

Morning Tears Charter



'Rebuilding worlds for children who have lost their own'

Introduction

Worldwide, more than 10.2 million people are held in prison as either pre-trial detainees or sentenced prisoners. These men and women are not just prisoners but often also fathers and mothers. In the US, for example, 52% of all state and 62% of all federal prisoners reported having one or more children younger than 18¹. Children of convicts are an invisible and often forgotten group who are innocent of their parents' crimes of but suffer the full negative consequences.

A downward spiral grows

Worldwide there are currently millions of children who have a parent in prison. These children themselves are not criminals by nature or heritage. We know them. We have been working with, and for them, since 1998. They do, however, as adults have a statistically higher chance of taking the wrong path themselves due everything they have been through and the challenges they faced. Prison populations are also growing in 78% of countries². This creates a negative downward spiral of more children with a parent in prison.

Moreover, we see a new generation of children with a parent in prison every few years as the average prison sentence in for example Europe is 7.5 months³ and 30 months in 2010 in the US for federal prisoners⁴. From experience we know that problems often don't end when a parent is released.

The problem(s) of children with a parent in prison will only grow without appropriate recognition of both the challenges children of convicts face and solutions to these challenges. We believe every child should have the ability to develop its full potential and we are committed to stop this negative downward spiral.

Myriad challenges

Children's worlds can be undone by the arrest of one or both parents. It can invert everything they know. US studies have shown that, when a father goes to prison, there is about 90% chance the mother will remain the principal caregiver. However, when a mother is send to prison, the chances the father will become the main caregiver drops to about 25%.

As a result of the (ambiguous) loss of one or both parents, children often face one or more of the following challenges: access to school education and basic medical services, poverty, stigmatization, trafficking – girls are especially vulnerable to sexual exploitation and trafficking – emotional insecurity, harsh physical discipline, and a loss of parental contact and administrative papers that often causes a loss of legal rights. In many countries, children born in prison are not registered at the birth registry because this should be done at an office of the community were the parents are registered and the mother cannot go there while imprisoned. Also, many children who arrive in prison are not registered because the parents are too poor or have too little knowledge.

¹ United States Bureau of Justice (2010) / <http://www.bjs.gov/content/pub/pdf/pptmc.pdf>

² http://www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/wppi_9.pdf

³ [http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/Conference_18_files/Costs Imprisonment Europe Official Natalia%20Delgran de.pdf](http://www.coe.int/t/DGHL/STANDARDSETTING/PRISONS/Conference_18_files/Costs%20Imprisonment%20Europe%20Official%20Delgrande.pdf)

⁴ <http://www.bjs.gov/content/pub/pdf/fjs10.pdf>

The challenges faced by children of convicts depend upon legal, societal and economic contexts, as well as the place where they live following the arrest of parent(s). The most common scenarios include:

(1) Living with their parent(s) in prison

From studies in the United States, it is known that 67% of imprisoned women were mothers when they were incarcerated. Additionally, 6% of imprisoned women are pregnant when they enter the prison. Even though there are countries in which mothers are separated from their newborns soon after birth there are also many countries in which children can stay with the parent, usually the mother, in prison up to a certain age (often 3 years old). If the rights of the child and her or his well-being are safeguarded by prison authorities, then this can be the most desirable situation for the early developmental years of the child and prevent attachment problems.

Unfortunately, in too many countries, the children are still handled in the same way as the prisoners, and in some countries this means literally living in cages. Children are subjected to a high degree of neglect: they have to share the food allowances their parent(s) receive(s), get little or no medical care, endure insufficient sanitation, etc. They are both witnesses to and subjects of violence.

(2) Living outside prison in extended families, foster care or government centres:

Children who cannot live with their parent(s) in prison frequently end up staying with a (non-incarcerated) parent, extended families, foster care or care arranged by the government.

