Children of imprisoned parents

Defence for Children International - the Netherlands
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Introduction
The Committee on the Rights of the Child devotes this year’s Day of General Discussion to the topic: “Rights of children of imprisoned parents”. This right is set out in article 9 of the Convention on the Rights of the Child.

This year’s Day of General Discussion will take place on the 30th of September 2011, during the 58th session of the Committee at the United Nations Office at Geneva. The purpose of the Days of General Discussion is to foster a deeper understanding of the contents and implications of the Convention. Representatives of Governments, United Nations human rights mechanisms, United Nations bodies and specialized agencies, non-governmental organizations, national human rights institutions as well as individual experts and children are welcome to take part. The 2011 Day of General Discussion is intended to provide States and other actors with more comprehensive guidance as to their obligations to promote and protect the rights of children of incarcerated parents as outlined in the Convention on the Rights of the Child.

Defence for Children International is, together with other NGO’s, involved in the preparation of the Day of General Discussion. In preparation, Defence for Children International - the Netherlands was asked to answer a few questions focused on the situation of children of imprisoned parents in the Netherlands:

1. How is the situation of children whose parents are in prison?
2. As children of prisoners, which kinds of issues are they confronted to?
3. What is the impact of imprisonments of one or two parents on the child?
4. How is the national law with regard to these children (are they taken into consideration when a parent is sentenced)?
5. What are the measures taken when such a situation occurs?
6. Is your section working on that issue?
7. Do you know organisations working on these issues in your country or region?

These questions will be answered in this quick scan that Defence for Children the Netherlands held in the Netherlands on this topic. Some questions (questions 1 & 3 and questions 4 & 5) are combined to avoid repetition and to make a logical entity of the study. This quick scan will be completed with a few recommendations.

This quick scan is based on literature research and information received from the organisations of the Dutch Platform for children of imprisoned parents.

Children of incarcerated parents are the forgotten victims of imprisonment. When a mother or father goes to prison, their children are affected, often adversely. Imprisonment of one or both of a child’s
parents can result in serious and enduring negative effects on the child, including social exclusion, great financial difficulties, and what can be perceived as abandonment and rejection. It can lead to worse behaviour and achievement at school, and affect the child’s mental and physical health. Children who had little contact with the imprisoned parent prior to the imprisonment, may find their lives largely unchanged. Children may also benefit from being separated from parents who behave dangerously or disturbingly. Every child is different and will cope differently, but the effects on children, good or bad, are rarely taken into account in criminal justice procedures.

Questions

1 & 3. How is the situation of children whose parents are in prison? And what is the impact of imprisonments of one or the two parents on the child?

Children of imprisoned parents are among the most vulnerable groups in society. They are at great risk of emotional problems, social exclusion and poverty, due to having one or both parents taken away from them. The detention of a parent is a serious risk factor for the psychosocial development of a child. The first threat is the separation and absence of a parent. The second danger is the effect of parental incarceration on the family and the system of care.

In most cases the arrest and detention of a parent influence a child fundamentally. Children are separated from their parent and the left behind care giver, mostly the mother of the child, is confused about the situation and cannot support the child. Most mothers that stay behind with the children are young women, in many cases with a problematic past and low education. Often they are in debt and have no proper housing. Mostly they keep a great distance to youth care, so their children are not known at the right organisation. Recent study shows that help for left behind mothers and their children needs more attention. In some cases a child is placed in a foster family and is not only separated from his parent but also taken out of his own familiar environment.

Family members or other care givers of children of imprisoned parents often have no idea how to handle the emotional difficulties the children have to face. Children suffer with feelings of sadness, shame, loneliness and are angry. Because of the stigma that still exists for imprisonment, problems often are held quiet. The consequence is that these children get socially more isolated.

Richard’s story about the consequences of the imprisonment of his mother
“I told nobody anything, not even my friends. I took care of my brother of five and took him to school every day. Not even he knew that our mother was in prison. In this situation people look different at you. I wanted to avoid this. I trusted nobody. We had hardly any money and lived of my savings. We ate mainly those bags of noodles. My brothers’ teacher noticed eventually that my brother lost weight and behaved differently. He sent somebody to visit us. It shouldn’t have been any longer before we got help. Otherwise maybe something really terrible would have happend. Looking backwards it seems like I’m punished harder than my mother. For her everything was arranged, meanwhile we were starving.”

Richard, 15 years

Floortje’s story about the consequences of the imprisonment of his mother
“My friends thought the idea of a mother as a drugs dealer tough. They called her a gangster. I smiled when they told me this, but actually I didn’t find it funny. If they were in my shoes, they would not laugh. I couldn’t talk to anyone about my feelings”.

