

Submission to the UN Committee on the Rights of the Child

2011 Day of General Discussion: “Children of incarcerated parents”

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1. Introduction

Until recently, little was known about the outcomes, experiences and needs of children of prisoners. Hagen and Dinovitzer (1999) write, "The impact of the imprisonment of parents on children... may be the least understood and most consequential implication of the high reliance on incarceration in America."

Indeed this lack of knowledge is no function of the scale of the issue; it is estimated that 2.3% of American children have a currently incarcerated parent, easily outnumbering prisoners themselves (Glaze & Maruschak, 2008). Nor does it reflect a lack of salience. The research that exists suggests that parental incarceration is associated with significant negative outcomes for many children and that children of prisoners as a group face a disproportionate rate of family risk factors such as poverty, parental unemployment and substance abuse (Murray & Farrington, 2005).

The rights and needs of children of incarcerated parents benefit from investigation from a child rights perspective and are a worthy topic for consideration by the Committee. This submission seeks to suggest several actions that States and their prison services might take to promote and protect the rights of children of prisoners. Particular reference will be made to the experiences of Canadian children of prisoners, which is the topic of this writer's doctoral research.

2. Visiting environment

The little research that exists into the self-reported experience of children of incarcerated parents suggests that many find prison visits stressful, frightening and even humiliating (Nesmith & Ruhland, 2008;

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Brown, 2001; Scharff-Smith & Jacobsen, 2011). Research into the experiences of partners of prisoners echoes this finding. Partners report feeling stress, humiliation and frustration at their treatment by prison staff and by prison environments during visits and at the lack of information they receive (Arditti et al., 2003; Comfort, 2008; Hairston, 2002).

This is unsurprising to anyone familiar with prisons in Canada, where family visitors may face long waits, security checks with ion scanners and drug dogs, visits behind glass, lack of access to necessities such as toilets or change tables, being turned away as a result of positive security 'hits' or inappropriate dress, or having very short visits (John Howard Society of Ontario, 2011). While real security concerns may underly some of these policies, a commitment to children's rights demands that prisons services consider and address the best interests of child visitors in the design of their systems and environments. The Convention on the Rights of the Child (UNCRC) states that children of prisoners have the right to maintain personal relations and regular, direct contact with a parent from whom they are separated (Art. 9.3) and that their best interests must be considered in decisions that affect them (Art. 3).

Particularly concerning from a rights perspective is the inconsistent experiences of Canadian children with parents in federal and provincial prisons. While many federal institutions have been outfitted with children's toys and play areas in the visiting rooms, and opportunities exist for longer 'Private Family Visits' in cottages, child visitors to provincial prisons (which house those on remand or sentenced to less than two years) generally face decidedly 'unfriendly' environments where there is no evidence of efforts to promote positive visits for children.

The research on this topic suggests that having visits from children yields consistently positive outcomes for prisoners, however the outcomes for children seem to be mixed and depend on variables such as whether the environment is "child-friendly" or occurred as part of an intervention program to promote positive family visits (Poehlmann et al., 2010). Researchers such as Poehlmann, Dallaire, Loper & Shear (2010), who recently comprehensively reviewed the literature on children's visits to parents in prison, strongly advocate for the development of programming that reflects our best evidence about the challenges faced by children and families of incarcerated people. Examples of innovative programs that seek to promote positive parent-child visits include longer child-focused visit, special family events, and special visits or areas

where parents and children have the opportunity to make meals, eat or play outside together (Codd, 2008).

Recommendation: All children be ensured the right to visit a parent in prison within a process and environment that is child-friendly, safe and positive, regardless of whether their parent is in sentenced or remand custody.

3. Barriers to visiting

Children have the right to maintain personal relationships and regular, direct contact with a parent from whom they are separated (UNCRC Art. 9.3), however this right is not meaningful when cost is a barrier to its realization. For lower-income people, visiting a family member in prison can be prohibitively expensive due to the cost of transportation and time off of work.

In geographically large countries or those with large rural areas, prisoners may be housed vast distances from home and these costs are exaggerated. For example, the Canadian province of Ontario covers an area of over a million square kilometers but 8 of its 10 male federal institutions are located within 100 kilometers of one city (Kingston, ON). Families visiting these prisons may face significant transportation costs, overnight stays and time away from school.

Models do exist for better supporting visits by family members. In the United Kingdom, the Assisted Prison Visits Unit provides financial help to close relatives of prisoners (including those on remand) who are low-income, to cover the costs of a visit every 14 days, including public transport, meals, necessary overnight stays and child care.

Recommendation: States or their prison services provide financial support, including low-cost or free transportation services, to ensure that all families who wish to visit a prisoner in any correctional facility are able to do so.

4. Improving contact

Between visits, or when visiting is not possible (or not safe or positive), other mechanisms can be used to provide positive contact

between prisoners and their children, such as phone calls or letters. Research suggests that more letters from a parent is associated with less depression and somatic complaints in children (Poehlmann et al., 2010).

