

# Children of People in Prison in Ireland

## A Joint Submission

to the

## Examination of Ireland

under the

## Convention on the Rights of the Child

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## Introduction

There are a number of concerns about the impact of the imprisonment of a parent / carer / family member on the rights of children. There are about 1.5 million people in prison at any given moment in the 47 Council of Europe member states. The majority of these people in prison (men or women) are parents. It is estimated that more than 2 million children in Europe have a parent in prison. The majority of these children face emotional and material difficulties and many are subjected to psychological stress and stigmatisation, but they and their traumas remain largely hidden from the public attention.<sup>1</sup>

Children and families coping with imprisonment are often described as the ‘hidden’ victims of the penal system because they must endure their own sentence, despite not having perpetrated any crime. There are a variety of ways in which children and families can be affected by imprisonment including: disruption to child care arrangements, relationship breakdowns, financial loss and stigmatisation.<sup>2</sup>

When a family member enters prison, there are several impacts on children and families including:<sup>3</sup>

1. Emotional (e.g. feelings of loss, grief, confusion, anxiety, shame, isolation);
2. Educational (e.g. children taking time off school to visit a parent, loss of concentration in school, behavioural change);
3. Financial (e.g. loss of income, additional costs of visits to the prison, possible debt); and
4. Practical (e.g. losing the family home, moving school, the stress of prison visits which can include the length of the journey/ security/ cancelled visits).

Children have been described as the “innocent” victims of crime and punishment.<sup>4</sup> This is best encapsulated by the Children of People in prison Europe (COPE) slogan, “Not my crime, still my sentence”.<sup>5</sup>

There is very little published research that sheds light on the concerns of the children of people in prison but those who work with families of people in prison have experience of the sudden and difficult changes that affect children when a parent goes to prison, and some of these are outlined in the concerns that follow:

The States Response to the LOIPR makes no specific mention of the children of people in prison and this is to be expected given that they are responding to a list of issues where there the children of people in prison were not referenced. Indeed, the States Response doesn’t namecheck every

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<https://edoc.coe.int/en/children-s-rights/7802-recommendation-cmrec20185-of-the-committee-of-ministers-to-member-states-concerning-children-with-imprisoned-parents.html> Page 5 Accessed on July 9<sup>th</sup> 2022.

<sup>2</sup> <https://www.iprt.ie/children-of-people-in-prison/>

<sup>3</sup> Kincaid, S., Roberts, M. and Kane, E. (2019). Children of People in prison: Fixing a Broken System [online]. UK: Crest Advisory. Available from: <https://www.nicco.org.uk/userfiles/downloads/5c90a6395f6d8-children-of-people-in-prison-full-report-web-version.pdf> [accessed 14 April 2021].

<sup>4</sup> University of Glasgow and the Scottish Centre for Crime and Justice. (2015). Impact of punishment: families of people in prison [online]. Available from: <http://www.sccjr.ac.uk/wp-content/uploads/2015/10/SCCJR-Impact-of-crime-people-in-prison-families.pdf> [accessed 19 May 2021].

<sup>5</sup> Children of People in prison Europe. (2020). Campaign 2020 [online]. Available from: <https://childrenofpeopleinprison.eu/campaign-2020/> [accessed 18 May 2021]

marginalised group of children but in many of the answers that the state provides it is clear that they are including all marginalised children and this would include the children of people in prison<sup>6</sup>. The UN Committee on the Rights of the Child set out in 2004 a (non-exhaustive) list of marginalised and disadvantaged groups of children, to include: ‘... children living with mothers in prisons’<sup>7</sup>

It is significant and important to note the absence of the children of people in prison in either the LOIPR or in the States Response and this is evidence in itself that the children of people in prison are indeed hidden victims and can be considered to be among the furthest behind and moreover that it behoves the State, in their SDG promise to reach those furthest behind first.

The concerns outlined below relate to LOIPRs 4a, 5a, 5(b), 6a, 10a, 10(b), 10(c), 11 and 13c and the Governments Response in paragraphs 31, 34, 48, 59.1, 90, 91, 100, 108, 115 and 126 of the State Report. The concerns relate outlined relate to articles 2, 2.2, 3, 9, 16, 18.1, and 18.2.

