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## Developing a Child's Right to Effective Contact with a Father in Prison—An Irish Perspective

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### ABSTRACT

Recent years have witnessed a gradual increase in international research on the effects of parental incarceration on families and prisoners both in the short, medium and long term. However, the rights of children with a parent in prison is a subject which, in the Irish context at least, has been ill considered to date by policy and law makers. Research has shown that the consequences of failing to support this group of children can be adverse, not only for children concerned, but also for families and society more generally. Policy and practice development in supporting the child/parent relationship has primarily focused on mothers, with the consequential underplaying of the importance of the father/child relationship from the father's point of view as well as that of the child. Between 2015 and 2016, a national qualitative study, the first of its kind conducted in the Republic of Ireland, aimed to explore professional perspectives of those working in the Irish prison system on the extent to which the rights of children with a parent in prison are recognised and protected during prison visits. A small number of family members were interviewed to give some insight into the experiences of children and families. Thus, the findings of this study as they relate to the child's right to contact specifically will be presented and considered. This article adopts a children's rights framework to consider the challenges involved in realising the rights of a child when their father is in prison. Furthermore, by benchmarking current Irish practices against international and regional standards as far as child/father visits are concerned, it seeks to provide a snapshot of the extent to which the rights of children with a parent in prison are protected in the Republic of Ireland.

### KEYWORDS

Children's rights; incarcerated parents; fatherhood; right to contact; parenting

## Introduction

In Ireland, the development of children's rights has been guided by minimum international children's rights standards as set out under the United Nations Convention on the Rights of the Child 1989 (CRC). While Irish domestic law concerning children's rights has been slow in terms of its initial development since ratification of the CRC in 1992, recent years have witnessed significant developments. These include: the appointment of a Senior Minister for Children (2011); the incorporation of some rights of children into the highest source of Irish domestic law under Article 42A of Bunreacht na hÉireann

(1937); the appointment of an Ombudsman for Children (2003) as well as the enactment of a raft of domestic legislation in the field of child law and child protection. However, while progress in the field of children's rights has been positive, children with a parent in prison have not featured in any of these developments.

Despite an absence of central government initiatives in this regard, there have been some positive moves made by the Irish Prison Service (IPS) which are primarily designed to enhance the visiting experiences of children and families. Such changes have principally been focused on improving visiting room conditions and the piloting of a parenting programme (Family Imprisonment Group, 2014); changes which, unsurprisingly, are centred around the prisoner. Yet children, in exercising their rights to see their parents, must come inside the prison walls, an experience which can often be a negative one. A failure by the prison authorities to view such visits through the lens of a child, or indeed, even being cognisant of the need to protect the human rights of children in this context, makes it impossible to adopt a child-sensitive approach to visits and potentially exposes children to damage in the long term (Tewksbury & Demichele, 2005). This is clearly at odds with the legal responsibility of the state internationally and domestically to be proactive in terms of protecting the wellbeing of all children, irrespective of who their parents are and where they reside. In the absence of such basic protections, children with a parent in prison are at risk in the short, medium and long term and the state has failed them.

It is significant therefore that the most recent policy framework on the rights of children and young people in Ireland—*Better Outcomes, Brighter Futures*—has, for the first time, given a specific State commitment to “ensure adequate access by children to an imprisoned parent, in a child-friendly setting” (Department of Children and Youth Affairs, 2014, para. 3.22). The existence of this limited commitment is of fundamental importance since it demonstrates an awareness on the part of the state of the existence of this group of children, and sets in stone a policy commitment to protect what is in fact a right of the child to have access to a parent where they have been separated from that parent as a result of a court decision.

It is in light of the latter policy commitment, that this article explores why the recognition of children's rights in the context of paternal imprisonment is fundamentally important not only in terms of protecting the international human rights of children but also in relation to supporting much needed cultural change and reform in the prison context. Moreover, existing literature concerning the role of fathers<sup>1</sup> in terms of parenting while in prison will be re-examined through adopting a children's rights lens, with a particular focus on children maintaining contact with their imprisoned fathers. The findings of a qualitative research project conducted in Irish prisons in 2015–2016 which sought to examine prison visits from a children's rights perspective will be considered, shining a spotlight on the existing challenges inherent in a system, the principal focus of which has traditionally been on the prisoner and prison security.

