

***Karolina Chorąży***

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ORCID: 0000-0003-1254-3136

Akademia Ignatianum w Krakowie

karolina.chorazy4321@gmail.com

***Justyna Kuztal***

ORCID: 0000-0001-9493-7504

Uniwersytet Jagielloński w Krakowie

justyna.kuztal@uj.edu.pl

## **The exercise of the right of prison inmates to have contact with their children in the context of contemporary research on childhood**

### **Summary**

The article relates to the subject of the presence of adults in the world of children, because it presents the results of research conducted between December 2021 and April 2022, concerning the ways of exercising the right of prison inmates to have contact with their children. The research was conducted based on the method of a systematic review of literature, where the analysis was based on academic articles published in 3 journals, i.e. “Resocjalizacja Polska”, “Archiwum Kryminologii”, and “Nowa Kodyfikacja Prawa Karnego” from 2017 to 2021, and on legal acts. Many articles concluded that the relationships of imprisoned parents with their children have a major impact on the process of the parents’ social rehabilitation, because the parent-child bond is an important factor in this process.

**Keywords:** children, imprisonment, the rights of prison inmates to have contacts with their families

**Słowa kluczowe:** dzieci, kara pozbawienia wolności, prawo skazanych do kontaktu z rodziną

### **Introduction**

Penitentiary isolation is associated with many disadvantages which affect both persons deprived of liberty and their relatives. Losing the opportunity to communicate freely makes it difficult to maintain emotional bonds and fulfil social roles in the family. In order to prevent the complete isolation of persons deprived of their liberty from the world of freedom, both national and international law guarantee the possibility of maintaining contacts with relatives, however, in a manner and time strictly defined in regulations. Maintaining relationships with relatives is an important factor supporting the process of social

rehabilitation and re-adaptation of prison inmates, and also makes it possible to maintain family cohesion and preserve (at least in part) the social roles that the prison inmate performed at liberty. The imprisonment of a parent is a unique situation that can have negative effects on a young person in the early stages of his or her development. It is well known that a child needs the presence of a parent, and when the parent suddenly disappears from his or her life, it is obvious that this will have an impact on their mental, emotional, and social development.

This article presents the results of our own research, the subject of which was the legal aspects of exercising the right to have contacts with their children at liberty by parents in the isolation of prison. Both the parent and the child have the legally regulated possibility of having contact with each other, which is a condition for the maintaining and deepening of mutual family ties. An important role in this process is played by officers of the Prison Service and guardians of children who look after the child while the parent is in prison, who should skilfully and legally, and especially in accordance with the principle of the child's best interest, make decisions about the possibility and conditions of the child having contact with his or her parent.

### **The child in the relationship with the parent – discourses of research on childhood and their implications for the situation of the child of the imprisoned parent**

The theoretical context for the research described in this article is research on the child and childhood (Śliwerski 2007). The child as a subject of law appeared in the social and legal discourse relatively recently, at the beginning of the 20th century. On the other hand, the child and childhood as conceptual categories in educational sciences appeared only in the 18th century, when the views and concepts concerning them were developed. At first, childhood was not treated as a separate period of human life, and children were considered to be “little adults” who differed from adults only in appearance and, therefore, importance was not given to emotional closeness and children were treated strictly (Ariès 1995: 130). In the 18th century, children began to be cared for and protected. The child became an autonomous value, which in turn, following Jean-Jacques Rousseau, resulted in the development of the idea of children's rights (Kozak 2014: 19). Academic reflection on childhood dates back to the second half of the 19th century, when childhood became a socio-historical and cultural phenomenon (Kusztal 2018: 41). Childhood began to be perceived as one of the first stages of the development of human life, which, as any other, has its own characteristic features (Hejnicka-Bezwińska 2003: 201). Childhood at that time was considered not only as the individual characteristics of the child, but also as a “social aspect”. These changes were related to the development of science in that period, as well as the emergence of pedagogy as an academic discipline. The 20th century was called “the age of the child”. It was then that children began to be perceived individually:

they were placed in the centre, and education and the best conditions for development were provided for them. The child “became” a subject of the law, and the parents’ task was to help children in the exercise of the rights granted to them (Key 2005: 64).

