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CHILDREN OF INCARCERATED PARENTS IN ALBANIA

“The inability to change the system is not necessarily a weakness, doing nothing to change is a sign of intellectual fear”. (Mohan, 1999)

Introduction

Imprisonment has an immediate and wider reaching impact on affected families. Hagan (2000) states that the incarceration of parents can seriously diminish the economic and social capital on which families and communities depend to successfully raise children. The disintegration of the family that often results from imprisonment means that children can experience prolonged and intensified periods of instability and uncertainty. He suggests that parental imprisonment may have the following negative effects: the strains of economic deprivation; the loss of parental socialization through role modeling, support and supervision; and the stigma and shame of being labeled by society.

Children can be affected in different ways,

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depending on the role that was played by the parent who is imprisoned. One significant issue that arises is the provision of alternative care in cases where women who were the primary caregivers are incarcerated. Women are more likely than men to be primary caregivers prior to incarceration, which means that the children of female inmates are likely to experience greater disruption to care-giving arrangements (Healy et. al, 2000). Extended family networks often become involved, with grandparents, aunts and uncles taking over the role of carer. If such support is not available, foster care becomes an option (Howard, 2000). On the other hand, the imprisonment of fathers can sometimes remove the main earner from the family structure, which increases the likelihood of financial hardship. Remaining single parents may therefore have less money and less time for their children, which can affect their overall development.

Children of incarcerated parents are among the most vulnerable populations of children, at high risk for neglect, abuse, behavioral health problems, delinquency and substance abuse. If unattended, the problems of children whose parents are incarcerated can produce intergenerational patterns of crime and violence. Historic changes in family structure, substance abuse rates, criminal sentencing policies and related increases in the number of incarcerated parents have exerted a profound negative impact on the wellbeing of children of incarcerated parents.

This study, the first one in Albania, brings the rights of children who have parents in prison to the attention of researchers. This aims to open a new field of study that requires the attention of social work professionals and other stakeholders.

Children of incarcerated parents have multiple and immediate needs. They need a safe place to live and people to care for them in the absence of their parent/s, as well as for everything else that a parent should provide for his/her children: affection, food, clothing, medical care, etc. Studies have shown that this category of children experiences a range of feelings such as fear, anger, guilt, experience anxiety, abandonment and solitude (Block & Potthast, 1998). Some children exhibit problematic and aggressive behavior in school, home and community, while others close within themselves and fall in depression (Hunter, 1980). Previous researches (not in Albania) show that many of these young people are more at risk to continue the cycle of incarceration ranging from their parent (Mumola, 2000). Fulfilling of these needs will result in implementation of the basic rights of children of incarcerated parents.

What are the rights of these children and their families? What can be said to respect their rights? How can we help? Their rights are undoubtedly

numerous. The children have the rights to be informed at the time of parents arrest and to know who will be their guardian during this time (Children of Incarcerated Parents: A Bill Of Rights). They have the right of company of others who share their circumstances, so they can learn that they are not alone. They have the right to have contact with their parent and to continue the development of these relations even under the difficult conditions. And, before being stigmatized because of the status or actions of their parent, they have the right to be treated with respect, and equal opportunities for growth and prosperity.

Often these rights are not recognized, but also ignored. Over the years, the justice system has improved enforcement of the rights of prisoners, but social services have not always had their attention on meeting the needs of their children. Children with incarcerated parents have not done any crime, but unfortunately end up paying for them. They lose, in many cases, virtually everything that made them feel at home, their safety, their public status and private self-image, and their sources of comfort and affection. Life and their perspective become fully affected by a variety of institutions - the police and courts, prison cells, conditional release and pardon - but they have no rights, explicit or implicit, in any of these jurisdictions.

The purpose of this paper is to explore, through the experiences of the children of incarcerated parent, their human rights and the problems regarding the respecting of their rights after the conviction of their mother or/and father.

The research questions of this study are:

- How the children perceive their rights?
- What changes in the concept of human rights occurred in the lives of children after their parents sentencing?
- In what way social service providers, social workers and social administrators need to address issues of respect for their rights?

Methodology

This study has used the qualitative research method. Results of this study cannot be generalized to a wider population, but the purpose of this study is to understand in detail, how the rights of children with parents in prison are respected.