### **Why focus on children's rights in the context of parental incarceration?**

Studies from disciplines such as psychology, sociology and criminology have focussed on the importance of maintaining family relationships once a father has been incarcerated and the barriers which can make this challenging (Brooks-Gordon & Bainham, 2004; Dyer, 2005; Jardine, 2017). While imprisonment in practice can produce a dormant

period for some men in terms of fatherhood (Arditti, Smock, & Parkman, 2005), there are dangers to assuming all fathers experience imprisonment in the same way (Muth & Walker, 2013).

Despite the apparent challenges in sustaining parenting roles from inside prison, it is well accepted that there are many benefits associated with maintaining family relationships not only for the family members including children, on the outside, but also for the prisoner and the prison authorities. Fathers, in maintaining and strengthening relationships with their children while in prison, are less likely to reoffend (McCrudden, Braiden, Sloan, McCormack, & Treacy, 2014, p. 303). For the mothers on the outside, the involvement of fathers in the upbringing of their children lends itself to reduced maternal distress (Harmon & Perry, 2011). While for children, evidence suggests they can experience improved cognitive skills and behaviour (Black, Dubowitz, & Starr, 1999) as well as more responsible sexual behaviour in teenagers (Dittus, Jaccard, & Gordon, 1997).

Paternal incarceration is proven to potentially have significant and damaging consequences for the socioemotional wellbeing of children (Geller, Garfinkel, Cooper, & Mincy, 2009). The well known and respected Adverse Childhood Experiences Study carried out in the US in 1998 (Centers for Disease Control and Prevention, 2016) identified the incarceration of a family member as a risk factor for children for adult chronic disease risk behaviours (Gjelsvik, Dumont, & Nunn, 2013; Gjelsvik, Dumont, Nunn, & Rosen, 2014). The risk of childhood trauma at home or in their communities where there is the added possibility of neglect, maltreatment or violence is also increased (Arditti, 2012, p. 192). While there is also evidence to suggest that the potential effects of paternal imprisonment are higher where a child has lived with their father prior to his incarceration, it is recognised that the child who has a non-resident father is also at increased risk of family hardship in addition to being separated from a parent (Geller et al., 2009, p. 49). While some of these studies may appear dated, a more recent large-scale project involving over 1,500 children, care-givers, imprisoned parents and stakeholders across four countries (Germany, Romania, Sweden, UK) confirms many of these long-standing findings. Indeed, the final report of the well-recognised COPING Project provides rigorous and reliable data firmly rooted in science (Jones & Winaina-Wozna, 2012).

### **A children's rights framework to support contact with incarcerated parents**

While the CRC recognises and protects the rights of all children without discrimination, certain minority groups of children have traditionally been deemed worthy of additional protection. For example, the drafters of the CRC in the 1980s included additional CRC protection for vulnerable groups such as child refugees (Art. 22), and children in conflict with the law (Arts. 37 and 40). However, during this time, little consideration was given to the rights of children with a parent in prison and, as a result, they are not specifically mentioned in the CRC.

While children with a parent in prison are theoretically entitled to the same human rights protections as any other child under the CRC, there are practical challenges for this group of children in terms of accessing these rights. At both policy and practice levels, there is a lack of systematic and targeted recognition of these children as a

group in need of additional protection. The reasons for this are varied—in part they tend to be an “invisible” group, many of these children claim that they are treated as if they are guilty by association (Scharff-Smith & Gampell, 2011), which in turn can lead to both stigmatisation and marginalisation (Jones & Winaina-Wozna, 2012). In circumstances where the needs of these children are acknowledged by the state in some way, further challenges arise when a one-size-fits-all approach is generally adopted with the group being classified as either traumatised and/or likely to end up in conflict with the law themselves. While these children do have challenges in life as a result of separation from their parent in prison, there is an inherent danger of pathologising them (Knudsen, 2016).

