behalf of children with an imprisoned parent. To find out more about COPE, visit [www.childrenofprisoners.eu](http://www.childrenofprisoners.eu)