



ACTION FOR CHILDREN AND FAMILIES OF PRISONERS

28 February 2022

To Whom it May Concern,

We are writing to make a brief submission on behalf of the *Action for Children and Families of Prisoners Network* to the Public Consultation on the next Government Policy Framework for Children and Young People in Ireland. Specifically, we wish to contribute on behalf of children and young people with a family member in prison in Ireland.

The Action for Children and Families of Prisoners Network was established in 2020 by the Centre for Criminal Justice and Human Rights, School of Law, University College Cork (UCC) and the Irish Penal Reform Trust (IPRT). The Network has an overall aim to provide a unified voice for positive policy change for children and families affected by imprisonment, with an overarching goal of a cross-departmental strategy led by the Department of Children, Equality, Disability, Integration & Youth. You can find more information about the Network's most recent activities on our newly established [website](#).

We would like to thank you in advance for taking the time to consider the submission. If you wish to discuss the content in further detail, please do not hesitate to contact the co-chairs of the Network.

Kind regards,

For the *Action for Children and Families of Prisoners Network*

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In the following submission, the *Action for Children and Families of Prisoners Network* ('the Network') will address four of the key questions raised in this consultation (**questions 7, 8, 11 & 12**) with the view to highlighting the rights and needs of children and young people with a family member in prison in Ireland:

Q7. What can be done to ensure that children and young people in Ireland are free from poverty, disadvantage and social exclusion?

Children with a family member in prison are a specific cohort at-risk of stigmatisation and social exclusion.¹ The recognition in *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People, 2014-2020* of children and young people affected by imprisonment was a welcome initial step in recognising this overlooked group.²

Children have a right not to be discriminated against because of the "status and activities" of their parents under Article 2 of the UNCRC,³ yet research has shown that children of imprisoned parents often experience stigmatisation and face significant adversities.⁴ Thus, **the Network would recommend that any future policy framework for children and young people in Ireland should continue to recognise children with a family member in prison as a specific cohort in need of support (as recommended in IPRT's [Piecing it Together: Supporting Children and Families with Family Member in Prison in Ireland](#) ('the PiT Report') (recommendation 6.1)⁵ and develop measures to support this cohort of children and young people.**

Teachers, where trained and supported, can play an important role in supporting children to overcome stigmatisation and adversity relating to family imprisonment.⁶ Thus, **the Network would recommend that any future policy framework include a commitment to developing lessons and resources about the potential impact of imprisonment on families and children into both primary and secondary school curriculums and training teachers to respond to the needs of this cohort of children (recommendation 6.2 - PiT Report).**⁷ The Network would also recommend that any future policy

¹ Robertson, O. (2012). *Collateral Convicts: Children of Incarcerated Parents Recommendations and Good Practice from the UN Committee on the Rights of the Child*. [Online]. Geneva: Quaker United Nations Office. Available from: https://www.quono.org/sites/default/files/resources/ENGLISH_Collateral%20Convicts_Recommendations%20and%20good%20practice.pdf. [25 February 2022].

² Government of Ireland, (2014). *Better Outcomes, Brighter Future: The national policy framework for children & young people 2014 – 2020*. [Online]. Gov.ie. Available from: <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf>. [25 February 2022].

³ Article 2 of the United Nations Convention of the Rights of the Child (UNCRC): *Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.*

⁴ Convery, U. and Moore, L. (2011). *Children of Imprisoned Parents and their Problems*. In Scharff-Smith, P. and Gampell L., eds. *Children of Imprisoned Parents*. Denmark: Danish Institute of Human Rights, pp.12-30.

⁵ Irish Penal Reform Trust (IPRT). (2021). *Piecing It Together: Supporting Children and Families with a Family Member in Prison in Ireland*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf. [25 February 2022]. P.8.

⁶ Children of Prisoners Europe (COPE). (2017). *First Port of Call: The role of schools in supporting children with imprisoned parents*. *European Journal of Parental Imprisonment*. (6). [online]. COPE. Available from: https://childrenofprisoners.eu/wp-content/uploads/2019/02/EJPI_06_2017-ENGLISH_Web.pdf. [25 February 2022].

⁷ Irish Penal Reform Trust (IPRT). (2021). *Piecing It Together: Supporting Children and Families with a Family Member in Prison in Ireland*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf. [25 February 2022]. P.8.

framework highlight the need for anti-bullying policies to address the needs of children with a family member in prison (recommendation 6.2 - PiT Report).⁸

Q.8 What can be done to ensure children and young people are respected and able to contribute to their world?

The right of the child to express their views on all matters concerning them is outlined in the UNCRC⁹ as well as Recommendation CM/Rec (2018) 5 of the *Committee of Ministers to Member States concerning children with imprisoned parents*.¹⁰ Thus, children and young people have a fundamental right to share their views on their parent's imprisonment. Notwithstanding, there is still no formal mechanism in the Irish criminal justice system for children's views to be heard either directly or indirectly within this process. Considering this, **the Network recommends that any future policy framework relating to children and young people in Ireland should highlight the need for a formal process whereby a child's voice can be heard in all judicial decisions that may affect the child, including where the child's primary caregiver may be sent to prison as well as the need for judicial training on the rights of the child in all decision-making where the child is affected (recommendations 4.2, 4.3 - PiT report).**¹¹

Q.11. What could be done to respond to the impact of Covid-19 on children and young people?

