

Family Mainstreaming: We must not punish the children!

We call for a conception of the penal system which is appropriate for the affected families.

The entire family suffers whenever members of the family are sent to prison – above all the children. From this very moment nothing remains as it used to be: partners suddenly become single-parents, the financial situation of the family often deteriorates dramatically and the loss of the father or the mother precipitates children into grief, shame, blame, doubts and fear. Often they are lied at about the whereabouts of the absent family members or they themselves mislead their environment: then dad or mom is “away on a construction job” or “for treatment at a health resort”, so that nobody at school or in the neighborhood comes to know what really has happened. Frequently mothers and fathers lose the sight for their needs and requirements of their children due to change of lifestyle, the imprisonment or existential anxieties and loneliness. Many children lose their confidence in the parents or develop an abnormal mental behavior. Partnerships fail, families are destroyed. Programs for support are missing. And even when family members do their utmost to keep the family relationship straight they have to fight against the hostile conditions of family bonding. Then family life is restricted to the few visiting hours in the place of detention which are both meager and not at all appropriate for children. Usually only the most urgent matters can be discussed and there is no room left for emotions and togetherness.

And yet here children under such exceptional circumstances need a stable relationship with both parents. They need to feel and trust that also the imprisoned parent is still there for them. They need support to be able to maintain

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the relationship to the imprisoned father or mother. Partners of the inmates need the contact in order to continue to make joint decisions. The inmates on the other hand need the support of the family which is an essential component of their rehabilitation. A permanent relationship with family members and the care for the children's future can be a great motivation to develop new life perspectives and to reintegrate themselves into society.

Family Mainstreaming can change this.

According to estimates, half a million people in Germany are affected by the arrest of a family member and the hostile results for their family. Children of the detainees pay the highest bill for it. And yet this UN Children's Rights Convention (UN CRC) ratified by the Federal Government reaffirms the children's right for family care and regular contact with both parents. According to article 6 of the German Constitution, marriage and family are under the particular protection of the State. Imprisonment as a sanction for criminal conduct, however, is subordinate to this law.

The partners and especially the children of detainees must no longer be punished. In penal system the interests of children, parents and family members have to be considered much more serious than before. The positive impact of the family which provides supervision and care, support and backing has to be strengthened for the health and rehabilitation of prisoners.

Within the prison system opportunities can be created to preserve the family and to avoid alienation. This can be reached if in future the principle of Family Mainstreaming will be considered, i.e. if penal measures are tested consistently with regard to the guarantee of family backing and consideration of the family members' rights. Family Mainstreaming offers to the State the opportunity to take over social welfare and social responsibility for families of delinquent parents and children even in the event of inevitable custodial sentence. At the same time considerable economic follow-up costs can be avoided if early parent-, child- and family-measures are brought into effect. Family Mainstreaming is a key to human contact with offenders and their families aiming to achieve reintegration and participation.

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According to Family Mainstreaming a family-friendly arrangement of the penal system has to consider the following items:

- 1) From the very beginning the conception of Family Mainstreaming shall be observed continuously in all and any judicial decisions also in case of setting the points concerning custody.
- 2) The State Justice Department shall ensure that any correctional facility shall appoint a Children and Family Officer to examine the measures of the place of detention from a point of view of the children and partners of prisoners and reform them if necessary.
- 3) Prison staff shall be trained to deal with family members and children in an appreciative and sensitive way in order to ameliorate the difficult situation in prison
- 4) Delinquent parents have to be placed preferably into open prisons in order to facilitate an orderly family life.
- 5) Moreover preference should be given to alternative types of punishment such as house arrest, electronic monitoring and family integrative types of punishment.
- 6) Furthermore housing in the neighborhood of their home reduces the financial and temporal barriers for visits of the family members, especially children.
- 7) This also implies visiting hours for children and partners that are in line with the requirements, that means additional and longer visiting hours as well as flexible visiting hours, which might exceed the legal extent.
- 8) Visit rooms should be designed according to the requirements of children and families, e.g. play areas for children. The use of long-term visit rooms can enable family-like situations.
- 9) It is highly appreciated to expand contact by telephone and via Internet (Skype) in order to maintain the contact alive between the visits too.
- 10) Seminars for the life partners, the whole family as well as special parent-child activities (father/mother-child groups) in and outside the prison facilitate essentially the crisis-laden situation of their lives. Fathers and

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mothers learn to assist their children (they learn to make each other aware of their sorrows and fears) and to maintain important factors of family life (intense discussions, play, physical contact).

- 11) For special events in life (such as baptism, school enrolment, serious illness of a child and similar) special day passes should be granted for the benefit of the children and the social cohesion.
- 12) The mentioned measures need evaluation that helps to consider their effectiveness and range of influence for future planning. On the way towards adequate supply it is also necessary to create the basis for a statistical assessment of the situation of the affected children and the dimensions of the challenge.

Family members of prisoners bear an individual yet also social burden. The state is legally obligated to support families which have involuntarily come into difficult situations of life and are at the same time the component for a successful reintegration of offenders into society. The consistent application of Family Mainstreaming reveals a way to meet this political responsibility.

Publisher

Bundesarbeitsgemeinschaft für Straffälligenhilfe (BAG-S) e.V. (14th May 2012)
(Federal Association for the Care and Resettlement of Offenders)
Manager: Dr. Klaus Roggenthin (responsible according to the German press law)

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