The ways of perceiving the child and childhood by an adult result from the stances, beliefs, and attitudes of society towards the child and, therefore, it seems important to sensitise adults to and make them aware of the child and its needs. In other words: different ways of perceiving and understanding children (their needs, rights, social status) and ways of assessing their value for society, imply different types of social policy towards them and different approaches of professionals (educators, teachers, doctors, politicians, social workers). to care and concern for their condition (Stainton Rogers 2008: 173). Thus, different visions of the child and childhood entail the functioning of different approaches of justice, care, and educational institutions, or the health care or social welfare division for children and adolescents, sometimes acting as “victims” of the system, or simply other adults (Kuształ 2018: 61). Currently, the literature on the subject distinguishes three discourses of care for the child, i.e. (1) the discourse on the child’s needs focusing on the identification of all the (developmental and social) needs of the child and their satisfaction, which is realized in the Declaration of the Rights of the Child of 1959; (2) the discourse on the rights of the child, establishing and promoting the rights of the child, as reflected in the 1989 Convention on the Rights of the Child (Konwencja o prawach dziecka, przyjęta przez Zgromadzenie Ogólne ONZ w dniu 20 listopada 1989 r. (Dz. U. z 1991 r., nr 120, poz. 526)); and (3) the discourse on the quality of life, which focuses on defining what quality of life is and involves taking into account children’s views on what is important to them (Stainton Rogers 2008: 173). The last of these discourses makes it possible for us to recognise the child as self-determining himself or herself and the world around him/her. The way in which the child perceives different situations, interprets the world is diverse, and “the study of the child’s experience of the quality of life will be possible, if one manages to reach the various dimensions of its space, defined in the literature on the subject as the spaces and places of childhood” (Zwiernik 2009: 404–407). According to Danuta Waloszek, “caring for the child and childhood has different faces. There is no adult who would not acknowledge the need to care for their own and other people’s children. However, everyone does it in their own way. Not always friendly or empathetically” (2013: 134).

The theoretical framework of the research undertaken emphasizes, on the one hand, the needs of the child and, on the other hand, the rights of the child as a subject, and the resulting implications for the forming of adults’ attitudes towards children and their status. A child seen through the prism of needs is a child present in child psychology, especially in developmental and educational psychology, understanding childhood as a process of becoming a human, and it is in this process that the child’s needs assigned to developmental stages should be satisfied (Kuształ 2018: 54). The assumptions of psychological evolutionary theories, psychoanalytical or psychodynamic theories (Bowlby 2007), and the theories of cognitive development (Piaget 2022), where the child is presented as requiring attention, care, help in satisfying his or her needs, as well as help in the exercising

of the child's rights assigned to him or her, or, more broadly, human rights, are of key importance here.

Another historically and evaluatively (if we treat the discourses on children and childhood in this way) discourse on children's rights refers precisely to legal categories, seeing citizens and, at the same time, social actors as capable of acting on their own account and expressing their opinion on how they are dealt with (Stainton Rogers 2008: 184). The discourse on children's rights, the presence of which is marked by the most important legal acts concerning children, such as the 1989 Convention on the Rights of the Child, to a large extent sanctions educational concepts that are more and more emancipatory, more participatory (Kusztal 2018: 168), but in terms of exercising children's rights, the obligation to ensure them rests with adults—parents, guardians, teachers, or probation officers. When faced with the education system, health protection, or justice system, but actually in every sphere of social life, children's rights require care, protection, support, and facilitation. As Maria Szczepska-Pustkowska states, “observing the relations in most schools, care centres, in many families, etc., we notice that teachers, educators, and parents often do not seem to remember that a child (pupil/student) is also a human being (!) and that he or she has rights resulting from the very essence of humanity” (2011: 55).

