

Invisible no more

Executive summary



Children of Incarcerated Parents in Latin American and the Caribbean

Case study from:
Brazil, Dominican Republic, Nicaragua & Uruguay



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Over the past two decades, the number of people incarcerated in Latin America has skyrocketed, with more than 1.2 million prisoners overcrowding correctional facilities across the region. Accompanying this, we estimate that the number of children with an incarcerated parent in the region is currently around 1.5 to 1.9 million (see full report for more details). This marginalized and vulnerable group of young people has been neglected by, and remained virtually “invisible” to public policies, programs and civil society.

In order to assess the situation and needs of these children, and following the recommendations made by the UN Committee on the Rights of the Child during its Day of General Debate in 2011, CWS, with the technical leadership of Uruguayan NGO Gurises partnered with organizations from Brazil, Dominican Republic and Nicaragua to conduct the first regional study of children with incarcerated parents.

By surveying 193 children and their caregivers, we identified the ways that the incarceration of a parent dramatically impacts the life of a child. Families face increased financial strains which force many children to work outside the home or assume adult roles in their household. Children undergo emotional changes, becoming sad, withdrawn or sick, and they face social stigmatization and discrimination in their communities. Their experience with police and the justice system typically creates a negative perception of these authorities. These elements combine to alter the development of children’s self-identity, leading some to develop identities based on resistance to existing social structures. Research confirms that maintaining the child-parent relationship during the incarceration is one of the best ways to help children cope with such difficulties. However, it is difficult for families to maintain such relationships when their only face-to-face interaction is through prison visits where children must endure unhealthy prison conditions, invasive body searches and mistreatment from prison guards.

Government officials and experts working in the area acknowledge the vulnerability of this group of children, and they provide important insight into their situation. They describe the justice and penal systems as “adult-centric,” as it too often only looks at matters from the perspective of the involved adults. In fact, no country in the region even systematically documents or registers the number of children of prisoners. Without any idea of the scope of the problem, it is nearly impossible to create policies and programs to address it. Likewise, the judicial system does not account for the best interests of related children when it decides appropriate punishment for those convicted of crimes.

While the legal rights and responsibilities of fathers and mothers are identical, some experts express the greatest level of concern for incarcerated mothers, particularly those whose children live with them in prison. In any case, the incarceration of a mother is perceived to more seriously alter family dynamics and increase vulnerability of children. Whether it is the mother or father that is convicted of a crime, the use of alternative punishments (eg. open and semi-open prisons) would lessen the negative impact on children, and improved coordination between state actors involved in the justice system and child protection would improve services and support to children of incarcerated parents.

It is clear that governments are the main responsible of protecting the rights of all children, and that they should, in coordination with civil society, begin to develop policies, programs and initiatives that support and empower children of incarcerated parents.

RECOMMENDATIONS

To protect and promote the rights of children with incarcerated parents, and based on the findings of the study, the following actions, measures and policies are recommended:

AWARENESS-RAISING AND TRAINING

- Conduct additional research in order to gain more information about the lives of children with incarcerated parents in the region
- Inform and train government officials and civil society leaders regarding the vulnerability of children with incarcerated parents, in order to establish the understanding necessary for the development of policies, programs and procedures that support children in this situation
- Produce educational materials regarding the experience of children with incarcerated parents, and distribute them to affected children, their caregivers, prison system officials, educational institutions, and the community at large
- Ensure that children have access to age-appropriate information about their parents' incarceration

PENAL SYSTEM POLICIES AND PROCEDURES

- Create a registry of dependent children of incarcerated parents. Register children upon the incarceration of their parent, and use this registry to monitor children and ensure that they are provided with proper guardianship and care
- Allow arrested and convicted parents to arrange guardianship of their children prior to their detention or prison term
- Provide orientation to incarcerated parents, through qualified professionals, regarding their rights and responsibilities, as well as resources available to ensure the care of their children
- Guarantee the right of children to maintain contact with their incarcerated parent by establishing and maintaining effective communication systems (telephone contact, correspondence, etc.)
- Establish prison visitation policies and procedures to create an appropriate environment for children to visit their incarcerated parents. Such policies should include:
 - Measures to avoid long waits at entry points
 - Creation of "child-friendly" spaces where children can meet with their incarcerated parent
 - Security screenings that are appropriate and respect the rights and dignity of children
 - Conditions that guarantee physical contact and privacy during child-parent visits

COMMUNITY AND CIVIL SOCIETY

- Provide venues for children of incarcerated parents to express their opinions and to be heard by decision makers, especially regarding issues that directly affect their lives and relationships.
- Ensure the full integration of children of incarcerated parents in the education system, health care system, and social and recreational spaces in their communities. Community-based and civil society organizations can play a vital role by providing psychological services, peer support groups, and social and educational services.
- Design all programs for vulnerable children to appropriately accommodate children with incarcerated parents
- Work through civil society and grassroots organizations to combat stigmatism in communities, and to empower children of incarcerated parents to enjoy their rights

PUBLIC POLICIES AND COORDINATION

- Invest the financial resources necessary to establish a unified child protection policy that protects the full rights of children in accordance with the existing protection frameworks in each country.
- Dedicate the financial and human resources necessary to create programs that reduce the risks of social exclusion and stigmatization, and promote positive socialization for children of incarcerated parents.
- Implement policies and mechanisms of coordination between the social and judicial systems to promote the best interests of children and prevent violations of their rights when their parents are arrested and/or sentenced to prison
- Provide material and economic support to vulnerable children with incarcerated parents in cases where children would not otherwise have access to services and basic needs
- Ensure that families and other caregivers of children of incarcerated parents receive necessary support to minimize the negative impact of the incarceration on children and their family relations.

To request more information, make suggestions and contributions and/or request a copy of the final report, please contact:

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