If parents are sent to prison in a so-called “developed country” and the child consequently loses both caregivers, the child is typically brought up by another relative, often grandparents, or enter foster care⁵.

In developing countries, the situation is much different. Families tend to have more children, producing a proportionally higher number of children who lose parents as caregivers. The chances that other relatives or grandparents take care of the child are smaller because of the pressure of poverty. In upper- and middle-income countries, there are often (basic) systems of care for these children. But, even in Western European countries, the needs and challenges of children of convicts are not adequately addressed.

While enabling them to stay with a remaining parent in the original nuclear family, or alternatively with extended family in the community, is essentially the ideal and least disruptive situation, it’s not always in the child’s best interest. Arrests often do not happen in a vacuum, and in too many cases there is a history of poverty and physical or mental abuse prior to the arrest of a parent. In other cases, the arrest itself results in a new setting in which children can be subjected to violence (retaliation), abuse, neglect and exploitation. From experience, we know that several underlying factors can also play a role:

- a. In some societies, there is a general perception that these children need a harsh education to avoid that they become criminals themselves. Physical punishment is common in many countries and often more extreme for these children than for children whose parents are not incarcerated.
- b. These children are an extra person to feed. In lower-income countries, they often cannot go to school. Instead, they have to earn their food by slavery or outside employment.

⁵ Youth with incarnated parents: an introduction to the issues – www.TPRonline.org 2006

- c. They have to cope with stigma: children of criminals are often considered criminals themselves. Thus, they are often bullied, humiliated and their dignity is taken away.
- d. They are unprotected or less protected and, therefore, vulnerable to abuse.

(3) Living on the streets

In many lower-income countries, foster care is often a non-option. Consequently, the imprisonment of a parent often leads to the start of a life on the street for the children. On the streets, there is no help available to assist the children in the healing process after their traumatic experiences of parental imprisonment, and the child is left alone, without provisions of basic needs, such as food, shelter, clothing, schooling, etc.

(4) Living in forced labour or exploitation

Children whose parents are in prison are unprotected in many countries. These children are often among the children trafficked or exploited and forced to work in very hazardous conditions. Parents frequently lose knowledge of their child's whereabouts.

Personal dramas with social impact

Besides the scale of the problem in terms of numbers, there is also the profound suffering that the children of prisoners must cope with. The psychological and emotional problems these children face are often overwhelming. The arrest of a parent brings fear, confusion and panic. Before and during the trial, children feel anxiety and frustration. Hopelessness and helplessness mark the sentencing. Upon their parents' imprisonment, the child experiences abandonment, stigma and resentment. After the release, children have ambivalent feelings⁶. Moreover, if the conviction is linked with domestic violence, the degree to which all of the above proves traumatic can multiply.

Additionally, developmental and behavioural implications resulting from the imprisonment of a parent are many.

- Infants of prisoners suffer from the lack of bonding with their parents.
- For children between 2 and 6 years old, the ability to develop autonomy and initiative is likely to be damaged by the trauma of the parents' criminal activity and/or arrest, and parent-child separation. The long-term impacts of parental imprisonment may be worst at this stage, because the children are able to understand and remember traumatic events but lack the ability to process them without help.
- In middle childhood (7-10 years old), parental imprisonment is likely to have a major impact on social adjustment; many children in this age group develop aggressive behaviours and difficulty getting along with others, particularly in school.
- Children of prisoners in early adolescence (11-14 years) have typically had multiple experiences with parental crime, arrest and imprisonment. Many children in this age group display maladaptive behaviour patterns and reject limitations on their behaviour.
- During late adolescence, children of prisoners often show increased delinquency and negative perceptions of the criminal-justice system. In summary, parental imprisonment

⁶ Described in fcnetwork, see www.fcentwork.com, 2006

and consequentially enduring trauma, separation and inadequate care interfere with the child's development, resulting in negative long-term outcomes, including intergenerational imprisonment⁷. If a parent goes to prison the children suffer deeply, which interferes with their chances to live a successful adult life.