### **Concern: Currently, there is no publicly available data on the number of children who have a parent in prison.**

In paragraph 48 of the State Report, responding to LOIPR 5a, the government recognises the importance of quality disaggregated data that informs policy that allows for effective action. There is no official, reliable source of disaggregated data that refers to the children of people in prison.

Since June 2018, the Irish Prison Service (IPS) has asked people upon their committal to prison whether they have children. However, there are limitations to the data collected, (namely it relies upon voluntary disclosure).<sup>8</sup> Details about age and general geographic location of the children are not requested which makes it difficult to map service provision.<sup>9</sup> There are accordingly no centralised, comprehensive records of how many children in Ireland are currently affected by parental imprisonment. The Council of Europe estimates 5,492 children in Ireland have a parent in prison on any given day. Of this number, it is estimated that 5,288 children are separated from an imprisoned father, while 204 children are separated from an imprisoned mother.<sup>10</sup> In 2018 (most recent statistics), 239,769 visitors entered the Irish prison estate, of which 50,592 were identified as children.<sup>11</sup>

Action For Children and Families of People in prison have campaigned that any future policy framework for children and young people in Ireland should commit to the funding and

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<sup>6</sup> The combined fifth and sixth periodic reports submitted by Ireland under article 44 of the Convention pursuant to the simplified reporting procedure 2022 Accessed on June 7<sup>th</sup> 2022

<sup>7</sup> Retrieved from <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf> Page 21 on July 28<sup>th</sup> 2022

<sup>8</sup> On 29 April 2021, there were 3,788 people in prison in custody, of whom 2,068 declared that they had children, and the total number of children declared was 5,150. See: Houses of the Oireachtas. (2021). Prisoner Data [online] Available from: <https://www.oireachtas.ie/en/debates/question/2021-05-05/466/> [accessed 24 May 2021].

<sup>9</sup> Ibid

<sup>10</sup> CM/Rec(2018)5 of the Council of Europe of 4 April 2018 to member States concerning children with imprisoned parents [online]. Available from: <https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438> [accessed 19 May 2021].

<sup>11</sup> Houses of the Oireachtas. (2019). Prison Visiting Regulations [online] Available from: <https://www.oireachtas.ie/en/debates/question/2019-05-16/27/> [accessed 19 May 2021].

commissioning of detailed, longitudinal research on children with a parent in prison in Ireland (as per recommendation 5.1 – Piecing It Together Report).<sup>12</sup>

We regularly rely on international research to inform civil society’s response to the needs of the families of people in prison. For the first time, in 2014, the stigma and life disruption experienced by children and young people upon the imprisonment of their parent was identified by the then Department of Children and Youth Affairs in the national policy, Better Outcomes, Brighter Futures (BOBF): The National Policy Framework for Children and Young People, 2014-2020.<sup>13</sup>

The lack of disaggregated quality data contravenes article 9 of the UN Convention on the Rights of the Child (UNCRC) that a child has a right to have contact with both parents and this undermines Ireland’s progress on the SDGs, “The Republic of Ireland’s 2<sup>nd</sup> Draft - SDG National Implementation Plan prioritises children’s rights, child participation, and support for children to realize their maximum potential.”<sup>14</sup>

## Recommendations

1. **That the Department of Children, Equality, Disability, Integration and Youth should conduct a mapping exercise to establish what services currently exist for children and families with a family member in prison and identify where the gaps in service provision arise.**<sup>15</sup>
2. **That the government improve Data Recording on Children Affected by Imprisonment.**
3. **That the Department of Children, Equality, Disability, Integration and Youth should carry out detailed, longitudinal research on children with a parent in prison.**
4. **The Irish Prison Service should:**
  - a. **develop a centralised database that records the number of people in prison who have children and the number of children each prisoner has; and**
  - b. **produce aggregated, anonymised data from the information collected, which can be made publicly available.**

## Concern: That visiting conditions for children of people in prison are unsuitable:

It must be understood that for children who visit prisons for the first time (and indeed on subsequent visits) that there is an associated stress and worry. Such visits can possibly be frightening. Each door they go through is locked behind them, children will be searched and subjected to the scrutiny of a drug detection dog and they must leave all belongings (except for a small amount of cash) behind them in small locker as they proceed to their visit.<sup>16</sup> (In Sweden officers distract children through the use of puppets in order to make searches more child friendly)<sup>17</sup> Anybody refusing these conditions

