

## COPING – Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health

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There is an emerging consensus in scientific literature that any comprehensive assessment of a child's difficulties and needs requires direct participation of the child to be valid and reliable. Children should be active subjects, and not merely objects of research, a consensus given additional leverage by Article 12 of the United Nations Convention on the Rights of the Child, which established a radically new vision of children.<sup>1</sup> The child's right to information and right to be heard<sup>2</sup> which allows-him or her to participate fully in the process is implicit.

### *The Child Rights Framework*

The UN Convention on the Rights of the Child (CRC) is the pre-eminent document on child rights. At its core are four 'pillars', principles that 'should also be considered in the interpretation and implementation of all other rights'.<sup>3</sup> One of these pillars is Article 12, which focuses on child participation:<sup>4</sup> it allows children capable of forming their own views to express them freely in all matters affecting them, with these views being given 'due weight in accordance with the age and maturity of the child'.<sup>5</sup> Similar provisions are found in other human rights treaties, including the African Charter on the Rights and Welfare of the Child (Article 7) and the Charter of Fundamental Rights of the European Union (Article 24[1]).

More detailed interpretation of the provisions of Article 12 has been developed since the CRC's adoption in 1989, both in national laws and internationally. The Committee on the Rights of the Child, which oversees State compliance with the CRC, has considered the issue in its interactions with government representatives and in other deliberations. In 2006, the Committee held a Day of General Discussion on 'The right of the child to be heard', leading to the 2009 publication of General Comment 12 on this issue.

General Comments are detailed and authoritative studies of a child rights theme (such as HIV/AIDS and the rights of the child) or of a particular Article of the CRC. They represent the Committee's understanding and interpretation of the particular issue under consideration and inform its future questioning of States when they report on their implementation of the CRC. General Comment 12 includes many sections of interest to those undertaking child-centred research, including the fact that 'Expressing views is a choice for the child, not an obligation' (§16), that children have a right to participate as well as be protected and provided for (§18) and that children may communicate non-verbally (§21), through drawings, play or body language. It provides guidance on appropriate conditions for interviewing children: these should enable them to feel 'respected and secure' (§23) and children 'should not be interviewed more often than necessary, in particular when harmful events are explored' (§24). Children should be informed of what is happening ahead of time, so that they can make an informed decision about whether and how to participate (§25 and 41). They should be given

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<sup>1</sup> Article 12 states:

*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.*

<sup>2</sup> The Right of the Child to be Heard, dealing with Article 12, was the subject of the UN Committee on the Rights of the Child's 2006 Day of General Discussion and its General Comment 12, published in 2009.

<sup>3</sup> Committee on the Rights of the Child (2009) *General Comment 12: The right of the child to be heard*, p5.

<sup>4</sup> The other three are the best interests principle (Article 3), non-discrimination (Article 2) and the right to survival and development (Article 6). (Accessed at).

<sup>5</sup> CRC Article 12(1)

feedback on how their views were taken into consideration (§45) and be consulted in drawing up legislation and policy related to issues that concern them (§122).

Many of the principles set out in the CRC and General Comment 12 have been applied in *Children of Imprisoned Parents, Interventions & Mitigations to Strengthen Mental Health* (COPING), a three-year child-centred transnational project funded by the European Union's FP7 Framework Programme, which aims to investigate the characteristics of children with imprisoned parents, their resilience and their vulnerability to mental health problems. The study is being carried out in four countries: the United Kingdom, Germany, Sweden and Romania, with a sample of 875 children. This makes the project the first ever of this scope to be carried out with the active participation of children with imprisoned parents. A university and an NGO in each of the four countries are participating in the study, as is the Quaker United Nations Office (QUNO), an international NGO in Geneva, and the European Network for Children of Imprisoned Parents (EUROCHIPS) in France, a pan-European umbrella organisation.

To date, 575 surveys have been carried out, assessing such variables as family dynamics prior to and during incarceration; the meanings children attribute to parental incarceration; life at school; and perceptions of the impact of incarceration on carers. The surveys, which draw on the Strengths and Difficulties Questionnaire and the Rosenberg Self-Esteem Scale, are being followed up by qualitative in-depth interviews with approximately forty children per country involved. The study takes a holistic perspective, also including surveys for carers and imprisoned parents.

In parallel, services and interventions that support children with imprisoned parents and help foster the link between parent and child are being inventoried in fourteen countries in Europe and – in those countries directly involved in the study – assessed for their efficacy and impact on how they meet the child's needs. Furthermore, the research also includes services and interventions that support parents in prison to enable them to help their child develop what John Bowlby called a "secure emotional base". It is the first time that such inventorying is taking place on this scale in Europe in any systematised fashion.

Extensive thought has gone into the overall design of the study to address the challenges inherent in the application of Article 12 of the CRC.

- How are researchers ensuring that the child does not feel constrained or pressured to take part?
- How are researchers working to foster/maximise expression of children during the interviews, creating the "right" atmosphere to enable free expression?
- How are researchers working to ensure that the child is not influenced by the parent or adult, if the latter is present?

The overarching ethos informing the study is that protecting the child's best interest prevails over the research's aims and methodology, for children's well-being is paramount.