While these children are entitled to the protection of all CRC provisions, some provisions are particularly instructive. For example, Article 3 CRC requires that where any actions taken by the state affect a child including the incarceration of a parent, the best interests of that child must be considered. Under Article 6, all children have a right to healthy development; the literature reviewed above shows parental imprisonment has the potential to negatively impact on the development of a child (Abramowicz, 2012, p. 231). Child visits can therefore be crucial under this provision; according to Poehlmann et al., “... parent-child contact during parental incarceration is a multifaceted issue that may have significant effects on children’s development, caregivers’ well-being, and incarcerated parents’ stress, mental health, and possibly recidivism” (2010, p. 22). For children with a parent in prison, the development of secure attachments therefore involve caregiving interactions both within the home (Poehlmann et al., 2008) as well as an ongoing relationship with the parent in prison (Poehlmann, 2005). As acknowledged by Kuzucu: “Empirical evidence suggests that fathers affect their children’s social, emotional and intellectual development” (Kuzucu, 2011).

The right of a child to both express their views and have such views respected in all matters affecting them (Art. 12 CRC), is one of the most empowering provisions of the CRC. In order to exercise this right effectively, children should have access to information concerning the circumstances of their parent in prison and what the right of access to that parent involves (Arts. 13 & 17 CRC). Moreover, Article 12 provides the means through which children can have their voices heard where such contact does not take place, irrespective of the reasons for this. As Liefwaard highlights, while prisoners are provided with a complaint mechanism regarding their detention, “these mechanisms are not meant for children of prisoners, let alone are they child-friendly” (2015, p. 14).

### ***International guidance?***

Detailed consideration by the UN Committee on the Rights of the Child first focused on the rights of children of prisoners in 2011 during a day of general discussion on the issue. The Committee highlighted that children with a parent in prison have a right “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” in accordance with Article 9(3) CRC (para. 35). Children have a right to visit their parent and any visits that take place must be respectful of the child’s dignity and right to privacy (para. 38). The Committee also highlighted the importance of visits taking place

in a child friendly environment, including by allowing visits at times that do not negatively interfere with other elements of the child's life, such as schooling, and for durations conducive to building or maintaining strong relationships. Consideration should also be made to permitting visits to take place outside the detention facility, with a view to facilitating necessary emotional bonding between the child and the incarcerated parent(s) in a child-friendly environment. (para 40)

In considering what effective child visits should look like, Poehlmann et al. underscore the importance of developing a child-sensitive approach where children are adequately prepared in accordance with their age and understanding for the visit in advance. Such preparations would include “... providing details about what the child might see and hear at each step of the visit, informing the child of institutional rules or procedures that need to be followed, and discussing potential emotional reactions that might occur” (2010, p. 21). Furthermore, information should be given in a supportive manner where the child's questions are answered simply and honestly. Indeed, it has been established that distorted communication about a parent's incarceration leads to feelings of insecurity in young children (Poehlmann, 2005).

### **National law: children's rights, state responsibilities and child wellbeing**

Despite the fact that in Ireland there has been a gradual shift towards ensuring that children's rights are respected in all aspects of society, the importance of adopting such a rights-based approach concerning child visits with a parent in prison has yet to become an issue of importance for the government. Arguably, this is due to a number of reasons but critically one of the main reasons is the failure of the State to see this as a child wellbeing issue. As discussed above, there are a litany of rights belonging to children which require protection, even more so when a parent is imprisoned. Where the state has made a decision which results in the separation of a parent and a child, it ultimately has a responsibility to ensure that the parent/child relationship is maintained as far as possible, where it is in the best interests of the child. It is clear that the ability of a father to parent from inside prison is severely restricted and so, as a result, it is the responsibility of the State to facilitate contact and to promote a father/child relationship as far as is possible.

Significantly, to date, it has been the Irish Prison Service (IPS) that has spearheaded an initiative aimed at facilitating and strengthening the father/child relationship in Irish prisons. This move to strengthen family engagement by the IPS was arguably prompted by the publication in 2012 of a report by Ireland's prison reform NGO—the Irish Penal Reform Trust (IPRT). The *Picking up the Pieces* report examined the rights and needs of families affected by imprisonment highlighting practical problems which deterred carers from taking children to visit their incarcerated parent in the Irish system. These included poor visiting conditions and frightening security measures (Martyn, 2012, pp. 31–39). In response, the IPS established a Families and Imprisonment Group (FIG). FIG was tasked with addressing some of the issues raised by the IPRT, particularly those concerning visiting conditions. The result has been the development of an IPS strategy which includes the adoption of a formal visiting policy aimed at promoting “visits, and family visits in particular, as a core element in rehabilitation” (FIG, 2014). This welcome move to formalise a family visits policy was developed across five key “pillars”: (1) communications; (2) improved visiting facilities; (3) staff support and training; (4) the