COVID-19 had a negative impact on all children and young people in Ireland, the extent of which has yet to be seen. However, it has had a specifically negative impact on children with a family member in prison. The COVID-19 pandemic led to the on-off suspension of in-person visits with an 80% reduction between 2021 and the earlier stage of the pandemic in 2020 in the number of children physically visiting an adult in prison¹² (2,238 visits with children in 2021;¹³ 11,079 visits with children in 2020). When visits were restored from July 2021, this was done on a phased basis;¹⁴ visits were shorter in duration and limited to a maximum of two people including one child.¹⁵ This meant that families with more than one child had to choose between children, which was extremely difficult in circumstances

⁸ Irish Penal Reform Trust (IPRT). (2021). *Piecing It Together: Supporting Children and Families with a Family Member in Prison in Ireland*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf. [25 February 2022]. P.8.

⁹ Article 12 of the Convention on the Rights of the Child (UNCRC): 1. "Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." 2. "For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."

¹⁰ Basic Principle 2.1 of the Recommendation CM/Rec (2018) 5 of the Committee of Ministers to Member States concerning children with imprisoned parents: "Children with imprisoned parents shall be treated with respect for their human rights and with due regard for their particular situation and needs. These children shall be provided with the opportunity for their views to be heard, directly or indirectly, in relation to decisions which may affect them. Measures that ensure child protection, including respect for the child's best interests, family life and privacy shall be integral to this, as shall be the measures which support the role of the imprisoned parent from the start of detention and after release."

¹¹ Irish Penal Reform Trust (IPRT). (2021). *Piecing It Together: Supporting Children and Families with a Family Member in Prison in Ireland*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf. [25 February 2022]. P.7.

¹² Irish Penal Reform Trust (IPRT). (2021). *Progress in the Penal System: The Need for Transparency*. [Online]. IPRT. Available from: https://www.iprt.ie/site/assets/files/7052/progress_in_the_penal_system_2021_-_final.pdf. [22 February 2022]. P.18.

¹³ Kildare Street, (2021). *Written answers: Wednesday, 24 November 2021 - Department of Justice and Equality*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-24a.313> [22 February 2022].

¹⁴ Kildare Street, (2021). *Written answers: Wednesday, 24 November 2021 - Department of Justice and Equality*. [Online]. Kildare Street. Available from: <https://www.kildarestreet.com/wrans/?id=2021-11-24a.313>. [25 February 2022].

¹⁵ Irish Prison Service (IPS), (2021). *The Recommencement of Physical Visits - September 14th, 2021*. [Online]. IPS. Available from: <https://www.irishprisons.ie/recommencement-physical-visits/>. [25 February 2022].

where children may not have had any physical contact with their family member for a significant portion of the year. Furthermore, visits were non-contact only with additional restrictive measures such as screens and mask-wearing.¹⁶

Research from the University of Oxford has highlighted the negative impact of the loss of contact as a result of the pandemic on the mental and physical health of children with a parent in prison as well as the potential long-term negative impact on family reunification/relationships.¹⁷ Furthermore, the loss of contact is in direct contravention to the right of children separated from a parent to “*maintain personal relations and direct contact with parents on a regular basis*” under the UNCRC.¹⁸

In light of the impact of COVID-19 on children with a family member in prison in Ireland, **the Network recommends that any future policy framework commits to commissioning research which further examines the impact of COVID-19 on children with a family member in prison in Ireland.**

Q.12. What top five priorities should the new policy framework focus on, to improve the lives of children and young people by 2028?

Considering the findings of IPRT’s PiT Report, the Network believes that the top 5 priorities for improving the lives of children and young people impacted by imprisonment in Ireland by 2028 are;

- 1) Any future policy framework on children and young people should be guided in full by the UN Convention on the Rights of the Child and highlight the need for ratification of these rights into Irish law (recommendation 1.2 - PiT Report).¹⁹
- 2) Any future policy framework for children and young people in Ireland should continue to highlight the distinct adversities and needs of children with a family member in prison in Ireland, and this should be beyond the limited context of prison visits (recommendation 6.1 - PiT Report).²⁰
- 3) Any future policy framework for children and young people in Ireland should commit to funding and commissioning detailed, longitudinal research on children with a parent in prison in Ireland (recommendation 5.1 - PiT Report).²¹
- 4) Any future policy framework for children and young people in Ireland should commit to establishing an inter-departmental working group to pro-actively review existing policies, and develop new policies, which will reduce harm to, and provide support for, children and families (recommendation 2.1 - PiT Report).²²
- 5) Any future policy framework for children and young people in Ireland should commit to developing a national support service providing information and support to children and families with a family member in prison (recommendation 2.2 - PiT Report).²³

¹⁶ Ibid

¹⁷ Minson, S. (2021). The impact of COVID-19 prison lockdowns on children with a parent in prison. [Online]. University of Oxford. Available from: https://www.law.ox.ac.uk/sites/files/oxlaw/the_impact_of_covid-19_prison_lockdowns_on_children_with_a_parent_in_prison.pdf. [25 February 2022].

¹⁸ Article 9 of the Convention of the Rights of the Child (UNCRC): “*Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child’s best interests.*”

¹⁹ Ibid P.5

²⁰ Ibid P.8

²¹ Ibid P.7

²² Ibid P.5

²³ Ibid p. 5