The discourse on needs and the discourse on children's rights harmoniously combine in the educational and legal category, which is the principle of the best interest of the child. It is not fully defined in normative regulations, but is considered a general clause creating a system of children's rights. Justyna Kusztal states after Stanisław Kołodziejcki that the welfare of the child is “a set of both spiritual and material values that are necessary for the proper physical development of the child, the spiritual development of the child, both in the intellectual and moral aspect, and the proper preparation of him or her to work for the good of society” (Kusztal 2018: 133). The provision on the observance and protection of the child's welfare can be found, among others, in the 1989 Convention on the Rights of the Child, already mentioned many times; the principle of the best interest of the child is the basis of many legal acts concerning the child (e.g. Europejska Konwencja o wykonywaniu praw dzieci, sporządzona w Strasburgu dnia 25 stycznia 1996 r., ratyfikowana przez Polskę w dniu 29 lipca 1997 r. (Dz. U. z 2000 r., nr 107, poz. 1128) [the 1996 European Convention on the Exercise of Children's Rights. Journal of Laws of December 7, 2000, No. 107, item 1128], which is supposed to provide the child with legal protection. In a situation where the child's welfare is threatened by the parent, the parent's rights resulting from parental responsibility must be limited to such an extent as not to harm the child, because this action in his or her best interest should be the goal of actions taken by adults (not only parents). The contemporary literature emphasizes the essence of the discourse on children's rights, which “should be viewed in terms of the right to be provided with various forms of assistance, including support for the child's development, the right to protection from harm, and the right to participate in decisions concerning the child's matters” (Stainton Rogers 2008: 184–186). It is adults who should act in the world of children's rights and ensure that the child is able to exercise these rights. The child requires

protection and the adult is obliged to provide it also when one or both parents have been deprived of liberty, and thus of personal contact with the child. Penitentiary isolation is related to limitations that also affect the sphere of relations and bonds between the parent and the child, and thus the child's right to contact with his or her parent.

### **Legal grounds for the contact of a prison inmate with his or her family**

Apart from the concept of research on the child and childhood, the theoretical framework for the research described in this article is complemented by the legal and normative context. The right to contact the family is included in the catalogue of subjective rights of prison inmates<sup>1</sup> and is guaranteed by the normative acts of international law. In particular, the following should be mentioned here: European Prison Rules (Komitet Ministrów Rady Europy, Zalecenia Rec(2006)2 Komitetu Ministrów do państw członkowskich Rady Europy w sprawie Europejskich Reguł Więziennych. (Przyjęte przez Komitet Ministrów w dniu 11 stycznia 2006 r. na 952 posiedzeniu delegatów) [Recommendation of the Committee of Ministers to member states of the Council of Europe, adopted by the Committee of Ministers on January 11, 2006 at the 952nd meeting of delegates]) and Mandela Rules (Wzorcowe reguły minimalne Organizacji Narodów Zjednoczonych dotyczące postępowania z więźniami (Reguły Mandeli), 1 Rezolucja Zgromadzenia Ogólnego 217 A (III).15-16487 (E) 011015 [United Nations Standard Minimum Rules – Mandela Rules (1st General Assembly Resolution 217 A (III).15-16487 (E) 0110150)], the aim of which is to ensure the most humane implementation of the imprisonment sentence. The right to contact with the family is also guaranteed by the normative acts of national law, including: Kodeks karny wykonawczy [the Executive Penal Code] (hereinafter: the EPC), Art. 102 of which is the basis for maintaining ties with the family and other relatives, while Art. 105 lists possible ways to implement this right. The right to contact with a parent is ensured for the child by, first of all, the 1989 Convention on the Rights of the Child, already cited here many times (it refers to “contact” as a stay of a child with a person with whom he or she does not live permanently) (Dąbrowska et al. 2019: 345), as well as the Act of November 6, 2008 amending the Family and Guardianship Code (Ustawa z dnia 25 lutego 1964 r. Kodeks rodzinny i opiekuńczy (tekst jedn.: Dz. U. z 2020 r., poz. 1359; Jadach, Sadowska 2019: 114–116) (from June 13, 2009, the provisions of Art. 113, Art. 113.1–113.6 of the Family and Guardianship Code (hereinafter referred to as: FGC) about “contact with the child” ensuring not only direct but also

<sup>1</sup> “An inmate is a person who is in a correctional facility or remand centre (this term includes both convicts and remand prisoners, and punished persons). A convicted person is a natural person who was found guilty of a crime by a court in criminal proceedings, by virtue of a final judgment or a criminal order, on whom the court imposed a penalty or a penal measure. The status of a convict remains in force from the moment the judgment becomes final, throughout executory proceedings, until the conviction is expunged” (Osadzeni w zakładach karnych i aresztach śledczych 2021).