development of family-related courses and programmes and; (5) community follow-up and partnership with community services. Disappointingly, children are not directly included in any of these pillars. Indeed, unsurprisingly, much of the IPS developments are focused on internal actions that can support improved prison visits—physical spaces, staff training, improved communication. However, as argued below, the lack of direct engagement with the rights of children in this context is problematic in ensuring that the IPS effectively meets its children’s rights obligations.

### **Investigating the child’s right to contact with a parent in an Irish prison**

Ireland has 12 prisons and places of detention; 10 are closed and two are open prisons. Prison visits operate under the Irish Prison Rules providing sentenced prisoners with one visit a week of 30 minutes in duration. However, a degree of flexibility operates within this system. Flexibility is important in facilitating improved visiting conditions, yet it can be operated inconsistently. O’Malley et al. found that women prisoners may get “outings” with their children or, a “welfare visit” may be facilitated in the community where children cannot attend the prison (2016). While positive practice of this type provides important contact particularly for children who are in care, the same degree of flexibility is not generally extended to fathers who may have similar access problems. In addition, gatekeeping by mothers and other family members on the outside can also result in restrictions being imposed on the level of contact, if any, between father and child (Rosenberg, 2009). The current study, which forms the principal focus for the remainder of this article, sought to examine the extent to which prison visiting arrangements with incarcerated fathers in Ireland conform to minimum children’s rights standards set out under international law.

### **Methodology**

Following a desktop study of research concerning the impact of parental imprisonment on children as well as a thorough search of existing Irish research in this field, it was clear that there was a dearth of research specifically examining the extent to which the rights of children to contact with a father in prison are recognised and protected in Ireland. Some key pieces of research exist which explore the recognition and protection of children’s rights in the context of parental imprisonment (Lagoutte, 2016; Scharff-Smith, 2014); however, these are international in nature.

Thus, this article draws on data from qualitative research, funded by the Irish Research Council, which examined the extent to which prison visits for children with a father in prison in Ireland conform with the state’s international, regional and national legal and children’s rights obligations. The project was a national study which took place between 2015 and 2016 in collaboration with relevant support organisations. It was the first study of its kind to be carried out on Irish prison visits, focussing on three prison sites in Ireland.<sup>2</sup>

### **Location**

For the purposes of this study, the focus was on closed prisons, one of which was a maximum-security prison and two were medium-security prisons. The maximum-

security prison was chosen on the basis of location as well as with a view to providing a broader context to the Irish closed prisons for long-term prisoners. The two medium-security prisons, while also chosen on the basis of ensuring an even geographical distribution, were of particular interest as both sites were undergoing significant changes which required staff to adjust existing practices. Indeed, one prison was chosen as the location to pilot a project aimed at supporting parenting/family visits. The other was transitioning from a harsh prison environment to a modern prison approach.

### **The participants**

The study aimed to reflect a range of views of those working in or with, the prison sector in order to examine their understanding of children's rights and the importance and operation of child-friendly visits in the Irish Prison system. In addition, by tapping into the experiences of a small number of family members, the hope was to gain an insight into how visiting conditions are experienced in practice by children and families. It is acknowledged that the numbers of participants were small; however, the views presented were largely consistent.

Table 1 demonstrates the participants who were interviewed. Access to prison staff was facilitated by the Prison Governors while access to family members was provided by family support organisations. A purposive sample comprising prison governors, prison officers, child care workers and representatives from support organisations as well as those directly impacted upon by the imprisonment of a father, were invited to participate in the study. This was designed to ensure that the diverse perspectives on parental imprisonment were presented in a fair and balanced way. Participants were asked about their views regarding visiting arrangements for children, their understanding of children's rights in relation to child visits, and the relevant policy framework.

