

**Children of Prisoners Europe Conference
SUPPORTING CHILDREN WITH IMPRISONED PARENTS AND THEIR FAMILIES – RIGHTS,
OPPORTUNITIES AND RESPONSIBILITIES
Opening Speech by Her Excellency Marie-Louise Coleiro Preca, President of Malta
22 May 2015**

Distinguished guests
Ladies and gentlemen
Good morning to you all.

Set the Children Free

I am delighted to be here for the opening of this conference, which will discuss the lives of children who are amongst the most vulnerable in our society.

I am quite certain that all of us gathered here today, acknowledge that often, children of prisoners, are living, within a prison of their own.

The barriers surrounding these children take varying forms; notably, they are bullied and judged, they have a feeling of shame, they suffer exclusion and, ultimately, they suffer from mental and emotional ill health.

These consequences may express themselves in the form of aggression, depression, delinquency, and substance abuse. Moreover, children of prisoners suffer further negative outcomes, including uncertainty, poverty or lack of financial stability, and poor academic performance.

Parental incarceration, disrupts the whole family and the relationships within it, often leading to children becoming involved in the criminal justice system, not through their own actions, but through the actions of either of their parents.

When we consider children of prisoners, we are referring to millions of children around the world. However, as Children of Prisoners Europe itself published; in the European Union alone, it is estimated that there are almost a million children, whose parent is incarcerated.

In Malta alone, the smallest state in the European Union, it is estimated that there were 122 children of imprisoned parents, according to a study carried out in 2010, by the non-governmental organisation *Mid-Dlam Ghad-Dawl*, which is represented here today.

As in many other countries, however, the precise numbers of this vulnerable population, their state of well-being, and their whereabouts, is mostly unknown and conflicting.

For instance, unpublished research, shared at a restricted consultation seminar on children in the care system, in June 2011, which was held under the auspices of the Commissioner for Children in Malta, listed 14.1% of children in the care system, as having a parent in prison, in my country.

Bearing all this in mind, I will today, focus on three issues that call for particular attention, because in my opinion, they are of great relevance, to the lives of

children of prisoners. I will discuss the contact between the child and the imprisoned parent, the possibility of the parent providing financial support to the child, and the allocation of responsibility for the child, when the incarcerated parent is prohibited from doing so, or is unwilling to take on such responsibility.

May my input to this conference, trigger further thought and discussion among experts like you, on the difficulties encountered in trying to give stability to the lives of children heaved into the realms of the justice system.

All our countries, either as Member States of the European Union, or as Member States of the Council of Europe, are signatory to the United Nations Convention on the Rights of the Child.

Yet, a number of the rights of children are being constantly broken with regards to children of

prisoners. All children have the right to be free from all forms of discrimination, irrespective of the status of their parents, yet children of prisoners, suffer incessantly from prejudice, shame and exclusion because of the *'sins of their father or their mother'*.

Yet another article of the Rights of the Child states, without any hesitation, that children should have the right to have direct and frequent contact, with parents from whom the child is separated, including the right to be provided with information, about the whereabouts of the absent member(s) of the family, unless the provision of the information would be detrimental to the well-being of the child.

I will here refer to the Council of Europe's set of Guidelines on Child-Friendly Justice, intended to promote the rights of children, when they become involved indirectly in the justice system.

The Guidelines on Child-Friendly Justice, explicitly state that “the right of all children is to be informed about their rights, to be given appropriate ways to access justice, and to be consulted and heard, in proceedings involving or affecting them, should be respected.”

As explained by Dr Ruth Farrugia, Advocate and Director General of the Foundation of the Wellbeing of Society in Malta, in her paper *The Rights of the child whose Parent is in Prison*, published in the Children’s Rights Journal in 2011, states “the constraints presented by the prison should, in no way detract from the child’s basic right to achieve well-being, which is at par with the right of children whose parent is not imprisoned”.

Dr Farrugia goes on to argue, that in the case of the child, whose parent is in prison, the State has a

particular responsibility, to ensure that the child's right, to well-being is promoted and protected.

In view of the greater vulnerability of that child, there is a responsibility, to make all attempts to support the child in her education, health, living conditions and care.

However, as the Children of Prisoners Europe Network has clearly pointed out, the Convention on the Rights of the Child, has not yet become a living charter for children of imprisoned parents. While some attention has been given to prisoners' rights, the same cannot be said, of the rights that children of the prisoners should enjoy, in most of our countries.