indirect relationships). A no less important document is the Convention on Contact concerning Children, drawn up in Strasbourg on May 15, 2003, where “contact” is construed as “the child’s stay for a specified period or his or her meeting with a person (...) with whom the child does not live permanently; any form of communication between the child and such a person; providing such a person with information about the child or the child about this person” (Ustawa z dnia 23 kwietnia 2009 r. o ratyfikacji Konwencji w sprawie kontaktów z dziećmi, sporządzonej w Strasburgu w dniu 15 maja 2003 r. (Dz. U. nr 68, poz. 576) [Act of 23 April 2009 on the ratification of the Convention on Contact concerning Children, drawn up in Strasbourg on 15 May 2003, Journal of Laws No. 2009 no. 68 item. 576]). In the Recommendations of the Committee of Ministers to member states regarding children of parents in prison, adopted on April 4, 2018 at the 1312th Meeting of the Committee of Ministers’ Delegates (Komitet Ministrów Rady Europy, Zalecenia Delegatów Komitetu Ministrów dla państw członkowskich CM/Rec(2018)5 z dnia 04 kwietnia 2018 r. dotyczące dzieci rodziców osadzonych w zakładach karnych. (Przyjęte przez Komitet Ministrów w dniu 4 kwietnia 2018 r. na 1312. posiedzeniu Komitetu Delegatów Ministrów), we find guidelines suggesting the implementation of extended visits on special occasions (this is intended to strengthen and deepen the parent-child relationship). In the above-mentioned recommendations, we can also find one for the possibility of making phone calls to a convicted parent by a child. In the Polish penitentiary system, we will not find such a possibility, but it is certainly an issue worth considering, as it could positively affect the quality of the child’s contact with the parent. Depriving a parent of freedom does not change the catalogue of children’s rights, but requires much more, that is that they are treated with the attention and respect they need appropriate for the situation in which they find themselves. The recommendations also lay down precise rules for the protection of children’s personal rights in the event of contacts with relatives in prison (Recommendation CM/Rec 2018: 5).

The most desirable form of contact is, certainly, visitations. The way in which they are implemented in Polish law depends on the type of penal institution, and so: in a closed penal institution visitations are held twice a month (three times a month for juvenile offenders) and are controlled by prison administration; in a semi-open penal institution visitations are held three times a month (four times a month for juvenile offenders) and are also subject to administrative supervision, however, conversations during these visits may be, but do not have to be, subject to control; and in an open penal institution there are no restrictions as to the number of visitations and they are not subject to control, but conversations during the visitations may be supervised (Jaworska-Wieloch, Sitarz 2018: 471). Certainly, meetings take place on the premises of the penal institution and, therefore, the rooms in which they are held should be adapted to children, i.e. they should look cosy, be appropriately equipped, and be a comfortable place to talk, which will make it possible for children to feel safer and more at ease. In reality, however, a parent-child meeting place is only a separate table for a conversation in the visitation room and a few toys.

Pursuant to Art. 87 §4 of the EPC, women-mothers who directly care for a child up to three years of age may stay in penal institutions, with the proviso that in the event of any contraindications, the decision in this regard is made by the guardianship court. In the case of infants staying with convicted mothers, the penitentiary unit must have a creche with qualified (Komitet Ministrów Rady Europy, Zalecenia Rec(2006)2 Komitetu Ministrów do państw członkowskich Rady Europy w sprawie Europejskich Reguł Więziennych. (Przyjęte przez Komitet Ministrów w dniu 11 stycznia 2006 r. na 952 posiedzeniu delegatów [Recommendation of the Committee of Ministers to member states of the Council of Europe, adopted by the Committee of Ministers on January 11, 2006 at the 952nd meeting of delegates]). Convicted mothers with children up to three years of age stay in mothers' and children's homes, which are to provide mothers with a dignified experience of motherhood and build emotional bonds with their children (Matysiak-Błaszczyk 2020: 262).

There is no contradiction between ensuring the right of the child and the right of the parent, although this is limited by the conditions of serving the sentence. Staying in a penal institution does not prevent the maintaining of the parent-child relationship, but limits and strictly regulates the possibility of contact between them.