More action is urgently needed

Over the past 15 years, the number of governments that acknowledge the challenges children of convicts face has increased, in part because of efforts by Morning Tears. But it still remains a minority, and very few governments have procedures in place to address the specific problems these children face. Although the number of (international) civil-society groups helping children of imprisoned parents is growing, most are run by brave and well-intending missionaries, who take care of small groups of children. Their work is admirable, but in most cases, they do not aspire to change the system that continuously excludes and neglects children of prisoners. Within academia, children of prisoners also do not get much attention. A relatively small amount of research is done about children with imprisoned parents in "developed" countries, and hardly any research is available about the specific situation of these children in developing countries. The lack of solid quantitative and qualitative data from countries considered to be the most advanced in the world demonstrates this problem.

Even on an interpersonal level, the problems these children of prisoners face are not perceived as an issue. In many societies, people are biased and have prejudices against children with an imprisoned parent. Instead of surrounding the children with a loving and understanding environment, many parents want to protect their own children against what is considered as the negative influence of those "failing" children. They often believe: "It is not good to play with those children". Instead of helping these children, people tend to isolate them and foist negative self-images upon them.

Not taking care of the children of prisoners not only means denying these children their basic rights, outlined in the United Nations Convention on the Rights of the Child, but also defies the logic of all countries' justice systems. If these systems exist to protect, correct and change society for the better, then they also must focus on the prevention of people becoming criminals. Instrumental to that is halting the downward spiral of intergenerational incarceration. Providing assistance to children of prisoners should be a key priority for all justice system stakeholders.

The cost of doing nothing may not always be very visible. But, from experience, we know it is high for both the child and society. It is not an impossible mission. It is not expensive and not overly difficult. The investment will quickly pay itself back with the costs saved in the penal, healthcare and social welfare system. Intergenerational incarceration can easily be avoided if the children of prisoners are surrounded with a supportive environment in which people are aware of the challenges they face and systems are in place to structurally tackle these challenges.

⁷ Johnston, Denise. 1995. Effects of Parental Incarceration. In *Children of Incarcerated Parents*, ed. Katherine Gabel and Denise Johnston, 59-88. New York: Lexington Books

Vision, Mission and Strategy

Today, millions of children of convicts remain without their rights and cannot grow up in dignity. We envision a different world.

Vision (Our dream)

Morning Tears dreams of a world in which the rights of the child⁸ are available to all children of prisoners. All people would consider it their task to create a loving and caring environment for children of prisoners in which respect and understanding gain the way from biases and prejudices. Governments of all nations would continuously safeguard the interests of children of prisoners. In the world that morning tears dreams of children of prisoners would grow up in dignity with a fair chance to develop their full potential.

Mission

Morning Tears works to ensure that the rights of the child are available to all children of convicts enabling these children to grow up in dignity and develop their full potential.

Strategy

New text

Our strategy is two-fold and explains how Morning Tears aims to fulfil its vision and mission:

1. Awareness and advocacy

Make people, corporations and governments around the globe aware of the (hidden) challenges children of convicts face and what they can do to ensure that all children of convicts have access to their rights and can develop their full potential. By standing up as individuals and in groups, they can make a difference for these children.

2. Capacity building

Working in close cooperation and very constructively with government and nongovernmental partners to build their capacity and structures to address the needs of children of convicts. This includes setting up model projects, advising policy, and developing and providing training (materials). Our work focuses on high-quality and sustainable programs that offer long-lasting benefits. All our work is tailored to the local needs of the children with respect for gender and cultural diversity.

⁸ As formulated in the UN Convention of the Rights of the Child.

Our principles

All Morning Tears entities and (unpaid) staff members work in line with the following principles:

Non-profit

We are driven by the belief that children of convicts should be able to grow up in dignity and develop their full potential. We don't aspire to gain financial profit from or by our work. We are largely volunteer-driven and the staff members who receive a moderate financial compensation for their work do so in line with comparable organizations in the specific country where they are based.