### **Ethics and permissions**

Ethical approval was sought both from the researchers' academic institution and the Irish prison service. Following this, permission was sought from the Head of the Irish Prison Service for the purposes of contacting the relevant Governors. Once permission was secured, the prison governors were invited for interview and each prison then provided staff who volunteered to be interviewed. No one refused to be interviewed. All participants were given an information sheet detailing the nature and scope of the study, they were

**Table 1.** Study participants.

Profession/Role	Format	No of participants
Family members	Semi-structured interviews	3 <sup>a</sup> ( $n = 2 + 1$ )
Irish Prison Service—Senior Administration	Semi-structured interviews	1
Irish Prison Service: Governors	Semi-structured interviews	4
Irish Prison Service—Prison Officers	Semi-structured interviews	2
Prison Support Staff—		
Child Care Worker	Semi-structured interviews	1
Support Organisations	Semi-structured interviews	2 <sup>b</sup> ( $n = 3$ )

<sup>a</sup>There were three family members interviewed in total; two of these were a mother and daughter from the same family.

<sup>b</sup>Three professionals working with community support organisations were interviewed; two of these were representing one organisation.



reminded that participation was voluntary and they were asked to sign an informed consent form.

### ***Limitations of the study***

While this study sought to examine Irish prison visits through the lens of a child by adopting a children's rights framework, the researchers were aware of the fact that children below the age of 18 years were not directly involved in this phase of the research. While this limited the parameters of the research findings, the researchers will expand this research in the future to include the voices of children, when all appropriate safeguards can be put in place. In addition, it is recognised that the sample size is relatively small and therefore, the results are not reflective of the views of everyone with direct experience of the system.

### ***Research analysis and findings: children's rights and maintaining contact with fathers in prison in Ireland***

A qualitative methodology was employed for the study using semi-structured interviews as a means of data collection, with the data being analysed using thematic analysis, the latter being a well-recognised "method for identifying, analysing and reporting patterns in the data" (Braun & Clarke, 2006, p. 79). The same interview schedule was used for all interviews ensuring that the same format was employed throughout. Interview times varied with some lasting one hour, others as much as two-and-a-half hours. Each interview was recorded via dictaphone and later transcribed verbatim. Interviews were coded and themes were created using a theoretical or deductive method which was to some extent influenced by the researchers' theoretical interest in this area. While it is well accepted that the latter form of analysis lends itself to providing a less "... rich description of the data overall", it does help construct a realistic picture of aspects of the data (Braun & Clarke, 2006, p. 84). In relation to the professionals, the focus was on the participants understanding of their own actions particularly as part of the system operating around them. It was striking that the majority of professionals interviewed spoke more in the context and language of child protection rather than children's rights. This paternalistic approach was not surprising given the fact that child protection and understanding thereof is embedded in practices and procedures and is buttressed by the existence of child protection legislation. Moreover, there is no children's rights-based training currently available for prison professionals. It is important to point out that the views highlighted below were chosen due to their representativeness of those expressed by professionals working within the system more generally. Where views were expressed that differed from the norm, these are identified as such.

### ***Emerging themes***

As a result of the coding process, themes emerged from the study in relation to a number of areas. Given the focus of this piece, just four of these will be discussed relating specifically to the child's right to maintain contact with a parent (Art. 9 CRC). A child's contact with his or her father must be meaningful in the sense that the conditions before the visit

takes place and thereafter must be children's rights-compliant. Further, contact should be a right protected for all children with a father in prison irrespective of where they live or prison disciplinary regimes.

Unsurprisingly, perceptions varied amongst the participants with the focus of prison staff being primarily that of prison security, while family members tended to talk about their experience of visitation within the prison and the quality of their experiences. Interestingly, from a children's rights perspective, one family member had a very clear view on where children fit in terms of the priorities of the prison:

I think children are overlooked by the prison services. I know there are other agencies lobbying for children's rights but I just feel that they are not important really in the Prison Service's eyes, they are just about the prisoner and the security and managing that whereas children really don't come into their minds at all I don't think. (Family member 1, County B)

### ***Understandings of children's rights within the prison context***

While prison personnel were aware of the fact that they have some responsibility towards children visiting their father in prison, this appeared to be mainly from a child protection point of view, rather than a children's rights perspective.