I take this opportunity, to congratulate our host country Sweden, for taking the initiative to try to incorporate the Convention of the Rights of the Child into its national law.

This truly deserves a celebration.

Sweden has, for many years, played an innovator role in many spheres, including human rights issues, and this is certainly one of the most notable of all. I augur that other countries will follow this example of good practice, as it is through such actions, on the part of policymakers, that we may see a shift, towards the consideration of the rights of children of prisoners.

I will focus now on the need of contact between the child and the imprisoned parent.

We are all aware that parent-child contact is of vital importance, in ensuring the well-being of children, when their parent is in prison. I have already referred to research that has shown, that separation, due to imprisonment, has immediate effects on children, such as feelings of guilt and shame, social stigma, loss of financial support, weakened ties to the parent, poor school performance, increased delinquency, and increased risk of abuse or neglect.

Moreover, there are a number of long term effects, which may include, questioning of parental authority by the child, negative perceptions of police, and the whole legal system, increased dependency, impaired ability to cope with stress or trauma, stunted development, and intergenerational patterns of criminal behaviour.

These effects leave no doubt, on the importance of seeking ways, to allow contact between children and their imprisoned parents. Research shows, that such contact could help to break the cycle of criminal behaviour initiated by their parents, and thus reversing some of the effects that I have just underlined.

Here again, I refer to the Council of Europe, this time to its European Prison Rules model. Article 24.4 of the Rules, recommends that visitation arrangements, shall ensure that prisoners are allowed to maintain

and develop family relationships, in as normal a manner as possible.

The Rules specify, that prisoners should be permitted to communicate with their families, as often as possible, whether by letter, telephone or other forms of communication, as well as to receive visits.

If we interpret all this, to the situation of children of prisoners, then we are to understand that even from within the prison walls, parents are to be in contact with their children, and play a vital role.

In the light of this, we are duty bound, to create opportunities, for contact between parent and child, in an environment that still safeguards the best interest of the child.

However, in reality, very few children of prisoners enjoy this luxury, and where this is at all possible, the environment where they can spend quality time with their parents, is, in most instances, definitely not

conducive to the child's mental and emotional wellbeing.

This means, we need to be creative, in looking at examples of good practice, and taking them further, in order to establish an ideal situation, of parent and child contact in prisons.

My second focus will be to ask who is responsible for a child whose parent is in prison.

Because of my personal interest in the wellbeing of children of prisoners, I have heard and read many a speech given by politicians, on prisons and prison reforms, but not once, are children of prisoners taken into account. While I empathise that the core business of prisons is not to take care of the families and children of prisoners, someone has to assume responsibility, for their wellbeing. Otherwise, children of prisoners would be the collateral damage of the prison system.

So, who will take care of children of prisoners, and of their wellbeing? In the natural sequence of life, it is generally established, that children primarily look to their parents for their well-being and development.

The United Nations Convention on the Rights of the Child specifically states, that “parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child.” This notion is grounded in the premise that the family is “the natural environment for the growth and well-being of all its members and particularly children.”

This specific right of the child, then brings forth the discourse, on what happens when the parent is absent from the child’s immediate life, but still has legal and moral responsibility towards the child. Parents in prison, are unable to provide care and

psychological support to their children for obvious reasons.

I refer to Dr Ruth Farrugia's paper again here, as she argues that, in the case of the child whose parent is in prison, the State has a particular responsibility, to ensure that the child's right to well-being is promoted and protected.

In view of the greater vulnerability of that child, there is a responsibility to make all attempts to support the child in her education, health, living conditions and care. The State's responsibility towards the child is direct. The State has a duty to the child, who may be in need of supplementary care. The failure of such support by the State may result, in foreseeable problems for that child, which may impact negatively on society as a whole.

Here, some questions confound my mind: Who will care for the children of prisoners? Who is actually responsible for children of prisoners? Does the school where the children attend, if they attend at all, play a role? Is it the social services? Or does the responsibility fall solely on the other parent, if present?

The law in Malta specifies that all children have the right to maintenance by both parents, which also means, that the imprisonment of either parent, does not dissolve him or her, of these obligations. Likewise, imprisoned parents, are still legally responsible, to ensure that the child is receiving, all the required care and a proper education, according to their abilities and aspirations. Yet, a parent in prison does not have the capacity to fulfil these obligations.

I believe that there is disparity among countries in this regard, but this should encourage all Member States to learn from each other, to exchange good practice, so that all children of prisoners will have equal opportunities to thrive and succeed, no matter where they live.