*Child participation* is inherent in the research methodology itself; —the child him or herself signs a consent form, either before or at the interview; receives the child-centred interview guide beforehand; and is informed of the right to refuse to participate without any adverse consequences, as well as the right to withdraw from the interview at any given moment. Confidentiality and anonymity are assured, unless safeguarding or prison security issues arise. In general, the limits of confidentiality are carefully explained.

The choice of venue is left to the participants to decide. Surveys and interviews have taken place at participants' homes, NGO offices and prison visitors centres. When taking place at NGO offices, preliminary work is done to familiarise the child with the premises and the researchers, and the interview takes place in a child-friendly setting. In short, the child sets the tone—where he or she is most at ease matters most.

The interview questions have been piloted with young people of different ages beforehand to inform the process, which has evolved over the course of the project. It became clear, for example, that a free-flowing interview during which topics came up naturally proved to be more productive in many cases

than questions asked in a rigid and strict order. Furthermore, young people are encouraged to draw pictures wherever possible, which encourages the informal and child-friendly interview approach of COPING.

The presence of parents or carers during the in-depth interviews is one of the issues to which researchers gave the most thought when planning the interviews, and they are still learning as these are completed. After much thought, researchers decided that children had a right to be accompanied by an adult of their choice; but encourage private interviews without the parent present whenever possible in order to minimise the risk of influence, particularly with older children. Researchers are aware that a balance needs to be struck: they need to ensure that the child's right to be accompanied be respected, and must try to guarantee that each child tell his or her own story without being influenced by an adult or parent.

Private interviews may require additional preliminary work to allow the child to feel secure. If a parent is present, researchers work to ensure that the child is comfortable with the parent hearing whatever he or she wishes to say. Some researchers in Sweden (the NGO Riksbryggan) have construed the interview as an opportunity to allow the child to express to the parent what he or she has never been able to verbalise to the parent. Researchers have found that for some vulnerable young children, interviews have felt much "safer" when a parent is present. Some children have looked up to their parent for encouragement and, it appears, for permission to answer some questions. If the parent or carer is present, however, researchers emphasise that it is the child's views that are important for this interview. Overall, researchers in the UK to date have felt that carers have been a positive influence when present, with most parents encouraging children to elaborate on key points and give their own opinions. If researchers feel that the parent is exerting an influence in any negative way, the interview is terminated.

Nevertheless, researchers are aware that children will express themselves differently if there is an adult present, and some will feel inhibited from speaking as independently as they would wish. This is particularly the case when there is tension between child and parent. They concur that there is no perfect solution and researchers in all partner countries have been asked to monitor this dimension carefully—to enable learning about the differential impact of parents being present, or children being interviewed on their own.

*The COPING study has European-wide and international social and policy-related implications for children of imprisoned parents in two important ways: on the one hand, it underlines the need for new policy in order to meet the needs of these children, and on the other hand, also offers direct benefits to children in the study.*

Indeed, not only will it identify the needs of these children and assess the extent to which these needs are being met—which will in turn indicate how the available services and interventions should be improved to better meet existing needs—but children, young people and carers are advised of possible sources of support when they consent to be involved, and children with immediate and acute needs can be referred to appropriate support services.

COPING gives this group of children a voice, by providing them with an additional forum to describe their needs, formulate opinions and express views. Most children are too young to advocate for their own rights, let alone to be aware of their right to family life or the right to active participation. The child's involvement can have very positive benefits for children, and particularly for those with imprisoned parents. It empowers the child, fostering a sense of active citizenship and social inclusion, which furthers the goal of fighting social exclusion of children with imprisoned parents. In addition, allowing children to participate in decision-making radically transforms the child's relationship to adults and, conversely, the adult's relationship to the child; the process has a humanising effect, making adults see that children are *subjects*, and not merely objects. And lastly, giving children the opportunity to participate in and enrich decision-making—"enrich" being used because allowing a child to participate is not about endorsing his or her views but about taking them into account—fosters and promotes expression.

Fostering expression in children separated from imprisoned parents is crucial: this may take place through the use of therapeutic tools like drawing, role play or music therapy in more structured environments, or through a more everyday experience of allowing the child a role in decision-making.

Clinicians and child professionals have observed a great number of children separated from imprisoned parents who are prone to depression, with symptoms including the inhibition of a free flow of thoughts and ideas, and inhibition of the imagination and memory, as well as other mental capacities. Child participation helps keep these capacities active and alive.

With regards to child-related policies, COPING has a broader value in that it is promoting child participation in countries in which the concept is somewhat remote to the culture. Currently almost no European country systematically records the number of children with a parent in prison. Conservative estimates indicate that today some 800,000 children in the EU are affected by the imprisonment of a parent. However, due to the lack of awareness about this group, both statistically and on a policy level, there is very little information available. One of the major aims of the COPING research is to improve information about this group of children on the European level. Thereby, awareness is also raised on the importance of allowing children to participate in decision-making for this participation not only enriches research methodology and results, but society as a whole.

Very few people, the general public and policymakers alike, discuss the repercussions of parental incarceration for children when discussing policy reform within the justice system. COPING aims to raise government and public awareness about their plight and to encourage new legislation. The COPING project already indicates that some negative outcomes can be greatly reduced with simple changes in prison policy, such as more visiting hours, awareness raising and training for prison staff, and opportunities to maintain regular contact with a parent in prison. Further policy recommendations will doubtless emerge as the project develops in the next 18 months.

For further information: [www.coping-project.eu](http://www.coping-project.eu)