

## SEEING AND HEARING CHILDREN IN THE SHADOW OF FAMILY IMPRISONMENT

*Dr Fiona Donson, Senior Lecturer, School of Law, University College Cork.*

### Abstract

A significant number of children globally live in the shadow of the imprisonment of a parent or other close loved one, yet this group is largely unseen and unheard. This invisibility continues despite a growing body of research which highlights that experiencing imprisonment within a child's family is often traumatic and can have multiple harmful effects. Seeing this group of children and developing specialised responses to their complex needs is essential to provide appropriate supports. At the same time, we must recognise them as individuals with rights who must be heard in relation to their own experiences and needs. This short article provides an overview of some of the key issues arising for this group of children and seeks to prompt a growing understanding in this area.

### History of understanding in this area

Children who experience the loss of their parent or other loved one through imprisonment are largely ignored. This is expressed clearly by children themselves: 'We are unseen and unheard. When people think of family imprisonment their first thought is of the partner or the parents of the incarcerated' (Brooks, 2021). Although this assumes that families are even considered; media coverage convictions, sentencing and prison life focus primarily on the victim and/or the offender. As a result, children experiencing the imprisonment of a loved one are correctly described as being 'hidden' and 'forgotten' victims of the criminal justice system. Yet the reality is that most prisoners have children and are close to their families (Williams *et al.*, 2012, p iii). This means that when a person goes to prison there are ripple effects out into their family and the wider community.

The historical failure to accept children of prisoners as relevant to criminal justice practice over the years is highlighted by this quote from a criminal justice practitioner: 'to talk about prisoners' children when we should be out there fighting crime is cotton wool' (Shaw, 1991, p 27). Although both practice and research have developed since that time (Lanskey *et al.*, 2019, pp16–18), progress is often painfully slow.

In many countries there has been a growth in specialised organisations providing support, most often non-governmental in nature (Jones *et al.*, 2013). However, at a state level, beyond prison-based responses, there has been remarkably little development. Specialised state organisations designated with the responsibility of supporting children experiencing family imprisonment remain absent and policy-makers often remain ignorant of the issues. In many ways, this is due to a range of interlocking factors including the low status of 'the family' in policy development (and its placement as the private), while stigmatisation is a key factor, with families of prisoners being regarded as 'undeserving', 'problematic' and

'complicit' in the situation in which they find themselves. Populist policies on criminal justice, and the worry about how victims will feel if prisoners' families are seen as being prioritised, can also impact on this. Meanwhile, families themselves, fearful of stigmatisation, will keep to themselves and avoid public scrutiny:

*'Aware of their social stigmatisation and faced with the potential of hostile social responses, many prisoners' families have kept to themselves away from the public eye and have not actively sought support for fear of ostracism and victimisation.'* (Lanskey et al., 2019, p 18)

This has resulted in the voices of those with lived experience remaining silent.

### **Seeing the children as children, not instruments for supporting prisoner rehabilitation**

Globally, where state organisations do consider children, it is often prison authorities which are at the forefront of this process. This is unsurprising, given their role in facilitating visits and subsequent interaction with the children and families of prisoners. However, the focus of prison responses is not child-centred, but focuses on the issues of intergenerational offending and the potential role of the family as a rehabilitative tool for those in prison. This is illustrated by recent developments in England and Wales where the government established the Farmer Review. This was tasked with investigating three key questions: how connecting prisoners and their families might (a) improve offender well-being; (b) assist in keeping the public safe and; (c) reduce reoffending. The report, published in 2017, was subtitled *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime* and identified families as a golden thread running through prison reform and central to offender rehabilitation:

*'[our] starting point ... is that as positive family relationships are associated with reduced risk of reoffending, family members need to be acknowledged as potential assets who are essential to making prisons places of discipline and purpose, but they must also be treated with respect and decency by all staff in prisons.'* (Farmer, 2017, p18)

This approach, while acknowledging children and families in the context of imprisonment, has worrying elements within it, not least their instrumentalisation as tools of rehabilitation. As Hutton notes, 'Lord Farmer ... explicitly reduces the families of prisoners, including their children, to "resources" to be deployed, ergo flagrantly adopting the narrative that it is acceptable to frame the children of imprisoned parents as objects of utility.' (2021, p 70).

### **Recognising children's rights**

Rather than seeing children as a rehabilitative tool, it is vital that their rights be

---

*To read this article in full please contact [nagalro@nagalro.com](mailto:nagalro@nagalro.com)*