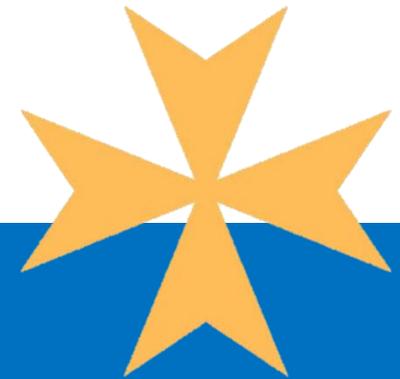


Stigma dismantled, dignity upheld

Child rights standards for children affected by parental imprisonment

Caritas Malta Community Centre, 12 June 2025



The Child's Right to Access Child Rights Standards

Ruth FARRUGIA



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Child Rights Standards

- United Nations Convention on the Rights of the Child Art. 2,3, 9 + 12
- Council of Europe
- European Court of Human Rights
A v Russia 2019
- Council of Europe Guidelines on Child-friendly Justice
- European Convention on Human Rights



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Best Interests Assessment for the child whose parent is in prison

In the context of children of prisoners or children of those facing possible incarceration, best interests assessments should be incorporated into:

- Actions and decisions at point of arrest
- Prosecutorial decisions about what sanctions to request
- Decisions regarding whether or not to detain someone before trial
- Decisions about sentencing once convicted, including alternatives to custody and the application of the death penalty
- Decisions about whether a child should go into prison with their caregiver or remain in prison with their caregiver
- Decisions about the removal of any State financial or other support from the child or the caregiver



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Arrest
Detention
Visitation pending arraignment
Appearance in Court
Waiting for judgment
Sentencing
Visiting
Release



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Access to Rights for children

Knowing about Human Rights and
Child Rights

European Court of Human Rights

UN CRC – OP3

Human rights institutions for children



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ICRIs have a crucial role to monitor legislation and policy decisions to ensure that they are compliant with children's rights. ICRIs should also ensure that the best interests of the child are given priority. They should act as spokespersons and defenders of children and children's rights.

ICRIs should provide remedies for children's rights violations and should be accessible, both physically and geographically, to all children. ICRIs should reach out to all children, particularly those who are most vulnerable including children whose parents are in prison, migrant children, children in care, children with a disability, and LGBTIQ+ children. Various methods of communication should be established so as to ensure that children can make direct contact with ICRIs in a way that is age- appropriate and sensitive to their needs.

Children need to be made aware of their rights and the role of ICRIs so as to empower them to recognise any violations of their rights and to encourage them to reach out for help and support should they need it.

ICRIs have a key role to play in raising awareness about children's rights amongst children and young people and the general public. ICRIs should also ensure respect for the views of children in all matters affecting them, by all, as articulated in article 12 of the UNCRC. Children should also be involved in the work carried out by ICRIs.



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Deltuva v Lithuania 2023



In the case of **Deltuva v. Lithuania** (application no. 38144/20), 21 March 2023, where the father was in detention and not permitted to see his ten-year old daughter for nine months and then only on a two monthly basis. Although this may not seem that long, the Court assessed the impact on the child's wellbeing from the child's perspective, and identified the lack of mindfulness of the authorities regarding the best interests of the child.

The psychologist reported that the child was suffering from great stress, possibly from post-traumatic stress disorder and she had told the psychologist that ***“the applicant was very important to her, that she used to spend a lot of time with him, and that his arrest, which she had witnessed, had been one of the most difficult experiences of her life. She had said that she would feel better only if her father came back home, but that she would also accept seeing him at least briefly, in order to know what had happened to him and to make sure that he was still alive.”***



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Food for thought

How can WE each ensure the child rights institution truly represents all the children in our country?

What tools do you think work best to empower a child rights institution to empower each child?

What is most effective? What doesn't work well?

What else is necessary?

How can a child be empowered to seek out and enforce their rights most effectively?



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Thank you!
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Some of the References

- Impact Assessment Toolkit, Prison Reform Trust, 2018
- Poverty stigma: a glue that holds poverty in place | Joseph Rowntree Foundation, 2024
- COPE Input for UN HRC resolution 52/12 – mental health
- Consultation Response for the UN Committee on the Rights of the Child’s General Comment 27:
- Children’s access to justice and effective remedies , Child Rights Connect – Working group on children with incarcerated parents
- Consultation Response for the UN Committee on the Rights of the Child’s General Comment 27: Children’s access to justice and effective remedies , International Coalition for the Children of Incarcerated Parents August 2024
- COPE, Submission on General Comment 27 on Access to Justice, 2024 PACT, New research reveals devastating impact of imprisonment on families and children, 2023
- Saunders V., What does your dad do for a living? Children of prisoners and their experiences of stigma, [Children and Youth Services Review Volume 90](#), July 2018, Pages 21-27
- Caruana L, Exploring the Needs of Children Of Incarcerated Parents, 2016, Masters UM
- Xiberras S., The Unforeseen Repercussions of Incarceration: Children of Incarcerated Parents in Maltese Society , 2023, Masters UM
- COPING: Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health *Location: Germany, Romania, Sweden and the UK , 2019*
- Maria McGinley & Christine Jones (2018) Growing Up with Parental Imprisonment: Children’s Experiences of Managing Stigma, Secrecy and Shame, Practice, 30:5, 341-357
- PACT, Serving a hidden sentence : The financial and emotional impact of a loved-one’s imprisonment



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