FRAMING AND CHILD RIGHTS IN EUROPE:

Exploring policies for children of prisoners in EU Member States

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POLICY LAGGING IN MOST EU MEMBER STATES

National criminal justice policies ➔

Ø child rights perspective when parent imprisoned

National child welfare policies ➔

Ø rights and needs of children of prisoners

POLICY GAP IN MOST EU MEMBER STATES

EU: ESTIMATED 800,000 SEPARATED FROM A PARENT IN PRISON ON A GIVEN DAY

YET SOME EU MEMBER STATES ARE MOVING TO CLOSE THE POLICY GAP

HOW POLICIES FOR CoPS WERE SEEDED AND EVOLVED (1995-2013), FROM PROBLEM IDENTIFICATION TO GAINING AGENDA STATUS TO POLICY FORMULATION

EXPLORING SOME OF THE SOCIAL MECHANISMS UNDERPINNING POLICY PROCESSES

WITH AN EYE TO:

- CRITICAL JUNCTURES, FOCUS EVENTS, FRAME EVOLUTION
- POLICY DEVELOPMENTS AT AGGREGATE LEVEL
- INDIVIDUAL ACTORS
- COUNTRY-SPECIFIC FACTORS

EUROPEANIZATION EFFECT?

- IS 'METAFRAME' OF EUROPEAN ACTION AND NORMS INFLUENCING POLICY PROCESSES

child rights in the EU

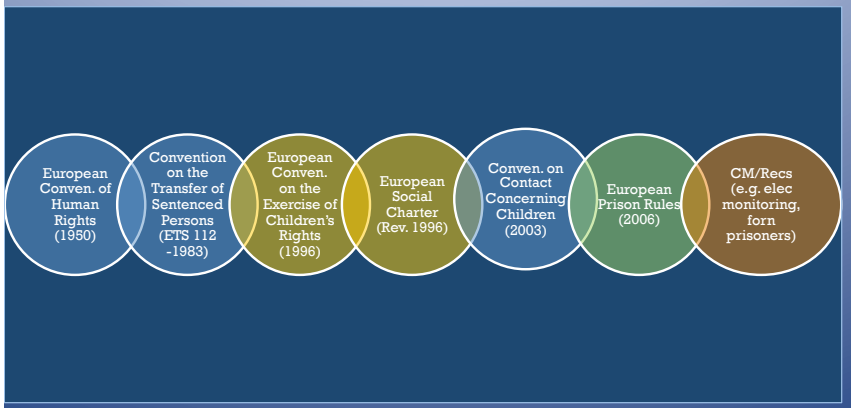
1950 European Convention Human Rights
1989 UN Convention on the Rights of the Child
2000 European Charter of Fundamental Rights: *first detailed reference to child rights at EU constitutional level*
2006 EU Child Rights Strategy Framework
2007 Fundamental Rights Agency
2008 TEU, Art. 3.3/3.5: 1st explicit commitment to child rights as stated objective
2011 EU Agenda for the Rights of the Child
2014 EP Resolution on 25th anniv UNCRC and Child Rights Intergroup estab.

children of prisoners in the EU

1975 Momentum on national levels — Society of Friends asks Save the Children to take care of children visiting Maze Prison (N. Ireland)

2000 European Action Research Committee on children of prisoners (Eurochips)
2006 Pan-European conference on children with imprisoned parents
2007 EU-funded transnat'l project on imprisoned parents (Grundtvig)
2008 EP motion for resolution on impact of parental imprisonment
2009 EU-funded transnat'l project on rights of CoPS (DG Justice)
2010 EU-funded transnat' l project with CoPS (FP7 Framework)
2013 Chips on EU & UNICEF lists of vulnerable children
2014 EP Resolution on 25th anniv. CRC (Art. 13)
2015 EP Written Question to Commission on CoPS' rights (JHA 909)