While the right to letters and calls is common, barriers may exist to making these a meaningful mode of contact. In Canada, for example, phone calls are available, however high costs to prisoners often mean that they are short or infrequent. Telephones may also be difficult to access or be in areas with little privacy.

In contrast, innovative programs have been developed in some States and jurisdictions to promote the maintenance of meaningful and positive contact. For example, the ‘Storybook Dads/Mums’ program run by charities in the United Kingdom, Australia and New Zealand provides parents in prison with the opportunity to record bedtime stories to their children, which other prisoners in a paid training program then edit and mix with sound effects and music. The result is an audio CD for children, and the program also seems to be an effective literacy and parenting intervention for prisoners (Parkinson, 2007; Art Access Aotearoa, 2010).

Indeed, promoting meaningful and positive contact appears to be strongly in the interests of children separated from parents. In a rigorous meta-analysis of the research into child well-being as it relates to contact with non-residential fathers, Amato and Gilbreth (1999) found that the quality of contact, not the quantity, is associated with positive outcomes for children. Children show better outcomes when fathers have a positive relationship and engage in an “active parenting” approach. This begs the question of what role the State prison service could or should play in promoting quality contact (for example, offering parenting programs and supported visiting environments), as opposed to simply providing a means for contact to happen.

Recommendation: States support the development, provision and evaluation of innovative programs that promote and facilitate improved contact and positive parenting

5. Support and advocacy for children and families ‘outside’

Despite their shared experiences, families of prisoners are a somewhat disparate and disconnected community. This lack of cohesiveness, combined with the negative feelings that many hold

towards the prison service, suggests that civil society organizations play a vital role in supporting families of prisoners.

Research shows that many partners of prisoners feel frustrated at the lack of information they feel they receive from prison staff (Arditti et al., 2003). As noted above, children of prisoners are more likely to live in families characterized by risk factors such as poverty, parental unemployment and parental substance misuse (Murray & Farrington, 2005), and as such have a particular need for professional support services.

Non-governmental organizations (NGOs) can play an important role in providing materials, answering questions, assisting parents in preparing children for visits, connecting families for mutual support and providing emotional support. An example is the Prison Advice and Care Trust (PACT) charity in the United Kingdom which, among other services, operates visitors centres outside many prisons. These centres are dedicated, child-friendly spaces where visitors can have a rest after a long trip, buy refreshments, and receive practical and emotional support from staff and volunteers.

However when the existence of such services depends on precarious charitable funding or pockets of dedicated volunteers, then services are naturally precarious and limited. Moreover, inconsistent service provision does not reflect a State commitment to the right of children to maintain a meaningful relationship with an incarcerated parent.

Recommendation: States provide financial support for NGOs that provide evidence-based and dedicated support services to families of prisoners

6. Understanding the needs and lived experiences of children of prisoners

The existing scholarly research into the outcomes of children of incarcerated parents suggests that they face a higher likelihood of negative outcomes than their peers. Children of prisoners are more likely to be incarcerated as adults (Farrington, 2004) and to show antisocial or delinquent behavior (Murray & Farrington, 2005; Aaron & Dallaire, 2010). Parental incarceration predicts these negative behavioural outcomes even when the studies controlled for issues such as parental separation for other reasons (Murray & Farrington, 2005) and family risk factors such as

poverty, substance abuse or conflict (Dallaire & Wilson, 2010). An important piece of research in this area is a systemic review by Murray et al. (2009), which conducted a meta-analysis of existing research into the effects of parental incarceration. The authors concluded that parental incarceration is a strong risk factor for later antisocial behaviour and poor mental health outcomes. They note that while a causal relationship cannot be shown, “the evidence points towards the possibility that parental imprisonment has harmful effects on children” (2009: 56).

Further rigorous research into the outcomes and experiences of children of prisoners is sorely needed as this topic has only recently begun to receive scholarly attention after having been virtually ignored (Murray, 2006; Hagen & Dinovitzer, 1999). Specifically, research is needed to begin to understand the protective factors that allow some children to avoid negative outcomes, and the effect of issues such as parenting practice, gender, race, poverty, social networks, social welfare and specific interventions in moderating children’s outcomes. Rigorous longitudinal study is required to understand the pathways and causal links that lead to negative outcomes.

Research on this topic is extremely difficult due to a variety of access, methodological and ethical issues. However one serious but not-insurmountable barrier is the poor record keeping by the prison services of most States with regard to prisoners’ children. In Canada, for example, no consistent records are kept about prisoners’ parenting status, number of children, age and special needs of these children, contact information or relationship of the person who is caring for the prisoner’s children. While this information may be entered ad hoc into the descriptive section of some prisoners’ files, useable data about prisoners’ children is not available to the prison service or researchers (Bayes, 2002). As a result, virtually nothing is known about the number or characteristics of Canadian children who have an incarcerated parent, who cares for them or how many prisoners were active caregivers to children before their incarceration, aside from very rough estimates based on population data or small samples (Bayes 2002; Withers & Folsom, 2007).

Recommendation: States support academic research into the needs and experiences of children of prisoners, and all prison services record basic information about all prisoner’s children in a consistent and quantifiable manner

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