### **Methodological concept of our own research**

The aim of the research presented in the article was to identify ways to protect the exercise of the right of prison inmates to have contact with their children and to formulate recommendations for organizing contacts between children and their parents in line with the principle of the best interest of the child. The research was carried out using the method of systematic literature review, the working aim of which was to analyse the state of literature on the subject in the area of exercising the child's right to have contact with an imprisoned parent and to prepare recommendations for field research. A systematic review of literature consists in collecting, evaluating, and synthesizing publications selected using predefined eligibility criteria and makes it possible to answer the review questions posed (Lenart-Gansiniec 2021: 34). In the correct formulation of the review question, the PICO model was used, which, although characteristic of research on effective interventions in the field of health protection (but also marketing and widely understood evaluation research) is successfully used in the social sciences (Makowska 2013; Matera, Czapska 2014; Orłowska et al. 2017; Kusztal et al. 2021; Lenart-Gansiniec 2021). PICO is an acronym for *population*, *intervention*, *comparison*, and *outcome*. For the studies described here, the review question was: how is the right of prison inmates to have contact with their children exercised in the light of the analysis of articles in the journals "Resocjalizacja Polska" [Polish Rehabilitation], "Archiwum Kryminologii" [Archives of Criminology], "Nowa Kodyfikacja Prawa Karnego" [New Codification of Criminal Law] from the years 2017–2021? The journals were selected taking into account their thematic similarity. In order for the articles searched in various journals to be properly selected, formal and

substantive criteria for inclusion and exclusion were applied, i.e. articles in Polish, specified in the journals selected above, research conducted in Poland, in the years 2017–2021, the subject of the right of prison inmates to have contact with their families, articles of an empirical or theoretical nature.

The conducted research was divided into several stages, i.e. identification, selection, qualification, and inclusion (shown in Fig. 1), which “makes it possible for researchers to maintain the principles of rigour and transparency, minimise bias, meet the replicability criteria, and increase the quality and reliability of the results obtained” (Lenart-Gansiniec 2021: 43).

The conducted analysis took place from December 10, 2021 to April 30, 2022. First, the titles of selected articles were analysed, then their abstracts, and eventually the full texts were analysed. Ultimately, 14 articles from the years 2017–2021, presented in Table 1, were included in the systematic literature review.

Qualitative synthesis made it possible for us to organize the obtained data into logical categories, which were created based on the research questions posed (Kusztal et al. 2021: 117). The following research categories were distinguished: the relationship between a child and a convicted parent, organization and conditions for the exercising of the right to have contact with a child, and the purpose of exercising the right to have contact with a child.

Table 1. Articles qualified for qualitative synthesis

No.	Title	Author	Journal title	Year of publishing
1	<i>The image of motherhood of imprisoned women and their early socialization experiences of family life</i>	Agata Matysiak-Błaszczuk	“Resocjalizacja Polska”	2020
2	<i>The process of penitentiary rehabilitation in the experiences of former prison inmates</i>	Elżbieta Łuczak	“Resocjalizacja Polska”	2020
3	<i>Prisonization and inmates sentenced to life imprisonment</i>	Joanna Klimczak	“Archiwum Kryminologii”	2017
4	<i>Subjective vision of the world in people sentenced to imprisonment and the process of planning one’s future</i>	Justyna Siemionow	“Archiwum Kryminologii”	2017
5	<i>Prison legal age – strategies of adaptation to long-term isolation based on an analysis of the cases of three women longest serving sentences of life imprisonment in Poland</i>	Maria Ejchart-Dubois	“Archiwum Kryminologii”	2017



Table 1. cont.

No.	Title	Author	Journal title	Year of publishing
6	<i>The rights of prison inmates in penitentiary practice in the light of the established internal orders of penitentiary units and their confrontation with the jurisprudence of the ECtHR</i>	Anna Jaworska-Wieloch, Olga Sitarz	“Archiwum Kryminologii”	2018
7	<i>Support for the process of social re-adaptation of prison inmates on the example of the “Theatre, Mom, Dad and Me” programme</i>	Anna Dąbrowska, Justyna Kuształ, Małgorzata Turczyk	“Archiwum Kryminologii”	2019
8	<i>New technologies in the communication of prison inmates and remand prisoners with the outside world</i>	Ewa Dawidziuk, Kamila Kotowska	“Archiwum Kryminologii”	2021
9	<i>Nelson Mandela Rules</i>	Kamila Mrozek	“Nowa Kodyfikacja Prawa Karnego”	2018
10	<i>Optional basis for postponing the execution of a penalty in the penal codification of 1997</i>	Kamila Mrozek	“Nowa Kodyfikacja Prawa Karnego”	2019
11	<i>Psychological and legal aspects of contacts between inmate fathers and their children</i>	Katarzyna Jadach, Magdalena Sadowska	“Nowa Kodyfikacja Prawa Karnego”	2019
12	<i>The concept of a proper “penal institution” (Article 100 of the EPC) in the perspective of national regulations and legal standards of international law</i>	Adam Praclawski	“Nowa Kodyfikacja Prawa Karnego”	2020
13	<i>Parental competences in the context of serving a prison sentence</i>	Magdalena Szczygieł	“Nowa Kodyfikacja Prawa Karnego”	2020
14	<i>COVID-19 and the functioning of the Polish prison service</i>	Maria Niełaczna	“Nowa Kodyfikacja Prawa Karnego”	2020