Council of Europe: children & families



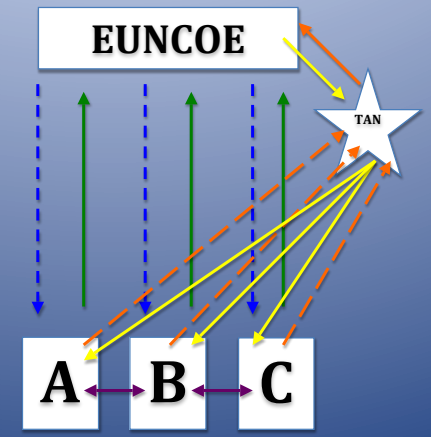
Europeanization through 'framing integration' (Vink 2001)?

BRUSSELS: MAINSTREAMING CHILD RIGHTS — HUMANIZING DETENTION

STRASBOURG: HUMAN RIGHTS — HUMAN DIGNITY— PRISON REFORM

GENEVA: BEST INTERESTS OF THE CHILD

Figure X. Europeanization of Child Rights Norms and Standards



Source: Ayre 2014

Direction de l'administration pénitentiaire

Les règles pénitentiaires européennes
une charte d'action pour l'AP

« Les prisons doivent être gérées dans un cadre éthique soulignant l'obligation de traiter tous les détenus avec humanité et de respecter la dignité inhérente à tout être humain. »
Règle pénitentiaire européenne n° 72.1

Discursive approaches: highlight the role of language and communication in moulding and forging the social world around us

— Saussure 1989

Structures embedded in discourse ⟶
discourse structuration (holds sway) ⟶
discourse institutionalism (coalesces) **(DI)**

Discourse lends visibility to the internal gears of social structures and helps identify what leads to change, how and why: structures to be identified and traced by analyst (Hajer).

WITHIN THIS DISCURSIVE ARCHITECTURE

HOW IS ISSUE OF CoPS BEING IDENTIFIED, REPRESENTED AND LEGITIMIZED (FRAMED)?

HOW TO MEASURE VARIATIONS?

POLICY FRAME ANALYSIS:

TO EXPLORE WHICH FRAMES, OR COMBINATIONS OF FRAMES, PRODUCED SUCCESSFUL OUTCOMES AND IN WHAT CONTEXT

WHAT ARE FRAMES?

In policy making, cognitive and normative frames construct "mental maps" and set priorities for practices, behavior and action. They are "coherent systems of normative and cognitive elements which define... 'world views', mechanisms of identity formation, principles of action, and methodological prescriptions and practices…" (Surel 2000).

POSSIBLE FRAMES FOR CoPS

FRAME 1 Reduce public spending & taxpayer money (U)

FRAME 2 Reduce reoffending, lower crime

FRAME 3 Improve prison atmosphere

FRAME 4 Support imprisoned parent

FRAME 5 Break transgenerational offending

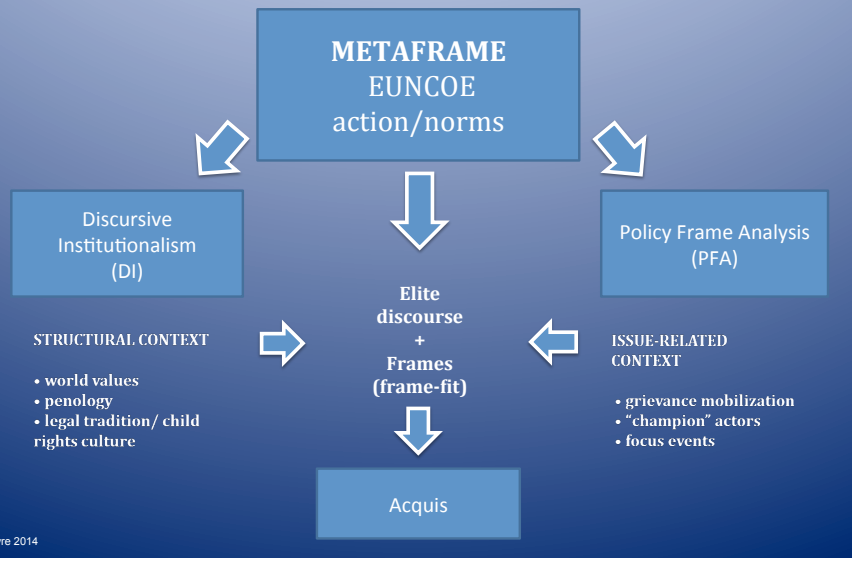
FRAME 6 Promote child's healthy development (D)