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<https://www.actionforfamilies.ie/wp-content/uploads/2022/03/Action-for-CF-Network-Submission-to-Government-Policy-Framework-for-Children-and-Young-People-in-Ireland-280222.pdf> Page 4 Accessed on July 3<sup>rd</sup> 2022

<sup>13</sup> Department of Children and Youth Affairs. (2014). Better Outcomes, Brighter Futures, The national policy framework for children and young people [online]. Dublin: The Stationery Office. Available from:

<https://www.gov.ie/en/publication/775847-better-outcomes>

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[https://sustainabledevelopment.un.org/content/documents/26130Child\\_Rights\\_2030\\_Agenda\\_HLPF\\_2020.pdf](https://sustainabledevelopment.un.org/content/documents/26130Child_Rights_2030_Agenda_HLPF_2020.pdf) Accessed on July 26<sup>th</sup> 2022

<sup>15</sup> *ibid*

<sup>16</sup> <https://www.iprt.ie/practical-information/supporting-families-of-people-in-prison/> Accessed on July 4<sup>th</sup> 2022

<sup>17</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 40 Accessed on July 10<sup>th</sup>.

will be refused a visit. There are long waiting times, queuing or perhaps an element of guilt felt by the visitors. Older teenagers can be self-conscious or even fed up with the procedures to the point of refusing to visit<sup>18</sup>. Indeed, for many a short visit to a prison with a family member can take the entire day given the possible distance from home and although it will be looked forward to by the prisoner it may not be looked forward to by the child or children. There is also very little account taken of those children with additional needs who have a parent in prison or for the extra burden that is now on the remaining carer.

And this has been echoed by a chaplain who has many years working in Irish Prisons “..as chaplain I have witnessed the effects of long sentences of children and how it affected them as young children, as teenagers and finally as adults. The different stages of life brought their own challenges that can only be fully understood by those who experienced them. They are some of the hidden tragedies experienced by the innocent. Alternatives need to be explored. A process of Restorative Justice would be one such alternative”.<sup>19</sup>

Crucially, we know for a fact that the re-offending rate for people in prison who received visits from a family member was 39% lower than for those who did not,<sup>20</sup> and so we conclude that family visitation is an important part of the rehabilitation of people in prison.

Action For Children and Families of People in prison have campaigned for future policy framework for children and young people in Ireland to 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).<sup>21</sup>

## RECOMMENDATIONS

- 1. Improve Prison Visiting Procedures and Conditions for Children and Families as per the government commitment in Better Outcomes Brighter Futures Page 98 Commitment 3.22<sup>22</sup>**
- 2. The Irish Prison Service (IPS) should establish a child-friendly visiting space in every prison in Ireland, and consult with children and families in the development and implementation of their policies on visiting.**
- 3. The Department of Justice should provide the Irish Prison Service with funding to deliver an Assisted Prison Visits Scheme, similar to that provided in the UK, and with the aim of assisting low-income families with the costs of prison visits**
- 4. The Department of Children, Equality, Disability, Integration and Youth should establish 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 with a family member in prison.**

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<sup>18</sup> Ibid Accessed on July 4<sup>th</sup> 2022

<sup>19</sup> NEW Directions <https://familiesofprisoners.ie/>

<sup>20</sup> Lord Farmer. (2017). The Importance of Strengthening People in prison’ Family Ties to Prevent Reoffending and Reduce Intergenerational Crime, at p.16 [online]. UK: HMSO. Available from: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/642244/farmer-review-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf) [accessed 19 May 2021].

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<https://www.actionforfamilies.ie/wp-content/uploads/2022/03/Action-for-CF-Network-Submission-to-Government-Policy-Framework-for-Children-and-Young-People-in-Ireland-280222.pdf> Page 4 Accessed on July 3<sup>rd</sup> 2022

<sup>22</sup> Ensure adequate access by children to an imprisoned parent, in a child-friendly setting. Retrieved from <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf> Page 98 Accessed on July 28<sup>th</sup> 2022