Floortje, 14 years
There is not enough knowledge in the Netherlands about the consequences of the imprisonment of a parent on children. The studies are limited and focused mainly on small groups. Most international studies, by the UK or the USA, focus on the father. Most of the time the studies are done from the perspective of the parent, not from the perspective of the child.

In the Netherlands three recent studies have been done: By the Free University of Amsterdam, the Verwey-Jonker Institute and by the CPB Netherlands Bureau for Economic Policy Analysis.

*Study by the Free University of Amsterdam (2009): “Children of imprisoned mothers”.*
This research is about the care situation of children of imprisoned mothers and includes the question if the children suffer from behavioural problems. 65 children and 30 mothers participated in this study.

One fifth of the participating children lived with their father, more than one third lived in a foster family and one third with family or acquaintances. Forty percent of the children lived, prior to the arrest of their mother, elsewhere. Most families have, prior to the detention, a history of problems. In many cases there was an unstable family situation, addiction and violence.

The conclusion of the study was that above average the children suffer from fear, aggression and deviant behaviour. Most of the children have grief of the fact that their mother is imprisoned. They fear for stigmatisation and bullying. Even though the situation (care, experience with the detention of the mother and their behavioural problems) is different for every child, the average image is negative. The group of children with a imprisoned mother is a high risk group. Problems can be caused by the detention of the mother, but mainly they already existed prior to the arrest. Some children say that the detention of their mother brings more rest and order in their lives. Most off the time the older children are angry with their mothers because she got involved in criminal activities.

*CPB (2008): “Learned young, old done”.*
The study of the CPB of the Netherlands shows that the norms, values, feelings and behaviour of parents in a strong extent are transferred to their children. So children of criminal parents have a enlarged chance to get in contact with the police. Reasons: insufficient financial means, in lesser extent being part of social networks, lack of correction on their behaviour.

The effect (transmission) of criminal behaviour of the mother on to the behaviour of the child is higher than the effect that criminal behaviour of the father has on the behaviour of the child. One out of three children with a criminal mother comes in contact with the police. With criminal fathers this chance is one out of four. If both parents were suspects at one time, the chance their children come in contact with the police is forty percent. Broken families, without a father, also enlarge the chance of criminal behaviour. But not only the criminal behaviour of the parent influence the child, also the social context of the place where children are brought is important.

Inmates who have contact with their families during detention, are less likely to relapse into their old behaviour. A person shall relinquish from criminal behaviour if they have a family and work, and have invested in their social network. The more a person has to lose, criminal activities become less attractive.

In the Netherlands every year over three thousand women are imprisoned. Approximately fifty to seventy percent of them are mothers. Most of them are single mothers. Every year 2,500 children have a mother in prison. Some of these mother hardly see or do not see their children. This causes a lot of frustration and concerns with the mothers. Therefore mothers refuse help. Gezin in Balans (see question 7) asked the Verwey-Jonker Institute to research the problems in the relationship between imprisoned mothers and their children. The researchers found it difficult to find out how many of the imprisoned women are mothers. This is not registered. In the Netherlands there are only four prisons for women. This means that a lot of children have to travel far to visit their mother. The prisons are difficult to reach by public transportation. For the care givers (fathers, grand parents, foster parents)
it is too expensive to visit the prison. Besides the costs, in many cases care givers don’t want to visit the mothers. Safety rules within the prison and child unfriendly procedures in the prison, also cause problems in the relationship. Children have to pass the detection gate and their clothes must be searched. When there isn’t a waiting room, children have to wait standing. A baby buggy can’t be taking into the prison, so a baby or small child must be carried around all the time. Children can’t bring any presents for their mother into the prison, they have to hand this over to security. A visit to the toilet means that the visit is over. Rules about the restriction of physical contact are difficult to understand for (small) children. Often the mother and the care giver need to discuss practical business as well, so there isn’t much personal time between the mother and the child. Besides this, for most children the whole visiting situation is very unnatural. Some children find the whole situation so intimidating that they do not want to visit their mothers. But also mothers say that they don’t want their children to see their mother like that, in prison.

After the arrest, it is for children and left behind parents or other care givers unclear where the parent is. Sometimes it takes days to find out. If a foster family needs to be found for a child, it is difficult for Youth Care to place the child because of the fact they don’t know for what period the child has to be placed. It can be only for a few days, but also a few years. The first period after the arrest is surrounded by chaos and uncertainties. Remaining the relationship between mother and child is in this period very difficult.

In February 2009 the State Secretary of Justice underlined the importance of the special parent-child visits. She announced the start of the pilot Betere Start (Better Start). A pilot that offers mothers with children aged two till ten, support during the last months of her detention en during the first month after her return into society.