[W]e are very much focused on child protection here; it's around child protection rather than about development. ... I don't think society has gone on to the whole development of a child thing yet ... We've got the child protection, which took us 100 years to get to, and now we're looking at protecting the child first and we haven't gone on to children's rights yet. And it's an awareness that some people have but I don't think we've *even* got there. (Governor 1, Prison A) [own emphasis added]

Similarly, even when talking about future developments and demonstrating awareness of the potential challenges, child protection remained a key priority, without any consideration of the broader children's rights framework. One Governor interviewee highlighted the cultural challenge of "subverting" the security dynamic to allow for a more relaxed approach, being placed alongside:

... challenging the family and the prisoner around their responsibility on the visit. I think they are the critical things, and also I understand we need to be aware of any potential issues around child protection in allowing you know. I mean all of the legislation says that we should encourage family contact where it's not detrimental to the child. So we need to have a mechanism of picking up those bits as well, so that we don't, you know so you must visit your child ... (Governor 1, Prison B)

At the heart of the prison approach was the idea that the IPS was just beginning a process of change, "There's a long journey to go and we're just about starting that journey really" (Senior Prison Official). However, the danger here is that that journey paradigm may result in the justification of extremely slow progress which prevents the IPS from meeting its obligations towards children. Placed alongside one of the most poignant representations of children's rights from a family member when recalling how her daughter reacted to the visit system in the past, the tension is clear:

I remember going back a couple of years ago when her father was in prison she used to always say to me "that it's my right to have physical contact with my father". I can remember her saying that years ago. ... I remember she used to say ... "Well my rights were taken away

and I didn't do any crime", she was still being punished which is wrong like, that the rights of the child should be the fact that they can have physical and emotional contact with their parents in prison, like a hug won't kill anyone like and at least it keeps that child nourished and knowing that they're loved or ... like I'd hate to be in prison and the fact that my little girl or my others couldn't come up and hug me. (Family member 1, County A)

Unfortunately, there was little or no awareness of the relevance or applicability of children's rights within the context of prison visits amongst prison staff at all levels, despite the obligation on the government under Article 42 CRC to publicise the rights of children within the domestic sphere: "we haven't stepped over into thinking about children's rights at any stage" (Governor 1, Prison A). Similarly, one professional working in another prison admitted: "I don't know what the children's rights are so I can't implement a policy when I don't know what their rights are" (Prison Officer 1, Prison C). Indeed, when asked about how children's rights could be better understood in the prison context, "Just information and training" (Governor 1, Prison B) was the response of one prison governor.

Yet the practical experience of family members upon entering the prison from a human rights point of view was abundantly apparent from one participant: "I suppose I feel that as soon as they [children of prisoners] enter the gate of the prison they actually lose all their rights as well, as well as you as a human being lose your rights" (Family member 1, County B).

### ***Experiences of visiting from a children's rights perspective***

The experiences of children visiting a parent in prison in Ireland tend to vary to a large degree. This is owing to a number of factors including the type of prison a parent is held in, the level of security of the prison, and the prison culture. Indeed, as acknowledged by one Prison Governor, "We're independent serfdoms, call it what you like" (Prison Governor 1, County B). Yet, all children have a right to be treated equally (Art. 2 CRC) in terms of maintaining contact with their parent in prison (Art. 9 CRC).

In certain circumstances, the nature and extent of contact, when it occurs, is dictated by the behaviour of the father in prison. In particular, the enhanced visits regime in Ireland is designed to encourage better behaviour on the part of the prisoners. However, in reality, the regime directly impacts on a child's right to access their father in prison in the short term; while in the long term it will impact on the father/child relationship and will potentially affect the child's long-term development.

[I]f you're on enhanced ... I do get the whole idea of enhanced visits but I still think that it's unfair for children that it's only if Daddy is good that they'll get to touch him. I think it should be full contact at all times, obviously within reason. I know there are times if there are contraband being brought in that they will have to have screen visits and stuff but I personally don't agree with that whole approach, that if you're good and behave and follow everything that you're supposed to in prison then you can touch your children and you can kiss them and hug them but if you're bad you can't. So I think it's punishing the children as opposed to punishing the prisoner. (Family member 1, County B)

For the most part, standard visits in a closed prison setting are perceived by family members as being poor: "They're not a bit child-friendly" (Family member 1, County A).