5. The Irish Prison Service should eliminate the blanket practice of screened visits for all people in prison in any prison in Ireland where such a policy / practice exists.
6. The Irish Prison Service should provide additional training to all prison staff that focuses on the rights of children and family visitors and emphasises the importance of ensuring that all interactions with children, including search procedures, are carried out in a child-friendly manner.
7. The Irish Prison Service should examine the use of sniffer dogs during security screening of visitors to Irish prisons, including the accuracy of the sniffer dogs in detecting drugs and whether any alternative less intrusive or frightening security measures could be adopted.
8. The Irish Prison Service should more broadly examine its response to drug-related intimidation in prison, particularly in terms of how it affects families visiting prison, which may include liaising with the National Drug-Related Intimidation Reporting Programme (NDRIRP) run by An Garda Síochána.<sup>23</sup>
9. Whenever a parent is detained or imprisoned then particular consideration shall be given to allocating them to a facility close to where their children live.<sup>24</sup>

## Concern

**In any policy changes that affects people in prison and the visitation of their children then the voice of the child must be heard and evident in any proposed changes.**

In paragraph 108 of the State Report in response to the LOIPR 13 the government gives due consideration and weight to the views of the child. The “child’s voice” is a phrase used to describe the real involvement of children and young people. It means more than seeking their views, which could just mean the child saying that they want rather than really being involved in what happens.<sup>25</sup> The child must be able to have an influence and to know that their opinion is of value.

As far back as 2000 the Irish government published The National Children’s Strategy. This strategy outlined its commitment to the development of a coherent children’s policy. The Strategy was an interdepartmental initiative that aimed to further the implementation of the United Nations Convention on the Rights of the Child. It sets out the main pillars that it is aiming to achieve and outlines operational systems for the implementation of these goals. The infrastructure of how action will be taken at both at local and national level is also presented in the report. The identified goals of the Strategy were that:

1. Children would have a voice in matters that affect them and their views will be given due weight in accordance with their age.
2. Children’s lives will be better understood; their lives will benefit from evaluation, research and information on their needs, rights and effectiveness of service.
3. Children will receive quality supports and services to promote all aspects of their development.<sup>26</sup>

<sup>23</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 8 Accessed on June 30<sup>th</sup> 2022

<sup>24</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 20 Accessed on July 10<sup>th</sup> 2022.

<sup>25</sup> <http://iscp.gg/article/118088/Childs-Voice> Accessed on July 9<sup>th</sup> 2022

<sup>26</sup> <https://arrow.tudublin.ie/cgi/viewcontent.cgi?article=1011&context=cserrep> Page 14 Accessed on July 10<sup>th</sup>

The right of children to participation in family life can be severely disrupted by parental imprisonment, however, as a result, there is a need to give the children of people in prison particular consideration in order to ensure that their rights are upheld and respected and one sincere way of doing this is to include their voice in all matters that affect the children of people in prison. Where children are not consulted the Ireland is breaching articles 3 and 27 of the UN Convention on the Rights of the Child. If the family can't provide these conditions, then the government should help. Children with a parent in prison may not have the level playing field for development and this undermines<sup>27</sup> Ireland's progress on the SDGs where we commit to leave no one behind when our lack of care of children with a parent in prison is how we let children down and leave them behind.

### **Recommendation**

**The Department of Justice should consider implementing 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<sup>28</sup>**

### **Concern**

**That children and families with a family member in prison are often stigmatised and unsupported in their ability to cope with the fallout of an imprisoned family member.**

In paragraphs 90, 91, of the States Report in response to LOIPRs 10(b) and 10(c) the government give some account of their ongoing commitment to dealing with racism, bullying, discrimination and stigmatisation. Children who have a parent in prison do suffer from bullying, discrimination and stigmatisation and we urge the government to recognise this small but considerable and important cohort of children.

The Council of Europe 2018 Recommendation states: "National authorities shall endeavour to provide sufficient resources to State agencies and civil society organisations to support children with imprisoned parents and their families to enable them to deal effectively with their particular situation and specific needs, including offering logistic and financial support, where necessary, to maintain contact."<sup>29</sup> It is clear that international standards require the Irish state to take responsibility for ensuring there are sufficient supports in place for children and families affected by imprisonment.