A) *Participants*

- *Criteria for selection of participants*

In this study children with parents in prison are interviewed during the

period July - September 2011. The research involved 10 children, of whom three were girls. Participants were interviewed in July - August 2011. For their participation several criteria were used:

- To have a last one parent in prison
- Their parent/s to be serving a sentence in prison 325 in Tirana, Albania
- Age of children was 10 -18 years old;
- Were accompanied by their legal guardian;
- Give their consent, for participation in the study.

- *Introduction to participants*

In this section, we will provide some general information on the children with selected for this study. Participants are as follows (for ethical reasons all data that could identify persons of this study are not true):

Mira is 17 years old girl with elementary education. Her father has 6 months in prison. She lives with her mother and her little sister, 10 years old.

David is a 16 years old boy with elementary education. He lives with his mother, paternal grandmother and two sisters that are older than him. He has his father in prison.

Eni is a 16 years old boy from Fier. Eni has only finished sixth grade of education and then left school. Eni has his mother in prison.

Anthony is a 12 years old boy from Permeti. He lives with his grandmother from his mother's side. Anthony has both parents in prison.

Mandi is an 11 years old boy. He lives in difficult economic conditions with his mother. His sister is placed in the Children's House "Zyber Hallulli" in Tirana. Mandi has his father in prison.

Malvina is a 16 year old girl. She lives with her father. She expressed disgust for the wrongful conviction of her mother.

Dojran, a 15 year old from Tropoja lives with his mother and two brothers older than him. He finished 9-year education and intends to continue a vocational high school.

Altin, is a 10 years old boy from Tirana. He works selling packages to Block roads. He was stressed for his family's financial situation, especially now that his parents are in prison.

Andy is a 17 years old boy. He has just finished the first grade of high school. Andy is a shy boy. He comes from Roma community. Andy has both parents in prison.

Linda is a 14 years old girl from the town of Lac. She lives with her mother since her father was convicted. Linda has finished the elementary school and hoped to continue in high school.

B) *Development of research*

This study is perceived as a discovery process rather than a simple testing of hypotheses. In this qualitative research, the emphasis will be the meaning of experiences, habits, expectations and perspectives of participants in the respect of their rights and determining their most immediate needs.

This paper is part of a series of mini-studies that the author has realized for the fulfillment of a doctoral degree. Also, personal experience with groups deprived of freedom and desire to bring something different, something new in the field of study, to contribute to the development of the social work profession has encouraged the researcher to study the children with parents in prison. This very diverse group, not stable in time and space, was considered the study group.

C) *Instruments*

In this study, the design of instruments was done based on the work of Holstein and Gubrium (1995). The instrument of the study was “semi-structured interviews” that focus on techniques with active and non-structured questions thoroughly. Active interview consists of two elements, objective and subjective. Objective elements related to what will be discussed freely between respondents and interviewer. It is subjective because it affects how the interviewer will interpret “what interviewers want”. During the realization of interviews a question form constructed by petitioner in accordance with the purpose and objectives of this research was used.

The main questions were inspired from the Bill of Rights for Children of incarcerated parents. A Bill of Rights derived from interviews with children of incarcerated parents by the San Francisco Children of Incarcerated Parents Partnership. Each of the eight rights is expanded with the testimony of a young person and concrete action steps agencies and advocates can take to support the right.

Another way that the researcher has used was the exposure of the right cards. Thus, the researcher has identified the rights from the Bill of Rights: Children of incarcerated parents. The identified rights were written in cards in aspire to serve as resources, links and views so as not to lose the orientation of the respondent. Respondents may view cards and concepts to choose one or several and share their experiences on those who have read it. This point serves to start the “semi-structured interview.”

D) *Procedure*

Participants were interviewed only once for almost 90 minutes. They were asked to tell their own story based on the key points of the interview.

