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Answer given by Ms Jourová
on behalf of the Commission
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The Commission considers children of imprisoned parents to be in a particularly vulnerable situation, as reflected in the 2013 Recommendation Investing in children: breaking the cycle of disadvantage, and the background paper for the 2015 Forum on rights of the child which will focus on integrated child protection systems.^{1 2} In 2013³ and 2015⁴ the Commission awarded an operating grant to Children of Prisoners Europe to promote awareness-raising and exchange of good practice.

A transfer of a sentenced person under the Framework Decision 2008/909/JHA may take place where the issuing State, where appropriate after consultations with the executing State, is satisfied that the enforcement of the sentence by the executing State would serve the purpose of facilitating the social rehabilitation of the sentenced person.

According to Recital 9 of the Framework Decision, the issuing State should, in deciding upon a transfer, take into account such elements such as the person's attachment to the executing State, whether he or she considers it the place of family, linguistic, cultural, social or economic and other links to the executing State. In all cases where the sentenced person is still in the issuing State, he or she shall be given an opportunity to state his or her opinion orally or in writing.

Therefore, during the consultation stage of both the executing State and the sentenced person, all elements can be brought forward, including the fact that the place of family of the sentenced person is in the executing State as his or her children are living in that State. It should however be noted that, according to Article 4(5) of the Framework Decision, there is no obligation for the issuing State to transfer a sentenced person.

¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0112&from=EN>
² http://ec.europa.eu/justice/fundamental-rights/files/2015_forum_roc_background_en.pdf
³ [http://ec.europa.eu/justice/newsroom/files/c_\(2013\)_3768_frc_en.pdf](http://ec.europa.eu/justice/newsroom/files/c_(2013)_3768_frc_en.pdf)
⁴ http://ec.europa.eu/justice/grants1/files/2014_spob_og_netw/award_decision_rec_en.pdf