In Better Outcomes Brighter Futures the government recognises the stigma and life disruption experienced by many children and young people on the imprisonment of a parent. Research from other jurisdictions indicates high levels of intergenerational offending for this group.<sup>30</sup>

Children may be placed under a great deal of stress if they are stigmatised as a result of their parent's imprisonment, or if they feel that they have to keep the sentence a secret from their peers

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<sup>27</sup> [https://www.savethechildren.org.uk/content/dam/gb/reports/humanitarian/uncrc\\_child-friendly\\_2022.pdf](https://www.savethechildren.org.uk/content/dam/gb/reports/humanitarian/uncrc_child-friendly_2022.pdf)  
Accessed on July 26 2022.

<sup>28</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 9  
Accessed on June 30<sup>th</sup>

<sup>29</sup> CM/Rec(2018)5 of the Council of Europe of 4 April 2018 to member States concerning children with imprisoned parents [online]. Available from:  
<https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438>  
[accessed 19 May 2021]. Accessed on June 30<sup>th</sup> 2022

<sup>30</sup> <https://assets.gov.ie/23796/961bbf5d975f4c88adc01a6fc5b4a7c4.pdf> Page 96 Accessed on July 28<sup>th</sup> 2022



and from others.<sup>31</sup> Fear of such stigmatisation can also place children under further stress, in that they may feel pressurised into keeping the reason for their parent's absence a secret from their peers or people in the wider community. And what of the parent who tries to hide or shield their child from parental absence. "Some parents, due to the very realistic concerns about community scorn or rejection, try very hard to hide the truth of the situation from their children... As a result, children may experience shame, and many have reported social isolation from their friends."<sup>32</sup> This lack in information can lead children to an inability to process the effects of the trauma of the separation.<sup>33</sup>

In 2012, there was no national organisation in Ireland to support children and families affected by imprisonment. This remains the case in 2021. There are a small number of community and voluntary organisations operating in Ireland that provide support to the families of people in prison. Specific projects set up to assist families who have a family member in prison include [New Directions](#)<sup>34</sup>

By not taking due account of the discrimination that is felt by children who have a parent in prison Ireland is in breach of article 2.2 of the UN Convention on the Rights of the Child and such a breach undermines Ireland's progress on SDG 10.3.

### Recommendation

- 1. The Department of Education should: develop and deliver training for all teachers on the potential impact of imprisonment on children and how to respond to these children's needs in as sensitive a manner as possible; and ensure anti-bullying policies proactively address the bullying of children who have a family member in prison.**
- 2. The Department of Justice should expand the availability of 'home leave' and 'early release' programmes for people in prison so that a greater number of people in prison, and their families, can potentially avail of these measures.<sup>35</sup>**
- 3. That the Department of Justice would promote and facilitate Family Involvement during the Period of Imprisonment.**
- 4. That it should be enshrined in law and practice the principle of "Prison as a Last Resort" for Primary Caregivers.**
- 5. That the Department of Justice would fully finance and resource Civil Society NGOs and Community Development Projects whose work it is to support families and children with a caregiver in prison.**
- 6. The committee is reviewing material from the public consultation, and is drafting its *National Action Plan Against Racism* to be recommended to government at the end of 2021. (Paragraph 91 of the State Report)**

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<sup>31</sup> <https://arrow.tudublin.ie/cgi/viewcontent.cgi?article=1011&context=cserrep> Page 7 Accessed on July 10<sup>th</sup> 2022

<sup>32</sup> <https://arrow.tudublin.ie/cgi/viewcontent.cgi?article=1011&context=cserrep> Page 21 Accessed on July 10<sup>th</sup> 2022

<sup>33</sup> Ibid.

<sup>34</sup> New Directions is a new initiative which aims to offer a free, confidential information and support service for families affected by imprisonment. It offers a listening ear and emotional support to help families with the challenges they face. New Directions was set up in 2018 by Sr Imelda Wickham, a former Prison Chaplain. During her time as Chaplain Imelda witnessed first-hand the challenges and distress faced by families affected by imprisonment. It is an issue Prison Chaplains have raised continually in their annual reports:

<sup>35</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 10 Accessed on June 30<sup>th</sup>



**Concern: That there is an excessive and difficult financial burden placed on families where a caregiver is imprisoned.**