Source: prepared by Karolina Chorąży.

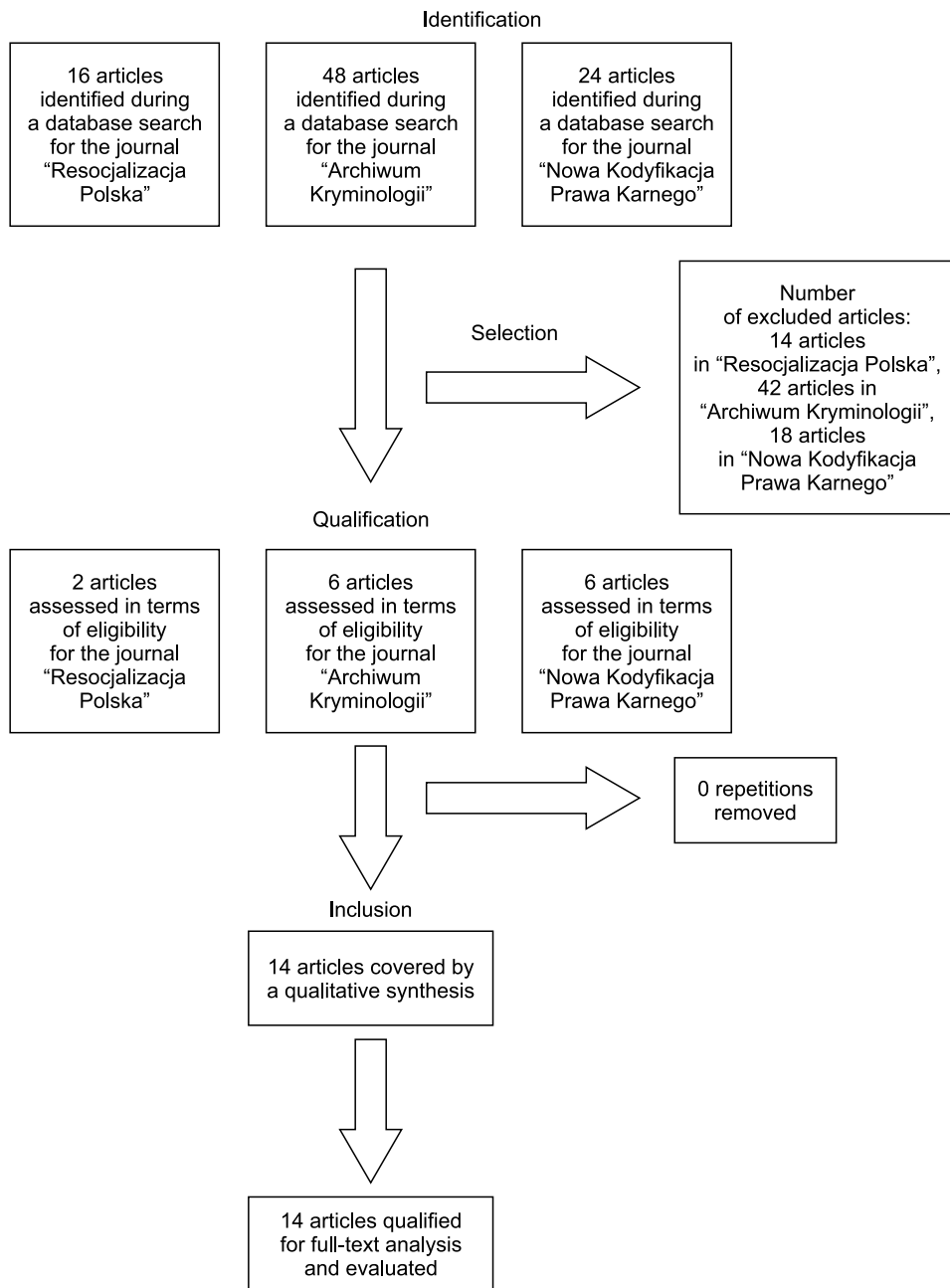


Figure 1. Information flow diagram

Source: prepared by Karolina Chorąży based on: Kusztal et al. (2021: 176), after: Moher et al. (2009: 1006–1012).