Interviews are revealing in so-called narrative. Narrative analysis is the first link of analyzing the interviews. It was used to interpret the data. Narratives are described by Gubrium and Holstein (1997) as “accounts that offer some schemes, implicitly or explicitly, for organizing and understanding the relationships between objects and events described.” Narratives help us in the process of coding. In this study we used open coding process, in which the concepts listed and described on the basis of the dimensions and characteristics. Initial categories were developed further in relation to causal circumstances, consequences, context, action and interaction and intervening factors. Finally, selective coding is used in order to consolidate and integrate the main sections of the study. The identified categories were related to these rights:

- to be informed;
- to be involved in decision-making;
- to care;
- for nondiscrimination and judgment;

The author has paid significant attention to these ethical principles:

- Informed consent according to Terre Blanche and Durrheim (1999) and Strydom (2002) is the process of seeking explicit permission subject to being participants in the study, based on his understanding of the full interview procedures and its purpose. For example, all participants in this study have been informed on the purpose of the interview and the fact of recording the interview. They are allowed to read the notes at any time of the interview.

- Confidentiality involves an agreement by the applicant to protect the anonymity of study participants (Stydom, 2002). Very few people would like to share with others details of their private lives, opinions and emotions. For this reason confidentiality is an essential requirement for reliable research (Oka and Shaw, 2000).

- Reporting of results: Results of the study will be published showing much care about the rights of participants. At no point the information should be misinterpreted (Stydom, 2002). In this study, the results rely entirely on data obtained from participants.

Results

Children have rights under the UN Convention on the Rights of the Child (UNCRC) from 1989 (ratified by Albania) to benefit from the guidance of a parent (article 5), to know and be cared for by parents (articles 7 and 8),

and to be separated from their parent only when it is in his or her best interests (article 9). Article 9 acknowledges that separation might be caused by intervention of the state, but when that happens, the child should be given information, and has the right to maintain relations and direct contact on a regular basis, if this is in his or her best interests.

In March, the UN Human Rights Council passed a Resolution (A/HRC/19/L.31) regarding the rights of the child. It contains substantial sections relevant to children with incarcerated parents, a number of which mirror “The Bill of Rights for Children of Incarcerated Parents” conceived of in the U.S. by the San Francisco Children of Incarcerated Parents Partnership.

From the interviews, it results that some of this rights are not known, not respected and not implemented.

1. I have the right to be kept safe and informed at the time of my parent’s arrest.

Often children hear the news of the arrest of their parent/s through the media or worse - through friends, who might mock them. This happens especially when children are not present at the time of arrest. The parent who is not arrested or other care-givers do not tell the truth to the child under the pretext that “I want to protect them”. But is this a good defense? I have asked the children about such a fact. Linda, 14 years old from the town of Lac shared her experience:

“I have seen my mom very worried for days and days. In our house nobody comes in or out. Mom was very upset. She discusses only with my uncle. One day, one of my neighbors asked about my father. I replied as I knew, “He is in Greece”, “Oh,” she said and left away. I was upset. I entered the house and suddenly heard my uncle say: “You have to find Gani one good lawyer as soon as possible. There are many risks... “At that moment I walked in and my mom took me in her arms and told me that dad was in jail, arrested. It was terrible. They should have told me what happened with my father! “

Andy, Mandi, and others also expressed similar thoughts.

2. I have the right to be heard when decisions are made about me.

Interviewed children said that they needed to be asked before any decision regarding them was made. After the conviction of the parent, the family falls apart. Short comes in revenue, the prejudices of others, or a hard psycho – social situation, oblige the other parent or care-givers to make decisions about the future of the children. So, Anthony, 12 years old, in this regard states:

“When my parents were incarcerated, my grandmother took me to another city. For me it was very difficult because I had to start a new life: new school; new friends; new city. Everything was new to me.”

3. I have the right to be well cared for in my parent’s absence.

The fact that one parent (or both) is in jail does not necessarily mean that children have to lose the right to be well cared. In our society, by our customary, the children are considered as adults, even if there are less than 18 years old. In situation as imprisonment of parent, they should be adults; they should care for the others; girls get married and boys should work in hard jobs.

Unfortunately, the children have to face with the lack of care and negligence. State institutions needs to offer care and heed for children, and to take the responsibility to give it to children with parents in prison as well. Mandi, 11 years old, shows:

“In my house, it was daddy who worked. When he was sentenced, we had nothing to live from. Mom was forced to take my small sister to the orphanage. Now, for survival, I work with my mom as a street cleaner. Mom needs me. At the morning, I go to school, but cannot learn enough. Sometimes I sleep in class.”