In paragraphs 31 and 34 of the State Report in response to LOIPR 4(a) the government outlines the measures that they are taking to ensure that children aren't excluded because of their inability to access funds. The government, however do not specifically mention children of people in prison as a marginalised group though they do accept this in Better Futures Better Outcomes.<sup>36</sup> There are considerable financial difficulties for families affected by imprisonment with many families coming from the poorest of socioeconomic backgrounds. "The earnings of one member of the family are lost, and there may be considerable expense associated with accessing prison visits. In cases where the latter is an issue, this can prove particularly problematic where there are no state financial supports to facilitate such visits. For example, in Ireland, while there is a possibility of the 'exceptional needs payment', this is a once off means-tested welfare payment and is not specifically designated for this purpose."<sup>37</sup>

Distance from a prison significantly increases costs, taking time off work to visit, making arrangements for the care of others while visiting, arrears, legal bills and more, significantly impinge on the lives of those living outside the prison who would say that they too are serving the sentence.

Other issues included prison visiting hours not linking up with public transport timetables; visiting hours for special family visits scheduled at inconvenient times, including during working or school hours; and the financial burden on families providing for the person in prison. Changes to the prisoner gratuity scheme in 2012, which introduced incentivisation but also an overall reduction in the daily allowance, added to the financial burdens facing families with loved ones in prison.<sup>38</sup>

Lower income was experienced by families at the same time that household expenses increased, including through the cost of travel to visit the prisoner and the need to lodge money in prison for the prisoner to buy necessities from the tuckshop.

In this respect, the IPS should be aware of the Council of Europe 2018 Recommendation which states: "Whenever a parent is detained, particular consideration shall be given to allocating them to a facility close to their children"<sup>39</sup> There is sometimes some discretionary money available through the governors fund but what is required is an official Assisted Prison Visit Scheme similar to ones that exist in the UK and Cyprus.<sup>40</sup>

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<sup>36</sup> Department of Children and Youth Affairs. (2014). Better Outcomes, Brighter Futures, The national policy framework for children and young people [online]. Dublin: The Stationery Office. Available from: <https://www.gov.ie/en/publication/775847-better-outcomes> Accessed 4 August 2022

<sup>37</sup> Bradshaw, D., Hannigan, A., Creaven, A. M., and Muldoon, O. T. (2020). Longitudinal associations between parental incarceration and children's emotional and behavioural development: Results from a population cohort study. *Child: Care Health and Development*, 46(2), pp.195-202. Available from: <https://doi.org/10.1111/cch.12732> [accessed 29 June 2022]

<sup>38</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 47 Accessed on July 10<sup>th</sup> 2022.

<sup>39</sup> CM/Rec(2018)5 of the Council of Europe of 4 April 2018 to member States concerning children with imprisoned parents [online]. Available from: <https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438> [accessed 19 May 2021]

<sup>40</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 49 Accessed on July 10<sup>th</sup> 2022.

If a family cannot afford to visit frequently as a direct result of extra financial outlay then this we feel contravenes Articles 9,18 and 27 of the UNCRC and further undermines Ireland progress under SDG#16.

**Recommendation:**

**The Department of Justice should provide the Irish Prison Service (IPS) with funding to deliver an Assisted Prison Visits Scheme, similar to that provided in the UK, and with the aim of assisting low-income families with the costs of prison visits.<sup>41</sup>**

**Concern**

**There is a concern that media coverage of a crime can be excessive, intrusive, repetitive, recurring and relentless taking no responsibility or account of the ongoing damage to families and in particular the children in the families.**

In paragraph 126 of the State Report in response to LOIPR 15(b) the government recognises the right of all children to private and family life. Children are just as exposed to the news cycles as adults and news, both good and bad, is broadcast many times a day through television, radio, newspapers, magazines, and the Internet. Seeing and hearing about local and world events, such as natural disasters, catastrophic events, and crime reports, may cause children to experience stress, anxiety, and fears. Accepting this, we must then think on the anxiety that would be present if the news was about a family member. Many family members may try to shield a child from the devastation that follows when a family member is incarcerated. But if a child is old enough then they may fully understand what is happening and feel the anxiety, shame, hurt and isolation when they read or hear of the crime and punishment of a family member in the news. The internet never forgets and the shame and upset can linger shaping and influencing the course of a child's life growing up.

