



20th Council of Europe Conference of Directors of Prison and Probation Services

RADICALISATION AND OTHER STRATEGIC CHALLENGES

Italian Memorandum of Understanding
Charter of Children of imprisoned parents



WHY A MEMORANDUM OF UNDERSTANDING

Children entering prisons in 1 year are around 1 million in Europe,
100,000 in Italy, 5,000 only in Milan's prisons

- Rome, on the 21st March 2014: signature of “**Memorandum of Understanding**”, the Charter of Children of detained parents, by the Italian Minister of Justice, the National Ombudsman for childhood and adolescence and Bambinisenzasbarre, on behalf of Children of Imprisoned Parents and as a bridge for all Italian NGOs working on the issue.
- **The Charter of Children of Imprisoned Parents** formally acknowledges that these children have a right to an emotional and continuing bond with their imprisoned parent and reaffirms that the latter has a right to play his/her parental role.
- The **Memorandum** contains the recommendations of the researches made by the COPE network in these years: the Danish Institute of Human Rights and Coping research (+ Italian Child Rights Convention report)
- This Charter is an asset of COPE and is now adopted to become an European one.



THE CHARTER MESSAGE

- **The Charter of Children of Imprisoned Parents, a revolutionary document for different reasons, which commits the penitentiary system to transform the relational and care aspects of prisoners, taking their parental role into consideration, and to change its welcoming culture, being aware of the presence of the minor and of the social burden that a parent's detention implies.**
- **The Charter is an important message for civil society, it is a request for a change of attitude, a cultural shift that must be on the side of children, not on the side of imprisoned parents and their legal obligations; at the same time it is a strong call for the necessity to start a process of social integration and, more generally, of a deeper cultural change towards the most vulnerable party: the child.**
- **If children have rights, they can stop feeling themselves as guilty.**



THE CHARTER CONTENT IS BASED ON:

- The international laws:
 - U.N. Convention on the rights of the child (1989), art. 3,9, 12;
 - The Draft European Charter on the Rights of the Child of 1992, art. 9,15;
 - the European Convention on Human Rights, art. 8;
 - Committee on the Rights of the Child
 - European Prison Rules
- National laws

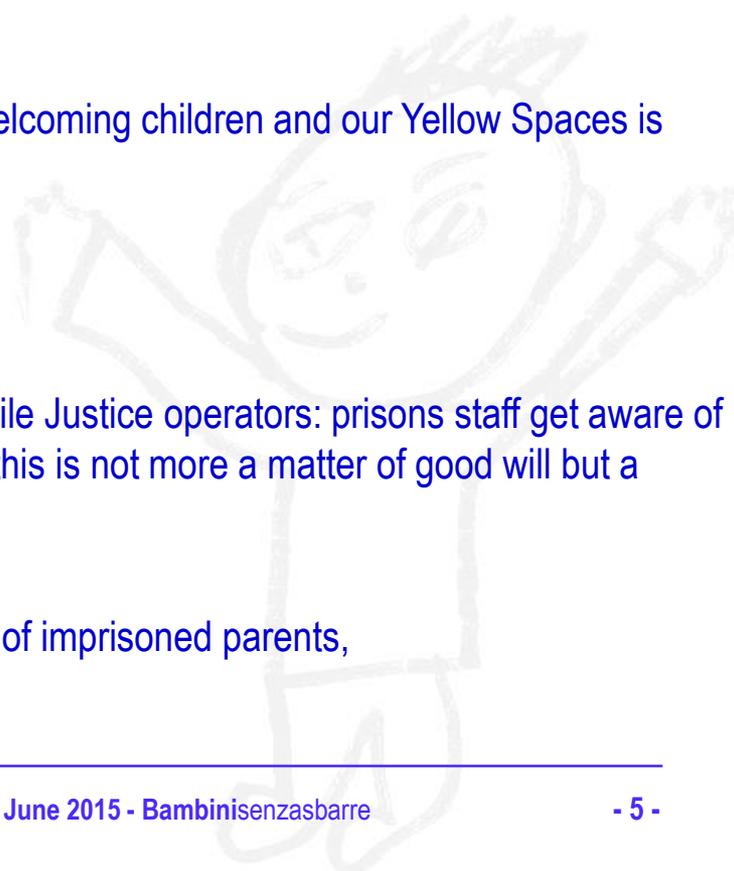




THE CHARTER CONTENT (2)

In the best interest of the child and according to the scope of the responsible bodies, eight articles determine:

- **Art.1:** decisions and practices concerning judicial orders, judgments and sentences: when a child is involved, Judges are invited to give alternative measures
- **Art.2:** minors' visits to prisons: this is about the importance of welcoming children and our Yellow Spaces is inside the Memorandum as the best practice to follow
- **Art.3:** other types of relationships with the imprisoned parent.
- **Art.4: the training** of Penitentiary Administration staff and Juvenile Justice operators: prisons staff get aware of the presence of children and the importance of their welcoming, this is not more a matter of good will but a matter of professional skills, and things start to change
- **Art.5: information**, assistance and instruction for minor children of imprisoned parents,





- **Art.6:** the collection of data supplying information on imprisoned parents' children, in order to improve reception and visits to prisons,
- **Art.7:** children's stay in prison, in exceptional cases, if it is impossible to provide for the parent measures alternative to detention. All the articles of this Memorandum of Understanding are not only meant for minors visiting detention Centers but also for children of parents who are detained in juvenile penal Institutes,
- **Art.8:** establishment of a **permanent Working Table**, constituted by representatives of the three undersigning parties, which will periodically monitor the implementing of the points set out in the Charter, so we can follow the development of the national prisons situation, which favors and promotes the cooperation of institutional and non-institutional agencies and encourages the exchange of good practices on the national and international level.



A YEAR LATER

What has happened in this year

- Work to inform prison officers and Judges.
- The Memorandum of Understanding is important because it marks a milestone and a cultural shift, introducing a **new approach also for Judges**, who have to accept and understand that - when possible - is better to give alternative measures of detention, if children are involved. Children eyes can change the prison.
- When a parent is in prison, he or she **can ask and obtain to go outside for special family occasion**, such as birthdays, first day of school or other main events in the children life. Thus following the articles of the Charter.
- We are preparing the **child friendly version of the Memorandum**, together with Children of Imprisoned Parents and the Ombudsman of children, and I hope to present it to you the next year.



Bambinisenzasbarre Onlus defends the childrens' rights

- The association is involved in the care of the family relations during the detention of one or both parents; of the tutelage of the child's right to the continuity of the emotional bonds with their parents; of the sensitization of the referential institutions and of the society on these issues
- It's a member of the Board of COPE Children of Prisoners Europe, since its begin in 2002 .
- In Italy, the Association (based in Milan) is active since more than 12 years, and it makes research and training in cooperation with Universities and the Ministry of Justice.
- It's active in a national network with the welcoming model '*Yellow Space*', a special child-friendly areas in prison.
- The association runs a Permanent Observatory of children-prison reality, realizing researches and training courses, adopting the guidelines of l'Ecole Relais Enfants Parents (Paris), leaded by Alain Bouregba, who certified its courses.
- Pedagogists, psychologists, art - therapists, analysts form different backgrounds and social operators of Bambinisenzasbarre work with Universities, with the Human Rights Institute of Copenhagen, with the Italian Commission of Human Rights, with the Italian Ombusdman for children, with the monitoring Group of the Convention on the Rights of the Child, coordinated by Save the Children, with the Italian Parliament..
- Activities include:
 - Lobbying - Advocacy - Sensitization Campaign - Training to prison's operators and external professionals
 - Psyco-pedagogist agency - Promoting a national network