4. I have the right to speak with, see and touch my parent.

What happens on the moments of weekly meeting? In general, the same picture is perceptive. The children have to pass in the same way, on the same corridors, need to accomplish the same safety rules. In some prisons of Albania, meetings are conducted via a network partitions that don’t give the children the opportunity to meet with their parents. Malvina, a 16 year old says this:

“Daddy takes us to every meeting with mom. When we meet her, we want to stay with her as much as possible, but it is always too short. A month ago, the younger sister had a birthday. We wanted to celebrate all together, but it wasn’t possible. The prison has strict rules.”

5. I have the right to support as I struggle with my parent’s incarceration.

Evidence of children with parents in prison is not always taken into account by governments or NGO to be involved in projects or support strategies. Unfortunately, their capacity and needs are neither taken into account by the other members of family. The child is a child, which means that he or she does not have the right to be a part of any decision making because he or

she does not have the necessary capacity to support or to cope. Linda says:

“Dad hit my mom every day. The last one he hit her to death, and I was present. Dad was drunk. My uncle called the police and then he was arrested. I want to testify in court, but my father and my uncles did not let me. My parents have already settled, but Dad could not be released. He was sentence to 4 years in prison.”

6. I have the right not to be judged, blamed or labeled because of my parent’s incarceration.

Fear of stigmatization can place children under further stress, coming from the fact that they may feel pressurized into keeping the reason for their parent’s absence a secret from their peers or people in the wider community. This fact was studied by many researchers. In Albania, unfortunately, we don’t have any study about this issue. Children asked about this issue, have said that they face with the judgment of others, especially of their friends and peers.

Mira says: “As children, we understand that what our parent did was wrong. But we are not guilty. I love my father.”

7. I have the right to a lifelong relationship with my parent.

Children with a convicted parent talk about their relationships with parents, especially with them in prison. It is important to understand that children have the rights to a lifelong relationship with their parents. One of the children with both parent in prison, Andy, said:

“Many people see us differently, as if we lived in a special family, that we are a different kind of human beings. And we are similar to any other families. We love our parents more than anything else in the world, and they love us too. And it is painful for us as for anyone else facing a similar situation.”

David, whose father was convicted, says: “I need to have a lifelong relationship with my father; even when he is actually in prison; I need to know more about him and let him know me.”

Discussion

Being a first study of its kind, the researcher seeks not only to meet the goals and objectives of this study, but also to bring a new conceptualization of the social work profession with children that have their parent/s in prison. As is illustrated by the above quotes, the impact of imprisonment is not confined to prisoners alone. It also affects their families and children, which

makes it imperative to consider the wider implications of incarceration for society. All these components of economic, psychological and social factors must be considered because when we talk about children as the future of society, we do not mention just a cliché.

Children with parent/s in prison bring their own view about the rights they should enjoy, regardless of their parent/s. Results of this study will serve to re-conceptualize Albanian social work practice with children with parent/s in prison.

- **The role of social work professionals working with children of incarceration parents**

Currently the social work profession is experiencing really interesting moments in its application to social services. This intensely interesting work appeared in the first instance of inclusion of social workers in these services. Social work as a profession that promotes the preparation of individuals to fulfill their intellectual capacity within the social context in which they live, has taken the help of children of incarceration parents condemned. For the sake of truth, it must be said that working with such a target is not easy. Ethical issues and problems encountered are enormous.

Many of these children avoid discussions related to their potential problems. Some of them display signs of pessimism. They feel hopeless. But this is only the first picture of social workers dealing with them. And even as we know such a reaction is all too understandable even with clients who exhibit problems of other nature. Social workers need to find techniques and use different methods to encourage the client to cooperate. The social worker should review his/her position and realize that the resistance shown by them is probably a protective device that children use to avoid bias, further injury or sticking to the culture in which they are grown. Building a good relationship is achieved when the social worker provides a concrete example of fair use, at the right time and place specified in the thoughts, feelings, phrases, gestures, behavior more in line with the professional ethics. Keeping this in mind these recommendations would help the social worker to build a proper relationship to help.