HYPOTHESIS:

"Frame-fit" (**IV**) plays a role in determining levels of legal entitlements and national policies ("acquis", **DV**) for chips in Member States

Frame-fit =
issue frames + elite discourse
(discursive architecture)
↑ ↑ ↑ ↑
STRUCTURAL CONTEXT + ISSUE CONTEXT

An analytical approach to examining "frame-fit" and policy processes



Agenda-setting: dynamic interplay with issue framing

An issue's social and political construction is as seminal to how the issue will be processed and decided as is the initial decision to consider it at all; indeed, its construction determines *who* will process the issue, and thus controls its fate (Peters 2001).

→ Venue-shopping

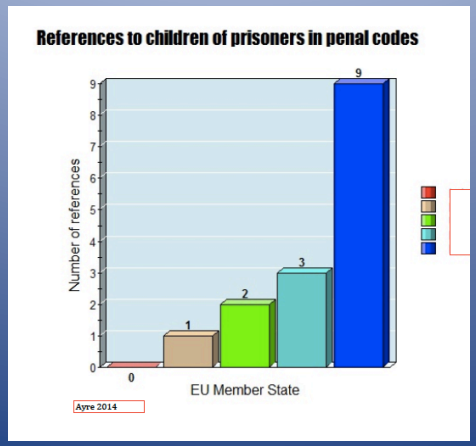
SMO

- Strategic framing to maximize "frame resonance"
- "Diagnostic framing" in mobilizing grievances
- "Motivational framing" —the call to arms

(Snow and Soule 2010)

in the EU
children of prisoners europe

A preliminary empirical data-gathering phase gives overview of existing legal entitlements and stated policies (acquis) for CoPS in Member States (EU-15)



Exploring possible country-specific interaction effects

- ***World Values and Beliefs***: attitudes toward democracy, national identity, diversity, culture, family, insecurity, subjective well-being, social responsibility
- ***Penology***: Degree of emphasis on normalization and rehabilitation
- ***Legal and child rights culture*** (incl norms compliance)

➡ *Administrative capacity also to be addressed (e.g; through* World Bank Worldwide Governance Indicator)

Abstract

Recognition of the right to family life and wellbeing of children separated from an imprisoned parent in Europe has evolved significantly since the 1989 UNCRC. Yet the transposition by EU Member States of the principles enshrined in this and other relevant treaties into concrete legal entitlements and stated policies has failed to keep pace. The crucial role of issue framing in policymaking has been well documented; the way issues are framed has impact. This chapter presents some of the findings to date of a study that uses an analytical framework combining issue-framing and agenda-setting theories to examine framing dynamics and discursive interactions among policy entrepreneurs and political actors for children affected by parental incarceration; it also explores levels of "frame-fit" (how the issue frame "fits", "is suitable", "is the right shape", "suited to the circumstances", with respect to elite discourse) and a range of factors that potentially enhance or hinder "frame-fit' and its impact on domestic policies, including world values, such as attitudes toward democracy, national identity, diversity, family, and social responsibility; penology and the degree of emphasis on normalization and rehabilitation; and legal and child rights culture, including norms compliance. This frame-analytical lens can enhance understanding of policymaking processes for children affected by parental incarceration, and could provide a model for a more fully integrated advocacy approach for children of prisoners and for marginalized children in general.

Chapter outline

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