There was some evidence of positive practice and a strong awareness of the need to promote the rights of children when they are visiting their father in prison. This was

the exception as opposed to the norm however. According to one visiting room support worker:

[I]t's important for ... the childcare workers to be here for the children, to listen to them and what they have to say where sometimes they just get dragged along in the whole process and it is important for them to have a voice ... . (Prison Visiting room worker, County C)

The need to recognise that formal visits are inadequate to support meaningful child/parent contact is well established. Clarke et al found that "... men's accounts ... showed the tensions of attempting to condense family interaction into intense, spatially constrained visits and telephone time slots" (Clarke et al., 2005). Acknowledging this reality, one interviewee highlighted the need to develop an "understanding of the wants and needs of the family unit" that goes beyond the mere physical space of visits:

[I]t's not just okay you have the room right ... . You know you are trying to have a normal family interaction of an evening around homework or around whatever is going on. And again, I think those that visit with the use of our child officer and all the rest could become very focused on what the family needs to achieve in that time you know. So ... the barrier is your imagination, in terms of you know, within the parameters of the security piece ... . (Governor 1, Prison B)

Visiting can therefore be enhanced through a variety of enhanced, child-centred, interventions: homework clubs, the organisation of parent-teacher meetings and family activity visits.

### ***Barriers to supporting the parent/child relationship and a child's right to meaningful contact***

In reality, there were a number of barriers identified to ensuring the child has a meaningful relationship with their father in prison and vice versa, including obstacles of an attitudinal as well as a physical nature. In particular, negative attitudes towards a father's ability to parent were demonstrated by prison staff. A senior IPS interviewee expressed some frustration with the engagement of parents in their children's lives in the context of imprisonment, despite being committed to supporting family relationships:

I think sometimes we leave the adults off the hook a bit in terms of their responsibility for the child and, like, their responsibility for understanding where the child is, what age they are, what class they're in, what type of age-appropriate material they should be looking at, they should be dealing with. I mean they have to take ... responsibility for their children, not just us. (Senior IPS official)

The idea of fathers being responsible for their own role was a common theme throughout the interviews. However, this concern was not placed within a consistent and purposeful examination of the real opportunities for fathers to do anything other than a visit and have phone calls with their child. One Governor noted that this was not just about "parenting" but related to wider capacity barriers that prisoners experience:

[I]t's about the prisoners' kind of manning up, for want of a better word, to what their issues are. Because if a person can't read and write, they're going to be no good to their children or their homework. So it's a matter of normalising things. (Governor 1, Prison A)

The juxtaposition in this approach—the need to “man up” on the one hand and the actual capacity of some incarcerated parents—illustrates the tensions in viewing parenting as a one-dimensional rather than multi-dimensional aspect of prisoners’ lives.

One prison officer went so far as to say that fathers had little interest in their children:

[Y]ou have the prisoners that it’s like they don’t really care, that they just want to get the visit over and done with, they’re more interested in their girlfriend than their child . . . . (Prison Officer, County C)

By comparison, family members highlighted the reality for the parent in prison:

Essentially, it’s like as if when a man goes to prison he loses his status as a father. Nobody cares. You are a prisoner now and you’re not a father and it doesn’t matter which is wrong . . . .they lose their status and then when they come out that’s extremely hard to build back up again. They lose their identity as a parent inside and then on release that’s quite difficult to gain back again. (Partner 1, County B)

Even the physical structure of the normal visiting rooms or boxes are not necessarily suitable for ensuring quality visits between children and their fathers. One family member explained the reality from a father’s point of view:

Do you know like I mean if the child is having problems at school and things like this and when you go in you want the father to be able to play a part, a role in the child’s life, to be able to say like “Well look I know what happened to you at school”, this and that, but it can’t be done. If there was a bit more space in the visiting box that he could sit down and talk to the child or she could sit down and talk to the child about whatever was going on in their life, that there is a need for more space, just so many feet between each prisoner, because one prisoner can go back and tell everyone else on the landing what’s been happening on his visit, do you know, so. (Family Member 1, County A)