Non-political

We are not affiliated or associated with any political party, pro- or anti-government movements or any other political interest group. Morning Tears does not express or develop opinions about political issues other than policies related to the protection of children of prisoners. We focus on the children and do not interfere in any way with the judicial system of the countries in which we work. All organizations and people involved with Morning Tears adhere to this principle of political neutrality.

Non-religious

Our work is not driven by religious motives, and we do not adhere to specific institutionalized beliefs. Our sole motivation is to help children. We are, however, respectful toward different religious and cultural beliefs. Our work is tailored to the local context, and we do acknowledge that religion, in specific sociocultural contexts, can benefit children who experience parental imprisonment.

Not only for, but also by, children

The interest and well-being of the children is at the heart of our work and decisions. Children of prisoners are part of our organization. We listen and learn from them. Only together we can rebuild worlds.

All children matter

We focus primarily on children of convicts but our expertise is also available to children and organizations, upon their request, who face similar challenges. This can include, but is not limited to, children whose parents are in psychiatric institutions, children who are left temporarily without parental care because of divorce, and children who are traumatized by abuse, natural disasters, accidents, etc.

A government responsibility

Children without parental care are highly vulnerable to abuse and neglect. Government authorities at all levels have a responsibility to ensure quality care and protection is available in a country. Morning Tears encourages governments to take up this responsibility and supports capacity-building efforts. It is not our primary goal to establish, run or finance centres for children of prisoners but we do take temporary responsibility for model centres as a proven strategy to build up trust with relevant authorities and show what can be done to address country-specific needs.

An individual responsibility

When parents are arrested, children often lose their place in the community and face prejudices, stigma and social exclusion. This can have a lifelong psychological or even physical impact. We believe that it's a responsibility of all people in the world, adults and children alike, to embrace vulnerable children in the community and support them.

An impact on the care system

We strive for maximum effectiveness. Our work always takes place in the broader context of strengthening care systems, instead setting up stand-alone or one-off projects. Our philosophy is: instead of helping a dozen children directly via one project, we believe it is more effective to work constructively with governments to safeguard structural quality care systems for all children.

A tailored and holistic approach

Challenges might be similar in most cases but we know from experience there is no one-size-fits-all solution. Our work is always tailored to local needs while taking into account sociocultural and gender-specific differences. For us, the context also matters and interventions can include helping parents who come out of prison reintegrate in society, training school teachers to address issues of parental imprisonment in the right way, etc. We focus on the children and do not interfere in any way with the judicial system of the countries in which we work.

No borders

Vulnerable children, and children of convicts in particular, in many countries face big challenges on a daily basis. In line with our global vision, we aspire to make structural, quality care available to children of convicts irrespective of their location.

Our structure

This section provides an overview of the organizational structure of Morning Tears. We find it is important for our stakeholders to be able to fully understand how Morning Tears is organized and which checks and balances are in place to safeguard good governance⁹ and accountability¹⁰. Please see our Governance Policy and Procedures for more information.

Morning Tears Alliance

The Morning Tears Alliance (aka Morning Tears) is the umbrella under which the different Morning Tears countries cooperate.

⁹ Good governance ("governance" in short) is defined here as a transparent decision-making process in which the leadership of a non-profit organization, in an effective and accountable way, directs resources and exercises power on the basis of shared values

¹⁰ Accountability is defined here as "an obligation or willingness to accept responsibility or to account for one's actions"

Morning Tears Alliance Board

The Morning Tears Alliance Board is the highest governing board within Morning Tears and safeguards the overall functioning and long-term sustainability of Morning Tears. Its competency includes:

- Adopt and modify the Charter and Governance Policy
- Appoint / resign the Executive Director
- Decide on the status of a (new) Morning Tears Country as Full or Supporting Member.
- Decide on the Morning Tears Strategic Outlook
- Approve the annual country strategies and peer review reports (including financial statements)

The Alliance Board meets at least once a year in person and is chaired by the Morning Tears Alliance President. All Full-Member Morning Tears Countries are represented on the Board by their President and Country Representative/Country Director.