## Analysis of the research results

### *The relationship between the child and the convicted parent*

The addressees of the right to have contact with the family are the nearest and dearest relatives defined in Art. 115 § 11 of Kodeks karny [the Penal Code] (hereinafter: the PC) and Art. 105 § 1 of the EPC. Among these people, particular attention should be paid to children, who are among the most frequent users of the right to have contact. Even before deciding to maintain the child's relationship with the convicted parent, his or her legal guardian (most often the mother, and also the grandmother or an institutional guardian, as well as the foster parent) should find out what their relationship looked like before the conviction, because their further contact (after conviction) may affect the child negatively. "A child may regain a sense of security (during the parent's stay in a penal institution), if the parent was previously the source of destabilisation, and the parent can work on his or her parental competences even during penitentiary isolation" (Szczygieł 2020: 66). The right to have contact with the child should be exercised, in particular, on the basis of the principle of the best interest of the child, and this should be the determinant of all decisions made. The child himself or herself cannot stop communicating with the parent (he or she may say "no", but not every parent/legal guardian will respect his or her opinion) because he or she does not have legal capacity (for the same reason, he or she cannot force the parent to have contact with him or her).

The analysed articles also dealt with the difficult situation of children up to three years of age who stay with their mothers in mothers' and children's homes, providing an opportunity to establish relationships and perform social roles (of the mother, of the child), but also making it possible for the mother to use the child to alleviate the discomfort resulting from imprisonment (the so-called "prison tactical motherhood") (Matysiak-Błaszczak 2020: 262). It cannot be denied that the staying of children in penal institutions determines their future, affects the process of socialisation, and makes it possible for them to internalise prison norms and rules (Matysiak-Błaszczak 2020: 257). The resolution of the European Parliament of 13 March 2008 on the special situation of women in prisons and the impact of parents' imprisonment on social and family life recommends that mothers of children under the age of 3 be more likely to be subjected to restriction of liberty than to imprisonment (Rezolucja Parlamentu Europejskiego z dnia 13 marca 2008 r. w sprawie szczególnej sytuacji kobiet w więzieniach oraz wpływu pobytu rodziców w więzieniu na życie społeczne i rodzinne (2007/2116(INI) [Resolution of the European Parliament of 13 March 2008, OJ EU.C.2009.66E.49]).

### ***Organization and conditions for the exercising of the right to have contact with a child***

The child's contacts with the imprisoned parent are carried out using the same direct and indirect forms that are used by other members of the prison inmate's family and other people close to him or her. All rules concerning the manner of exercising the right to have contact with a child result from legal regulations, mainly from the Executive Penal Code, and depend on the kind and type of penal institution where the parent is serving his or her sentence. This right of prison inmates may be exercised outside and inside the penal institution by telephone, video calls, letters, correspondence, visitations, and leaves. The European Prison Rules and Nelson Mandela Rules (already mentioned above) ensure that prison inmates have frequent and regular contact with their family (Jaworska-Wieloch, Sitarz 2018: 470), adapted to the penitentiary unit in which the prison inmate is serving the sentence.

An unlimited number of children may participate in the visitations, but they must have an adult guardian (Dąbrowska et al. 2019: 343); moreover, prison inmates who exercise permanent custody of a child up to 15 years of age also have the right to an additional visitation by him or her (Jadach, Sadowska 2019: 127). An additional method of a parent contacting with a child is obtaining information about the child, and it is a form of contact that is not precisely specified in legal provisions (Jadach, Sadowska 2019: 121), and thanks to which the prison inmate knows what is happening with his or her child and can become more involved in his or her life. In a situation where a child of a person deprived of liberty is in a care and educational institution, the parent should be placed in a penal institution closest to the child's place of stay (Praclawski 2020: 19), and their visitations require the cooperation of employees of the facility and officers of the Prison Service (Dawidziuk, Kotowska 2021: 162).