We as professionals need to make individual assessments. To realize such a process, the social worker should be attentive to assemble much more extensive information about the problem and the situation which the individual is experiencing. This process involves taking wider information not only from the client, but also by his relatives. This social worker will help to better understand the problems that these clients have, factors as-

sociated with such problems in their birth and to understand the sources of the problem or those resources that can help solve these problems.

However, social workers, in their work with children of incarcerated parents must take into account:

- I. Identification of the client as unique and individual;
- II. Personal system, the system of family and friends, the community system;
- III. Presentation of the problem and the initial purpose of the meeting;
- IV. Potentials and resources available to solve the problem;
- V. Reference sources, parallel information;
- VI. History of the family where the customer has increased as development, the person's family, sexuality, violence, drug or alcohol problems, health conditions, education, employment, forms of entertainment, self-evaluation, religious beliefs etc.

Social workers, while working with this group, may be positioned in these roles:

- As a psychotherapist: As mentioned above, facing with the punishment of the parent/s is very difficult for children may exhibit slight disturbances in perception and personality. The social worker having knowledge in the field of psychotherapy can help clients to cope with as little anxiety and stress as possible in this situation.

- As an adviser: Social worker using a series of professional skills and ability, especially empathy, recognizes the client, help children to cope with the difficult situation of imprisonment of parent/s. Counseling sessions are suggested to be done with these children. As we know, the counseling is an interpersonal relationship (Patterson, 1985) and this should not be forgotten. Let us not forget that often it is enough for the client to feel good to have found somebody that can listen and give support. Social workers can do both.

- As a lawyer: All the changes that occur in a child's life reflect in denial of their rights. The social worker should be positioned to protect them. Indemnity on any abuse of children is enshrined in the Constitution of the Republic of Albania, and many other laws in line with the UNCRC.

- As a link between the child and the parent/s in prison: It is understood that after the moment of punishment, nothing is as it was before, relationships with relatives included. Often children have to cope the refusal of the parent/s that waits the judgment. In other cases, the inability to visit the parent/s can lead to a deterioration of the relationship between them. In these circumstances, the social worker should make possible the provision of child support also coupled to the place of detention. It is helpful to know

that many prisons have resources and services available to help children and families stay connected while the parent is in prison.

The social worker must make his/her contribution in designing and crafting new policy on children of incarceration parents. All these functions and roles social workers cannot do alone, without help and support of appropriate legal and institutional framework.

They are part of our society, and we have a duty to become aware that they are among us and then think about how we can help. Children do not have any guilt! They are just kids! As professionals, social work practitioners must develop leadership and social change in the direction of promoting and advocating for the rights of this social group.

Abstract

This article aims to contribute to the increased interest and consideration for the effects of parent imprisonment on children by addressing new issues for social work practices with this social group. The purpose of this article is to explore, through the experiences of children with a convicted parent, the rights and needs of their target. The article presents a study that the author has conducted with 10 children with imprisoned parents. The method has been that of qualitative research, based on semi-structured interviews. The article has reached in some findings and conclusions. The rights of children with a convicted parent are not recognized and often aren't considered by social institutions. One of the most important recommendations of this paper is that of increasing awareness of policy-makers to better address the rights of children of incarcerated parents.

Резиме

Овој труд има за цел да придонесе за зголемување на интересот и разгледување на ефектите од детенцијата на родител врз децете/децата преку разгледување нови прашања за начинот на работа на социјалните работници со оваа социјална група. Целта на овој труд е да ги истражи, преку искуствата на децата со осуден родител, правата и потребите на нивната цел. Трудот претставува студија која авторката ја спроведе со 10 деца чии родители се во затвор. Користен е квалитативниот метод на полуструктурирани интервјуа. Трудот ги разгледува наодите и заклучоците од истражувањето. Правата на децата со осуден родител не се признаени и честопати не се земани предвид од социјалните институции. Една од најважните препораки на овој труд е зголемувањето на свеста на креаторите на политики за подобро решавање на правата на децата на родители-затвореници.