2. As children of prisoners, which kinds of issues are they confronted to?
Children of prisoners are confronted with several issues. Studies and organisations working with parents in prison and/or children of imprisoned parents mention the following issues: traumatic arrest, secrecy, problems with maintaining the relationship between the parent in prison and his or her child, obliged visiting, communication with the foster parents and the lack of information.

aggressive arrest
In many cases children witness the aggressive arrest of one of their parents, that can cause a trauma. Most of the time a parent is arrested in the early hours of the day. While children are still in bed, they witness that the police enters the house by force with drawn weapons and a lot of shouting. After the arrest there is no direct care for these children. The police is not required to check if the arrested person has children and if the children are taking care of. This is a big problem when the arrested mother does not mention the fact that she has children, out of fear that Youth Care takes the children away.

Secrecy
If the left behind parent or other care giver asks the child to keep the detention a secret, this can be an enormous emotional load for the child, not being able to talk about the situation and feelings and always have to lie and make up excuses. This can cause all sorts of emotional problems. Children can become withdrawn, depressed or violent. All too often, the child may perpetuate a cycle of drug abuse and crime.
Sometimes the child himself does not know where his or her parent is. This secret for the child and the lies also can cause a lot of tension and stress within a family. The detention and the secrecy can cause a social isolation of the family.

Problems with maintaining the relationship between the imprisoned parent and his or her child
For children it is difficult to maintain a (good) relationship with their parent while he or she is in prison. The parent can only call at set times and also the visiting hours are restricted. Regular visiting times often are during school hours. An adult must guide a child and is also present at the visits. So normally there is no exclusive contact between the parent and the child.

Obliged visiting
There are some known cases in the Netherlands, in which the incarcerated parent was convicted of a crime against the other parent (murder), the child itself (abuse) or other members of the family. Despite of the serious fear the child or the care giver have of the imprisoned parent, the children can be obliged to visit the imprisoned parent in prison and the caregiver can be obliged to bring the child to the prison for the visit. Especially in these cases, the question must be asked if the obliged contact is in the best interest of the child. The emotional stress involved in cases of obliged visiting caused by the criminal behaviour of the imprisoned parent, can be a serious threat to the development of the child.

Communication with the foster parent
When a child is placed in foster care the child is not only separated from its parent, but also put into an unknown environment. This can cause a lot of (emotional) problems for the child. A foster parent is not always prepared how to deal with these emotions. Foster parents have a need to special support when a child with imprisoned parents is placed within their family. What they need is information about how to remain the relationship between the child and his or her parent and how to inform the child about the imprisonment of the parent.

Lack of available information
There isn’t enough information available for children about how it is to have a parent in prison or where they can go to when they have questions or problems. This lack of information is also applicable for the parent who is left behind with the children or for foster parents.

In the recent years some books for children were published:
- Ik ga naar papa. Over ouders in de gevangenis, by matine Delfos
  - A mother in prison
- Een moeder in de gevangenis, by Gezin in Balans
  - A mother in prison
- Mama woont even ergens anders. Mijn eigen werkboekje om aan mama te denken, by Gezin in Balans
  - Mommy temporary lives somewhere else. My workbook to think of my mother
- Vast!, by Gezin in Balans
  - Locked up
- Hou vast, by Gezin in Balans
  - Hold on

4 & 5. How is the national law with regard to these children (are they taken into consideration when a parent is sentenced)? 5. What are the measures taken when such a situation occurs?
In the Netherlands it is possible for parents to keep his or her child with them in prison. The legislation does not specify that this applies only to the mother, but in practice this is always the case. The director of the concerned prison must give permission for the stay of the child with the mother (article 12 Penitentiaire beginselenwet). This permission can only be given if the stay of the child is in the best interests of the child. This means that his or her stay endures with the protection of the personal safety or the mentally or physically development of the child and with the maintenance of the order and safety in the prison. The director can give restrictions to his
permission. For juvenile offenders it is also possible to keep their child with them in a juvenile institution (article 16 Beginselenwet justitiële jeugdinrichtingen).

Keeping a child in prison is an exception in the Netherlands and only possible for infants until the age of six to nine months.

In two prisons in the Netherlands there is a special mother-child house. In this ‘house’ children can stay with their mothers until the age of four, but only for the maximum period of six months. During the day they go to a day care outside the prison. These houses have more motion space than a regular prison cell. All (women)prisons have special designed cells for mothers, so they can keep their baby with them in prison.

In the Dutch law there are no special articles for imprisoned parents. The right to remain in contact with people outside prison is regulated by law, but there is no special article about the contact between parents and their children. Special mother/father - child visit is a special provision and is not a right for parents or children. Not every prison has this provision.