Each full-member MTC has one vote regardless of size or history and it is up to the MTC to decide who should exercise it in the meeting. Supporting Member Countries are invited to send one representative but do not have voting rights. The Executive Director is not entitled to vote, but his/her opinion always should be given careful consideration by the Alliance Board. The Program Support Manager and Head Technical Expert are permanent advisors. The Board may appoint up to two additional advisors.

Decisions are usually made by consensus. When votes are needed, this is done by simple majority of all Full Members present and voting. Changes to the Morning Tears Charter and Governance Policy require an affirmative vote of 75% of all Full Members.

Morning Tears Alliance President (MTAP)

The Morning Tears Alliance President (MTAP) is the chair of the Morning Tears Alliance Board and is responsible for the smooth functioning of the Alliance. As the chair, the Morning Tears Alliance President does not have voting rights except in case of a tie after a second voting round. He/she is appointed for a three-year term by the Morning Tears Alliance Board in a secret ballot by simple majority of the full members present and voting. This is an unpaid position.

International secretariat (IS)

The International Secretariat is headed by the Executive Director. To attain the vision outlined in the Charter, and where needed acting in consultation on behalf of the Morning Tears Countries, the International Secretariat shall:

- a) Support the Morning Tears Countries to initiate activities and/or achieve their country-specific objectives. This may include, but is not limited to, professional technical assistance in the field of childcare/protection, (temporary) assistance with project management, PR/communication, donor management, financial management etc.;
- b) Facilitate international awareness-raising, advocacy, research and policy development;

- c) Facilitate global fundraising;
- d) Promote a common culture of good cooperation and information sharing among the Morning Tears countries and protect the integrity of the name “Morning Tears”;
- e) Develop and implement a common PR/communications policy in close cooperation with the countries and manage international PR/communication efforts including www.morningtears.org and related social media accounts;
- f) Actively investigate and lead the expansion of Morning Tears and its projects.

The International Secretariat consists of the Executive Director, a Program Support Manager and a Head of Technical Expertise¹¹ as well as administrative staff. The International Secretariat is currently located in Beijing.

The International Secretariat does not have a line-management responsibility in any of the Morning Tears Countries although exceptions can be made by the (National) Board in which case the International Secretariat reports to the National Board or (when vacant/not yet in place) directly to the Morning Tears Alliance Board.

The work plan and budget of the International Secretariat for the upcoming year is approved by the Morning Tears Alliance Board.

Executive Director

The Executive Director is appointed by the Morning Tears Alliance Board and formally reports to the Alliance Board semi-annually on progress (including once in person at the annual Morning Tears Alliance Board meeting). The Executive Director is responsible for the effective and efficient management of the International Secretariat, in line with its responsibilities and within the budget and work plan approved by the Board. He/she shall also ensure the adequate and timely implementation of the Board decisions and contribute to the overall good functioning of Morning Tears. The Executive Director is the global representative for Morning Tears. He/she is invited to the annual Morning Tears Alliance meeting as a non-voting member.

Morning Tears Countries (MTC)

Morning Tears Countries are independent non-profit organizations with the name “Morning Tears” [*country*]. Their structure is similar to the Morning Tears Alliance whereby the National Board provides oversight/governance and the Country Executive Team is responsible for operational management and implementation of the Country Strategy. The Country Representative/Director¹² is personally accountable for the management and reports to the National Board.

As new Morning Tears Countries are commonly started up by volunteers, it is possible for a national-level Board to undertake operational activities that normally fall within the responsibility of the national-level Executive Team. This is, of course, always in line with country-specific requirements.