Bibliography

Bryman, A., 2001, *Social Research Methods*, Oxford: Oxford University Press

Boswell, G., and Wedge, P, 1999, *The Parenting Role of Imprisoned Fathers*, London: Department of Health, 2002; *look at Imprisoned Fathers and Their Children*, Jessica Kingsley Publishers

Devine, F. "Qualitative Methods" in Marsh, D and Stoker, G (ed), 1995, *Theory and Methods in Political Science*, Houndmills: Palgrave

Fantuzzo, J. & Lindquist, C., 1989, the effects of observing conjugal violence on children: A review & analysis of research methodology. *Journal of Family Violence*, 4(1), 77-94.

Fritsch, T.A., and J.D. Burkhead, 1981, "Behavioral Reactions of Children to Parental Absence Due to Imprisonment." *Family Relations* 30

Gubrium, Jaber F. & Holstein, James A. 1997, *The New Language of Qualitative Method*. New York: Oxford: Oxford University Press

Gabel, K, Johnston, D., (eds.), 1995, *Children of Incarcerated Parents*, New York: Lexington Books.

Hagan, J, 1998, *The Next Generation: Children of Prisoners*, (<http://www.doc.state.ok.us/DOCS/OCJRC/Ocjrc96/Ocjrc19.htm>).

Hairston, C.F. 2007, *Focus on Children with Incarcerated Parents: An Overview of the Research Literature*. Annie E. Casey Foundation

Hairston, C., 1998, *The forgotten parent: Understanding the forces that influence incarcerated fathers' relationships with their children*, *Child Welfare*, 77 (5).

Healy, K, Foley, D. and Walsh, K., 2000, *Parents in Prison and Their Families: Everyone's Business and No-one's Concern*, Brisbane: Catholic Prison Ministry.

Howard, S, 2000, *Fathering behind Bars*, (2000), (<http://www.aifs.org.au/institute/afrc7/howard.html>).

La Vigne, N.G., 2005, *Examining the effect of incarceration and in-prison family contact on prisoners' family relationships*. *Journal of Contemporary Criminal Justice*, 21(4).

Lowenstein, A., 1986, "Temporary Single Parenthood—the Case of Prisoners' Families." *Family Relations* 35.1.

Maruschak, L.E., 2009, *Parents in Prison and Their Minor Children*. Bureau of Justice Statistics.

Mumola, Christopher, 2000, *Incarcerated Parents and Their Children*. Washington DC: U.S. Department of Justice,

Moses, M.C. (2006). *Does Parental Incarceration Increase a Child's Risk*

for Foster Care Placement? NIJ Journal No. 255, available at: http://www.ojp.usdoj.gov/nij/journals/255/parental_incarceration.html

McDermott, Eileen, 2000, *The Role of the Children's Play Area in Mountjoy Prison in Supporting Families and Children of Prisoners*, unpublished thesis presented for the Diploma in Early Childhood Care and Education, DIT, 2000.

Noble, C., 1995, *Prisoners' Families: The Everyday Reality*, Ipswich: Ormiston Trust.

O'Mahoney, P, 1997, *Mountjoy Prisoners: A Sociological and Criminological Profile*, Dublin: Stationery Office.

Reed, D., & Reed, E., 1997, *Children of Incarcerated Parents*. Social Justice; Fall 1997

Ross, T., Khashu, A., & Wamsley, M., 2004, *Hard data on hard times: An empirical analysis of maternal incarceration, foster care and visitation*. New York: Vera Institute of Justice Available online at: http://www.vera.org/publication_pdf/245_461.pdf;

San Francisco Partnership for Incarcerated Parents, 2003, *Children of Incarcerated Parents A Bill of Rights*.

Seymour, C, 1998, *Children with Parents in Prison: Child Welfare Policy, Program and Practice Issues*, (<http://www.Cwla.org/programs/incarcerated/so98journalintro.htm>).

Shaw, R, 1987, *Children of Imprisoned Fathers*, London: Hodder and Stoughton

Strydom, H. 2002, *Ethical aspects of research in social science and human service professions*. In De Vos, A.S (Ed.), Strydom. H., Fouche, C.B, & Delpont, C.S.L. 2nd ed. *Research at Gross Roots for the social science and human service professions*. Pretoria: Van Schaik Publishers.

Travis, Jeremy and Michend *Families of Prisoners in Victoria*, Victoria: Victoria Association for the Care and Resettlement of Offenders.