### ***Purpose of exercising the right to have contact with the child***

The contact of prison inmates with their children is one of the means of penitentiary influence that forms pro-social attitudes and prevents reoffending. It is also an important element of the process of social rehabilitation and re-adaptation, making the prison inmate still feel part of society. Prison inmates often consider their children significant people who motivate them to change as well as to plan their future outside the penal institution (Siemionow 2017: 195). The awareness that there is someone outside the walls who needs them, who misses them, and also experiences similar feelings, makes prison inmates more likely to make effective attempts to live again in society, in accordance with acceptable norms and principles. It cannot be concealed that it happens that prison inmates maintain relations with their children only for material benefits or for the obtaining of reward requests. Such treatment of children by parents may (if not now, then in the future) adversely affect their relationship.

The “mistakes of the parent” for which he or she is imprisoned should not affect (or at least should have as limited effect as possible on) the child’s life. If the pre-conviction parent-child relationship was good, it should not be destroyed and *de facto* the child should not be punished for the parent’s offences. Legal provisions clearly state that the contact between the parent and the child is important in the process of rehabilitation and social re-adaptation of the prison inmate. However, penitentiary practice shows that it does not always have a positive effect on the child, who is, in a way, forced to come into contact with the prison world.

### **Conclusions from the research and recommendations for practice**

The data collected in the systematic review, their analysis, and then a qualitative synthesis, made possible the selection of the latest Polish research on the implementation of the right of prison inmates to have contact with their children. Correctly conducted research, however, is not sufficient to fully illustrate the situation when the child and the parent are deprived of the personal contact which is a condition for maintaining the family bond. It seems necessary to conduct field research, not only an analysis of the existing data (for example, an analysis of files of penitentiary court cases or internal documents of penitentiary units), but also research using forms of direct data collection from prison inmates and officers. Such research has an established tradition in the Polish literature on the subject, but requires updating owing to the dynamic legal status (Dąbrowska et al. 2019; Dawidziuk, Kotowska 2021).

The academic articles selected in the systematic review procedure provide a fragmentary image of reality, but, at the same time, are a clear reaction of the academic community and practitioners to the most current organizational problems and challenges in this area. The exercise of the right of prison inmates to have contact with their children is strongly determined by law and the law imposes obligations on the officers of the Prison Service related to the exercise of this right, which is an expression guaranteeing prison inmates and their children the possibility of maintaining relations during the parent’s stay in prison.

Persons deprived of their liberty may contact the outside world in several ways which they willingly use and thanks to which they do not feel completely isolated from society. Apart from the fact that the right to have contact with the child is guaranteed by law, it is fully observed in penitentiary practice. However, it is very easy to violate it, which is why it is important to properly train both officers of the Prison Service and legal guardians of the children of persons deprived of liberty. First of all, it is necessary to use educational strategies both in the field of knowledge about the law and legal and normative competences, as well as in the area of forming safe, positive parental attitudes.

In order to support and help parents and children in this difficult situation, it is necessary to create and implement programmes aimed at convicted fathers and mothers, which would strengthen their parental competences, as well as help them understand the child’s

world and support them in strengthening their presence in the child's world. It is not easy, not only owing to the fact of deprivation of liberty, but also owing to the dynamics of social life. Currently, the world is changing very quickly, and we have newer and newer technologies that are used by young people, so in order to help people who are isolated from these changes find a "common language" with the child, the prison inmate should be made familiar with them. Thanks to the fact that the child will be able to talk to the parent about something that he or she is passionate about at the moment and which is important to him or her, their relationship will continue.

It is also worth referring to the assumptions of preventive strategies of changing regulations, with a view to preventing the breakdown of family ties. Measures should be taken to limit the exercise of imprisonment in the case of pregnant women or women caring for a child under 3 years of age, in favour of the use of alternative punishments. The penalty of restriction of liberty will also make possible the implementation of the negative function of punishment but, at the same time, it will not be so stigmatizing and will make the continued fulfilment of the role of the mother possible.

Systematic research of the literature on the subject makes it possible to plan and design the conditions for conducting field research, the subject of which would be the exercise of the right of prison inmates to have contact with their children. As indicated above, various methods of collecting and processing data can be used in field studies, adequately to the outlined research objectives and selected research groups.

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