¹¹ This position is currently full filled by the Executive Director. A separate position will be created SOON.

¹² The term Country Director is only used if he/she is paid.

Once the annual budget exceeds 35,000 euro or equivalent, than a separation of governance and management responsibilities must be in place.

In line with the vision and mission of Morning Tears, the Morning Tears Country can have four roles, to be decided by the National Board:

1. In-country awareness-raising activities;
2. In-country fundraising activities;
3. In-country support to children of convicts in line with article 49 on project countries and always in close consultation with the International Secretariat;
4. Investigation and establishment of new Project Countries in line with Article 51 but always in close and prior consultation with the International Secretariat.

Full Member and Supporting Members Countries

Morning Tears Countries can have two different statuses in the context of the Morning Tears Alliance

- Supporting Member: meets the minimum standards for being part of the Morning Tears Alliance but does not yet meet the criteria for full membership outlined in article 38. No voting rights at the annual alliance meeting.
- Full member: meets the criteria for full membership outlined in Article 38 and has one vote in the Morning Tears Alliance Board.

Morning Tears decides upon the status of a country based upon an annual peer-review process.

Project and support countries

To ensure the most effective use of resources and effective program management, Morning Tears in principle only conducts capacity-building work or works directly with children of convicts in countries that have been designated by the Morning Tears Alliance Board as Project Countries.

Committees

Committees are the smallest entity within Morning Tears and operate on a city/provincial level in support of the Strategic Plan of a Morning Tears Country. A committee consists of a group of volunteers that live in the same geographical area. In one country, there can be several committees who formally report to the Country Representative and/or National Board.

Associate members

Associate Members are third-party organizations with names other the Morning Tears, with whom Morning Tears cooperates and which are part of the Morning Tears Alliance.

Financial

We are a not-for-profit organisation. All our financial resources are used in support of the work for children of convicts. Morning Tears countries are independent non-profit organizations and responsible for their own financial management.

Principles for financial management

As we deeply cherish our donors and the trust they have in us all staff are required to comply with these 10 principles of financial management:

1. Stewardship

We have a legal and moral responsibility to take excellent care of the financial and in-kind resources entrusted to us. All funds are spent in accordance with (donor) restrictions. Funds are never given directly to the children but used with transparency and accountability in their best interest.

2. Accountability

We have to be accountable to our donors, children and all other stakeholders about the resources entrusted to us and the results achieved. All stakeholders have the right to know how their funds and authority have been used.

3. Effectiveness

We work as cost-effectively and efficiently as possible to ensure maximum output for all donations made to us.

4. Transparency

We strive towards accurate, complete and transparent reporting about our projects and finances. This is not only a moral obligation but also we recognize that gaining and maintaining trust from our donors depends upon this and, hence, so does the future of Morning Tears.

5. Integrity

On a personal level, everyone volunteering or working for Morning Tears operates with honesty, propriety and integrity. Board members and management lead by example in following procedures and by declaring any personal interests that might conflict with their official duties.

6. Ethics

Morning Tears does not accept financial or in-kind donations from companies and organizations that directly or indirectly contradict the principles outlined in this Charter. An assessment is made on a case-by-case basis.

7. Viability

Our expenses are in balance with our incoming funds, both at the operational and the strategic levels. We operate in a financially sustainable and viable manner. Our financial management and accounts are updated in a timely manner to reflect the current situation.

8. Accounting Standards

Our financial management is always done with full transparency and in accordance with applicable national-level legislation and internationally accepted accounting standards and best practices.

9. Consistency

Our financial policies and systems are consistent to safeguard efficient operations and transparency, especially in financial reporting. Unnecessary changes are avoided when financial management policies and procedures need to be adjusted. All changes are always properly recorded and traceable.

10. Zero tolerance for fraud

Morning Tears has zero tolerance for fraud. Our financial management and human resources policies are aimed at preventing (un)intentional misuse of funds.

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