### **Opportunities for moving forward**

Without fixing child-centred actions formally into policy, such interventions are rarely if ever embedded into prison practice, both at the local and national level. One Governor expressed frustration at this situation:

anything that we’ve achieved here is because I’m here. And that shouldn’t be the way. It shouldn’t depend on me. I always say that about the job. It shouldn’t be about . . . [Individual personalities and their own ethos]. . . . Because when I walk away from here, that should continue. It shouldn’t roll back and say, well, look, thank god that lunatic’s gone, because now we can get it back to a secure prison and put the eggshell paint back on the walls. (Governor 1, County C)

Some participants highlighted areas that could be improved upon in the future. For example, the partner of a father in prison highlighted what she considered basic requirements for a meaningful visit for her child:

I think they need privacy. I think they need to be able to have physical contact with their family member. For older kids, they need to have that space to discuss things that are troubling them. I think younger kids should be allowed to bring in some kind of a toy or . . . a comfort blanket. [T]hings like that to make them feel secure because it’s not a very nice place. They could be made more child friendly, colourful paintings on the wall or if they do colour in pictures in the waiting room to be allowed to bring them in with them

because it's ... an achievement, they don't get to show their father their achievements really. So, little things like that I think would be good ... they need to have proper quality time when they are on visits not all crammed into the one tiny room fighting for conversation. (Family member 1, County B)

The need for a dedicated officer in the prison who would support meaningful visits from a children's rights perspective was identified by one family member:

if there was an officer specific for families, so like a family liaison officer ... , ... that would be good because they have a link, the families have a link to the prison then and the prisoner also has a link to the family I think also that person could be responsible for enforcing children's rights within prisons but that's a long way off. (Family member 1, County B)

A visiting room support worker highlighted what she considered important in terms of best practice from a children's rights point of view:

Best practice in this area is to be open to everybody and all the issues coming in and to understand from a parent's point of view coming here but to be here for the children, that you are here for them, that when they come in they can have a good time here. (Prison Visiting room worker, County C)

### **Conclusion: developing a children's rights approach to prison visits**

This article has sought to examine the extent to which the rights of children with a parent in prison are respected in the context of child prison visits in the Republic of Ireland. As demonstrated by the findings, there is a clear dissonance between how the rights of this group of innocent children should be protected in theory under the CRC and how that compares with their practical experiences of prison visits in the Irish context. Despite the absence of structured guidance from the UN Committee on the Rights of the Child through the form of a general comment in this area, existing CRC provisions require the development and implementation of a child-sensitive approach to child visits that is consistently and systematically applied across the Irish prison estate. In addition, such an approach should not be linked to the good behaviour of prisoners. All children of prisoners are entitled to child-sensitive visiting arrangements; except where there is evidence that such visits are not in the child's best interests. It is therefore recommended that all children be provided with "enhanced" family visits which focus on visiting arrangements whereby they can interact with their imprisoned parent in a constructive way. This should include the adoption of homework clubs in all prisons and opportunities for prisoners to eat and play with their children in a relaxed environment.

It is argued that a children's rights-based approach should be used in the development of any ongoing prison training, as well as in the future development of prison policies which affect children as required under international law. More predominantly, a children's rights approach is one which, on a practical level, serves to benefit everyone affected when a father is incarcerated including the child, the parents, society and the prison. Such an approach would allow for a non-discriminatory approach where children of both mothers and fathers would be offered gender-appropriate supports and contact with their parent in custody. This does not require universal forms of intervention, since families affected by parental imprisonment are not a homogenous group. Indeed, there is a need to recognise that there may be unique needs of all concerned.

A shift in perspective is proposed—moving the focus from what may be a discriminatory and problematic approach to adopting a more nuanced and variable range of interventions that can support and develop child/father interactions. Such interventions should be tailored to the needs of individual families in a way that avoids pathologising children and their fathers within the system. Under the current FIG programme, there is evidence of a commitment to seeking change. However, to date, the journey towards meeting the rights of children visiting their parent in prison has been slow and modest. It is necessary for the State and by extension, the IPS, to recognise that children's rights are not a luxury, but a responsibility imposed by international law. The professionals working within the prison system can provide the space and opportunity to support children and their parents to maintain and develop strong relationships that are beneficial to all. They are gatekeepers to this relationship, in the same way that parents and carers outside the prison are.

## Notes

1. While much research exists concerning maternal imprisonment and its impact on children and young people, the focus of this article is on fathers only.
2. While three sites formed the focus, four prisons formed the focus of this study.

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