At a time when we constantly promote inclusive societies, the concept should be made a reality for children from a very young age.

I encourage you, to indulge into discussions for the formulation of a policy, giving possible options in allocating a person or agency, to assume responsibility for children of prisoners at a national level. I augur this conference to brainstorm innovative ways, where children of prisoners, may have a structured contact point, that looks after their wellbeing.

I do not wish to see, yet another structure, that cannot function properly because of case overload, or because of lack of resources, including professional resources. Children need a system that functions properly, is childfriendly, and focuses on the child.

In my opinion, the raison d'être of such a structure should be to empower children of prisoners to look to their future with hope.

Nature or nurture, I truly believe that no child is born a criminal, but circumstances and lack of support, may determine that child's future.

I would like to quote British Prime Minister, David Cameron, in an address to the British Centre for Social Justice, in 2012, where he said:

“While those in the care system account for just one per cent of children, a quarter of those in prison were in care as children”. This is precisely why children of prisoners need particular attention at such a vulnerable time in their lives.

My final focus will be about giving prisoners an opportunity to provide for their children.

Another way to sustain children of prisoners is to create opportunities for gainful employment for their parents in prison.

During my visits to the prison in my country, I have often been specifically asked by the prisoners to intercede in this regard, as some prisoners want to be productive and be able to provide for their families.

We are all aware that, in most instances, once a parent is in prison, the family’s income is diminished, and the family resorts to social welfare.

Around the world, very few prisoners work full time, while those who do not want to work at all, are considered as a “wasted resource”. Research carried out by the Urban Institute in the US in 2008, showed that those prisoners capable of holding a job while still in prison, are the ones will continue to hold a job outside prison, building a life for themselves and their families. We all appreciate that employment gives a sense of purpose to an individual, a sense of pride and a sense of achievement.

With regards to prisoners, some of them never had a job in their lives. Having a job aims to instil a work ethic in offenders, and give them skills to find employment on release from prison, rather than return through a revolving door back to prison.

The poor pay that inmates receive while serving their sentence, is never enough to totally support the family, but they would certainly feel valued as part of the family, if they can partially look after some of the needs of their children, and be able to support them from behind bars.

Undoubtedly, this would be of great benefit to the children, knowing that their parent is there for them, is present in their lives, and can provide for at least a few of their needs.

I would like to draw your attention here to the Child Support Act and the Social Security Regulations in the United Kingdom, which state that if a prisoner's earnings are high enough, they will be able to contribute to the maintenance of their dependants.

This is certainly positive news for the children of prisoners, who are the ones to benefit mostly, if this is the case. Even in this instance, let us look for new

ways for prisoners to have employment, both in prison and outside.

There are endless ideas of what can be done to specifically employ prisoners. Public private partnerships, co-operatives, social enterprises and businesses, are all ideas for authorities to go one step further in giving prisoners, and their children, a chance.

Since the beginning of my Presidency, together with my team, we have endeavoured to seek the wellbeing of all people in society, including those living in poverty or social exclusion.

To this end, I established the President's Foundation for the Wellbeing of Society last year. The Foundation offers space for dialogue and consultation on what affects people's lives, where the people themselves express the needs and aspirations of

Maltese society, and what is to be done to foster and maintain the wellbeing of our society.

With this in mind, we established an Institute for Childhood, with the specific aim of creating a space for children's voices to be heard, to listen to their needs and aspirations. We are trying to find viable solutions to the circumstances children find themselves, including children whose parents are in prison.

I am so pleased to announce that the President's Foundation for the Wellbeing of Society, has applied for affiliate status as an organisation with Children of Prisoners Europe.

We look forward to contributing and learning more from each other.

I hold the wellbeing of children very close to my heart. I want to see all children live happy, fulfilling lives, where they are free to grow healthily, to learn, to dream and to aspire for great things. I believe every child should have this opportunity, if the system is to serve us all.

Only then can the virtual walls of children's prisons disappear. Only then we can say that we have set these children free.

I thank you wholeheartedly for creating the space and opportunity to bring to the fore the reality of the lives of children of prisoners. I hope that my humble contribution will instigate further discussions.

Finally, I would like to thank particularly, Children of Prisoners Europe for this opportunity to be with you today, at the beginning of this conference, which, I am sure, will reap the necessary fruit, in creating further awareness and hopefully, stimulate authorities to ensure that the rights of children of prisoners, are safeguarded as they truly deserve.