In the Netherlands, the fact that a parent has children is not taken into consideration when a judge imposes a sentence. In 2000 the Council of Europe’s Committee on Social, Health and Family Affaires published a report on ‘Mothers and babies in prison’. In this report the committee discourages the growing up of children in prison, but they also call the separation of the mother and her young child cruel and inhuman. The most important message of the report is that new policies to punish mothers who committed a crime should be developed. Instead of a prison sentence, alternative measures should be available. Defence for Children the Netherlands agrees with this statement if this is in the best interests of the child. If this is not possible, then the contact between the parent in prison and the child must be strengthened by better and more frequent child friendly visits.

6. Is your section working in that issue?
Defence for Children the Netherlands is part of the Platform for children of imprisoned parents. In this platform organisations or other professionals participate, like Exodus, Gezin in Balans, professor Nijnaten and Foster Care Utrecht. Once a year this platform comes together and the participating organisations inform each other on the issues that concerns these children. Within this platform we try to analyse what the biggest concerns are concerning children of imprisoned parents and how the organisations within the platform can support each other. Besides this yearly meeting the members of the platform keep each other posted on new information, meetings and events about the topic.

7. Do you know organisations working on these issues in your country or region?
Only a few organisations in the Netherlands work with parents who are incarcerated and/or with children of imprisoned parents.

Exodus
Exodus is an organisation for incarcerated persons. They offers special parent child visits, called Ouder Kind Detentie (parent child visits). Children between three and sixteen years old can visit their parent in prison once a month during a two hour visit. Children visit the prison under supervision of a volunteer, who brings the child to the prison. The visits take place in a special equipped visiting room. The prison takes care of the fact that the visiting room is child friendly. The access to this room must be as child friendly as possible. There is no other adult present at the visit (only supervision) so the child and its parent are not interfered in their conversation or game. The parent must entertain his or her own child; by planning games, helping with the child’s homework or just by talking. The
volunteers have a special role. To avoid loyalty problems with the child a volunteer goes with the child to the prison. He or she picks up the child at his or her home and after the visit he or she brings the child back. A volunteer can offer a reliable base for children to actually visit their parents. These volunteers are also a buddy of the child. Not only do they bring them to the prison, but they also take the child during these visits out of its isolation and the child receives exclusive attention from this volunteer. Once a month the volunteer also takes the child out to a fun activity, like the theatre or playground. These volunteers are carefully selected by Exodus.

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<th>Stef’s story about the parent child visits</th>
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<td>Stef’s prison time is almost over. His oldest daughter is eight and his youngest five. He sees his children regularly. “My wife comes almost every Wednesday with the girls and once a month there is a OKD (parent-child visit). Then we have two hours together. The children can play during these hours because of the extra space where they can move around freely. It is great that this opportunity is available, especially when children are aware who their father is. During these visits we mostly talk about school and their friends. “I am glad that they are not teased, even though a lot of people in the neighbourhood and at school know I am in prison. There are even parents who reschedule their children’s birthday party because my children come and visit me on that day.”</td>
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<td>The care of my children makes this punished harder. “My biggest concern is if everything goes well at home. What kind of example are you are in prison? My children are at an age that they will not forget this. In the meantime it is an motivation to make sure that when I am out I will be there for them. Regularly visits is essential to stay a father in a way, even though you cannot be part of their development from here. But this contact allows me to build on my fatherhood.</td>
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Stef, father in prison participating in the parent child program from Exodus

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<td>The organisation Gezin in balans (family in balance) focuses on the relationship between the (previous) imprisoned mother and her children. They offer different activities during and after detention to support the mothers by finding solutions for their problems that can be of influence on their children and by finding (back) their role as a mother during detention and afterwards. They published several books for children but also for mothers (see under question 2).</td>
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8. Recommendations

- When making a arrest, always check if the person is the primary caregiver of children;
- When the parent is incarcerated, ensure the child is taking care of;
- Make the best interest of the child a primary consideration in criminal procedures and sentencing;
- Inform the child about what is going on;
- Make personal contact on regular basis possible, in a child friendly environment;
- Make sure obliged visiting doesn’t cause development problems for the child;
- Take into account the fact that the child, the left behind parent, family members and other caregivers, can be the victims of the criminal actions of the imprisoned parent;
- Support the imprisoned parent, the child and the caregivers in their contacts;
- Monitor the living conditions of the children during the period of detention;
- Monitor the parent and the children after the period of detention and give support when necessary.
Sources

- Exodus, InfoNederland nr. 1, maart 2011.