What of disclosure to the child? It can be the most difficult process for the caregiver at home to decide when is the best time to inform a child of the fact that their father / mother is in prison. Some parents tell their children before they feel the need to for fear that the child might find out through other means, including the media or the internet. The media doesn't take into account the best interests of the child, or have any responsibility to the family of the person who has been sent to prison. Very often sensational headlines are intrusive, upsetting and inaccurate and the reports can appear multiple times, at the time of arrest, charging, pre-trial, trial, sentencing and perhaps even upon release. At times the media can attempt to take photographs of family members, or hound families on the phone or indeed doorstep them any time they try to leave their home. In this way the family of the person in prison are subjected to the repeated anxiety and at each instance their progress in attempting to come to terms with the imprisonment is further tested.<sup>42</sup>

There can also be worry for the parent in prison when a child hears of stories about the prison and / or prison life. For family members who have never experienced prison life, the perception of what happens behind bars comes from two main sources, the prisoner and the media. While prisoners will often try to protect their families by underplaying the conditions in prison, news articles are rarely so

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<sup>41</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 8  
Accessed on July 10 2022

<sup>42</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 33  
Accessed on July 10 2022

considerate.<sup>43</sup> For a child to read that their parent is being held in 'squalid conditions' that are 'not suitable for humans' (The Sun: 18/10/17) can only be extremely distressful.<sup>44</sup>

The Press Council of Ireland Code of Practice states: “Sympathy and discretion must be shown at all times in seeking information in situations of personal grief or shock. In publishing such information, the feelings of grieving families should be taken into account”<sup>45</sup>, and the media must respect private family life (Principle 5). The issue of the media and its impact on the employment of family members was also emphasised.

Under the non-discrimination principle, States must ensure that the child is protected against “discrimination or punishment” based on their “status” and the “activities” of the child’s parents, legal guardians, or family members and at times the media intrusion contravenes article 2 and 16 of the Convention on the Rights of the child and undermines Ireland’s progress on SDG16<sup>46</sup>

#### **Recommendation:**

- 1. All members of the media should adhere to the ethical principles developed by the Press Council of Ireland and the Council of Europe Recommendation CM/Rec (2018) 5 of the Committee of Ministers to member States concerning children with imprisoned parents.<sup>47</sup>**
- 2. People in prison should be made aware of their right to report a breach of the Code of Practice within three months of the article’s publication as per the Council of Europe 2018 Recommendation.<sup>48</sup>**

## Appendix:



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<sup>43</sup> <https://www.nicco.org.uk/news-and-views/how-the-media-can-affect-the-families-of-prisoners> Accessed on July 21 2022

<sup>44</sup> ibid

<sup>45</sup> Press Council of Ireland. (2021). Code of Practice [online]. Available from: <http://www.presscouncil.ie/code-of-practice.150.htm> | [accessed 19 July 2022]

<sup>46</sup> UN Convention on the Rights of the Child, Article 2 states “State Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment based on the status, activities, expressed opinions, or beliefs of the child’s parents, legal guardians, or family members.”

<sup>47</sup> [https://www.iprt.ie/site/assets/files/6958/piecing\\_it\\_together\\_supporting\\_children\\_and\\_families.pdf](https://www.iprt.ie/site/assets/files/6958/piecing_it_together_supporting_children_and_families.pdf) Page 10 Section 6.4 Accessed on July 21<sup>st</sup> 2022

<sup>48</sup> “Information provided to, and by, the media should not violate the right to privacy and protection of children and their families, including data protection rules, and any media reporting should be carried out in a child-friendly manner.” CM/Rec(2018)5 of the Council of Europe of 4 April 2018 to member States concerning children with imprisoned parents [online]. Available from: <https://rm.coe.int/cm-recommendation-2018-5-concerning-children-with-imprisoned-parents-e/16807b3438> [accessed 19 July 2021]

## New Directions

Imelda Wickham, pbvm

IPA Office No: +353 87 6097686

[familynewd@gmail.com](mailto:familynewd@gmail.com)



## **International Presentation Association**

Ann Marie Quinn, pbvm

IPA Office No: +353 1 5049104

IPA Office Mobile: +353 86 4116160

[execdirectoripa@pbvm.org](mailto:execdirectoripa@pbvm.org)



## **Presentation Interprovincial Justice Desk**

Room 14, St. Patrick's Hall,  
Marino Institute of Education,  
Dublin 9,  
D09 K4P6,  
Ireland.

Phone: +353 (0)89 208 5253

Email: [presinterprovjustice@gmail.com](mailto:presinterprovjustice@gmail.com)